



CITY OF VINCENT

ORDINARY COUNCIL MEETING

8 DECEMBER 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 8 December 2015** at 6.00pm.

Len Kosova
CHIEF EXECUTIVE OFFICER

3 December 2015

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

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

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

RECORDING OF COUNCIL MEETINGS

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

ORDER OF BUSINESS

1. **(a) Declaration of Opening**
 - (b) Acknowledgement of Country Statement**

“Today we meet on the lands of the Nyoongar people and we honour them as the traditional custodians of this land”.
 2. **Apologies/Members on Approved Leave of Absence**

Nil.
 3. **(a) Public Question Time and Receiving of Public Statements**
 - (b) Response to Previous Public Questions Taken On Notice**
 4. **Applications for Leave of Absence**
 - 4.1 Cr Emma Cole requesting leave of absence from 4 January 2016 to 22 January 2016 due to personal commitments.
 5. **The Receiving of Petitions, Deputations and Presentations**
 6. **Confirmation of Minutes**
 - 6.1 Ordinary Meeting of Council held on 17 November 2015.
 7. **Announcements by the Presiding Member (Without Discussion)**
 8. **Declarations of Interest**
 9. **Reports**

As listed in the Index.
 10. **Motions of which Previous Notice has been given**
 - 10.1 NOTICE OF MOTION: Mayor John Carey – Review of Outdoor Eating Area Rules
 - 10.2 NOTICE OF MOTION: Cr Joshua Topelberg – Purchase of Mayoral Electric Bike
 - 10.3 NOTICE OF MOTION: Cr Joshua Topelberg – Nuisance or Dangerous Trees on Private Property
 11. **Questions by Members of which Due Notice has been given (Without Discussion)**
 12. **Representation on Committees and Public Bodies**
 13. **Urgent Business**
 14. **Confidential Items/Matters for which the Meeting May be Closed (“Behind Closed Doors”)**
 - 14.1 CONFIDENTIAL REPORT: Design Advisory Committee (DAC) – Appointment of Panel Members (SC338)
 - 14.2 CONFIDENTIAL REPORT: Leederville Hotel, 742 Newcastle Street, Leederville - Removal of First Hour Free Parking and Renegotiate Terms of Agreement for Care, Control and Management of Car Park (SC1134) [Absolute Majority Decision Required]
 - 14.3 CONFIDENTIAL REPORT: Lease for Perth Soccer Club – Lease of Premises 3 Lawley Street, West Perth (SC529)
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9.1 DEVELOPMENT SERVICES

9.1.1 FURTHER REPORT: No. 20 (Lot: 200; D/P: 7473) Kayle Street, North Perth – Proposed Demolition of Existing Single House and Construction of Eight Multiple Dwellings

Ward:	South	Date:	20 November 2015
Precinct:	Precinct 6 – Smith's Lake	File Ref:	PR22498; 5.2015.361.1
Attachments:	1 – Consultation Map 2 – Amended Development Application Plans 3 – Car Parking and Bicycle Tables 4 – Marked up plans showing proposed versus required setbacks 5 – Extract of Design Advisory Committee Minutes and Comments		
Tabled Items:	Nil		
Reporting Officer:	T Wright, Senior Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Noma Studio on behalf of the owner Elenora Holdings 2007 Pty Ltd, for the proposed Demolition of an existing Single House and construction of a two storey Development comprising of eight Multiple Dwellings and associated car parking at No. 20 (Lot: 200; D/P: 7473) Kayle Street, North Perth as shown on amended plans date stamped 2 November 2015, included as Attachment 2, subject to the following conditions:

1. Car Parking and Accessways

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

2. External Fixtures

All external fixtures shall not be visually obtrusive from Kayle 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. Verge Trees

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

4. **Car Parking Permits**

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

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

5.1 **Acoustic Report**

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

5.2 **Landscape and Reticulation Plan**

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

- 5.2.1 The location and type of existing and proposed trees and plants;
- 5.2.2 Areas to be irrigated or reticulated;
- 5.2.3 The removal of redundant crossovers;
- 5.2.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 5.2.5 All proposed treatments of the verge;

5.3 **Schedule of External Finishes**

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

5.4 **Construction Management Plan**

A Construction Management Plan that:

- 5.4.1 details how the construction of the development will be managed to minimise the impact on the surrounding area; and
- 5.4.2 includes certification from a Geotechnical Engineer that the proposed method of construction for the proposed works is appropriate for the prevailing soil conditions onsite;

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

5.5 **Waste Management**

- 5.5.1 A Waste Management Plan prepared to the satisfaction of the City shall be submitted and approved;
 - 5.5.2 A bin store area of sufficient size to accommodate the City's bin requirements shall be provided, to the satisfaction of the City; and
 - 5.5.3 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;

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 onsite, by suitable means to the satisfaction of the City;

6.4 Acoustic Report Certification

With reference to Condition 5.1, certification from an acoustic consultant that the recommended measures have been undertaken shall be provided to the City;

6.5 Landscape Plan and Verge Upgrade Plan

With reference to Condition 5.2, all works shown in the plans approved with the Building Permit shall be undertaken in accordance with the approved plans and maintained thereafter to the satisfaction of the City at the applicant's expense; and

6.6 Bicycle Bays

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

ADVICE NOTES:

1. With reference to Condition 1.5, the portion of the existing footpath traversing the proposed crossover must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not be deemed to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths;
 2. With reference to Condition 1.6, all new crossovers to the development site are subject to a separate application to be approved by the City;
 3. A Road and Verge security bond for the sum of \$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. **With reference to Condition 5.2, the City encourages landscaping methods and species selection which do not rely on reticulation;**
5. **The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5m) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If there is a request to erect scaffolding, site fencing etc. or if building materials are required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate;**
6. **With reference to Condition 6.3, no further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings;**
7. **Any additional property numbering to the abovementioned address which results from this application will be allocated by the City of Vincent. Applicant is requested to liaise with the City in this regard during the building permit process; and**
8. **A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site.**

FURTHER REPORT:

The proposed application for the demolition of an existing single dwelling and the construction of a two storey development comprising of eight two-bedroom multiple dwellings and associated car parking was presented to Council on 20 October 2015 where Council resolved:

"That the item be DEFERRED for further consideration."

The applicant has now provided amended plans dated 2 November 2015 in response to Council's resolution, which proposes one car bay per unit and two visitor bays. This car parking provision complies with the requirements of the Residential Design Codes.

As the remainder of the proposal is unchanged the following report and recommended conditions are unchanged from the report considered in October except in relation to the provision of visitor parking.

BACKGROUND

Nil.

DETAILS:

Landowner:	Elenora Holdings 2007 Pty Ltd
Applicant:	Noma Studio
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:	Single House
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	840 square metres
Right of Way (ROW):	N/A
Heritage List:	No
Date of Application:	10 August 2015

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

A driveway is situated along the southern boundary connecting to the central car parking area. The development mass is orientated to the north of the site, which enables south facing views towards the CBD. The design includes skillion roofs in opposing directions, which allows north sun to penetrate into living areas and provides an interesting architectural feature.

The proposal has been amended since it was last considered by Council on 20 October 2015. An additional visitor car bay has been included without losing soft landscaping or open space. The development now proposes one car bay per unit and two visitor bays.

ASSESSMENT:

Summary Assessment

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

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

Detailed Assessment

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

Density/Plot Ratio			
Location	Policy Requirement	Proposal	Variation
	Residential Design Codes Clause 6.1.1 – Deemed-to-Comply 0.6 = 504 square metres	0.69 = 582.5 square metres	0.09 = 78.5 square metres

The assessment against the relevant design principles is as follows:

Density/Plot Ratio
Design Principles
Residential Design Codes Clause 6.1.1
P1 Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.
Application’s Justification
<i>“We believe the bulk and scale of the proposal is sensitive to the surrounding context while still providing ample amenity for residents. The immediate adjacent context includes a proposed two storey multiple dwelling complex to the South (16/18 Kayle Street) and a series of two level town-houses to the North which are higher than the dwellings.</i>
<i>We have also taken significant care to transition the bulk of the proposal in relation to neighbours by sloping the roof pitches to a low point at the boundaries adjacent all neighbours.”</i>
Officer Technical Comment:
The proposed plot ratio is acceptable for the following reasons: <ul style="list-style-type: none"> • The proposed development is broken up into three distinct sections to moderate the aesthetic impact of the built form and enhance the amenity of the development; • The elevations are well articulated with the use of different materials and colours and are visually staggered; • The development is compliant with the side and rear setback requirements providing adequate separation from neighbouring properties; and • The development complies with the open space and landscaping requirements, which enables respite from the built form and greenery to soften the development. <p>The proposal meets the relevant design principles in relation to plot ratio and is acceptable.</p>

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

Street Setback			
Location	Policy Requirement	Proposal	Variation
Ground floor	Policy No. 7.2.1 – Residential Design Elements 5.8 metres	4.5 metres	1.3 metres

Street Setback			
Location	Policy Requirement	Proposal	Variation
Upper floor	2 metres behind each portion of the ground floor setback which equates to a setback of 7.8 metres from the street.	Walls setback 1.7 metres from the ground floor which is setback 6.2 metres from the boundary.	0.3 metres from the ground floor or 1.6 metres from the street.
Upper floor (balconies)	1 metre behind each portion of the ground floor setback which equates to a setback of 6.8 metres from the street.	Balconies directly above ground floor which is setback 4.5 metres from the boundary.	1 metre from the ground floor or 2.3 metres from the street.

The assessment against the relevant design principles is as follows:

Street Setback
<p>Design Principles</p> <p>Policy No. 7.2.1 – Residential Design Elements</p> <p>SPC 5</p> <p>(i) Development is to be appropriately located onsite to:</p> <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site. <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>
<p>Application’s Justification</p> <p><i>“We have included a street setback diagram within our application showing three existing residences on Kayle Street in close proximity to the site which we believe to have primary setbacks of 4.5m or less.</i></p> <p><i>As such we believe this has no adverse impact on the existing streetscape and the amenity of adjacent neighbours as discussed in the Design Principles of the R-Codes (5.1.2 - P2.1). Further to this we believe the proposal ‘contributes to and is consistent with, the established streetscape’.</i></p> <p><i>We also believe the proposal facilitates an efficient use of the site and ‘provides adequate privacy and open space for dwellings’ in this case the front courtyards provided to Apartments 1 and 2.”</i></p>

Street Setback
Officer Technical Comment:
<p>The proposed setback will maintain the existing streetscape character and the amenity of neighbouring properties as:</p> <ul style="list-style-type: none"> • The setback distance is considerable and will maintain the character of the way buildings are set back from the street. • The wide grassed verge and the location of the footpath being next to the street, as opposed to being next to the fence line, visually extends the setback of the development from the street, diminishing the prominence of the building from the streetscape. • The proposed front fencing maintains the consistent fence line of the streetscape and demarcates private built form from the greenery of the verge. • The front setback area provides open active outdoor living spaces together with soft landscaping, which is consistent with the character and amenity of the established properties to the north and the recently approved development to the south. • The front façade is of a compatible scale to neighbouring developments and is well articulated with the use of various colours and materials, openings and roof pitches to provide interest and amenity to the streetscape. <p>The balconies are open in style and therefore do not contribute to bulk within the street setback area.</p> <p>The proposal meets the relevant design principles in relation to street setbacks and is acceptable.</p>

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

Building Height/Storeys			
Location	Policy Requirement	Proposal	Variation
	<p>Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings</p> <p>2 storeys to a maximum height of 7 metres (skillion roof).</p>	2 storeys and 8.3 metres	1.3 metres

The assessment against the relevant design principles is as follows:

Building Height/Storeys	
Design Principles	
Residential Design Codes Clause 6.1.2	
P2	<p>Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains:</p> <ul style="list-style-type: none"> • adequate access to direct sun into buildings and appurtenant open spaces; • adequate daylight to major openings into habitable rooms; • access to views of significance; • buildings present a human scale for pedestrians; • building façades designed to reduce the perception of height through design measures; and • podium style development is provided where appropriate.

Building Height/Storeys
Application's Justification
<p><i>"The majority of the heights conform to the 7m height limit with the exception of the highpoint of the roof pitch on the front streetscape elevation and the highest point of the saw-tooth roof located in the centre of the site over apartments 6 and 7.</i></p> <p><i>These heights have been used to improve the amenity for the apartments by capturing additional Northern solar access into the dwellings through high level windows. The high points of these roofs have also been restricted to the centre of the site and the streetscape elevation as we believe these locations result in no adverse impact on the surrounding properties."</i></p>
Officer Technical Comment:
<p>The proposed height will have no detrimental effect on the amenity of the streetscape character or neighbouring properties as:</p> <ul style="list-style-type: none"> • The two high points of the roof only account for a small proportion of the roof and are situated centrally on the site. The roof section that is 8.3 metres high is setback 6.9 metres from the southern side boundary and the section that is 8 metres high is setback 2.4 metres from the northern side boundary. • The overall height of the neighbouring property to the north is 8.8 metres in height, which is higher than the proposed development by 0.5 metres. • The proposed 8.3 metre skillion roof height is lower than a permitted 9 metre pitched roof. • The proposal complies with overshadowing and side setback requirements of the Residential Design Codes. <p>The proposal meets the relevant design principles in relation to height and is acceptable.</p>

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

Roof Form			
Location	Policy Requirement	Proposal	Variation
	<p>Policy No. 7.2.1 – Residential Design Elements</p> <p>Roof pitch to be between 30-45 degrees.</p>	Skillion roofs	30 degrees

The assessment against the relevant design principles is as follows:

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

Roof Form
Application's Justification
<p><i>"We have undertaken a study of the existing residences within close proximity of the proposed site and note many examples of skillion roof forms in this area including the approved application at 16/18 Kayle Street. As such we believe this to be consistent with the existing character of the area.</i></p> <p><i>As the high points of the proposed skillion roof forms are all located in the centre of the site we believe this to have no adverse overshadowing impact on adjacent properties and open spaces. In addition to this skillion roof forms allow us to provide high level windows capturing additional Northern sunlight into the proposed dwellings."</i></p>
Officer Technical Comment:
<p>The area does not have a specific character of roof forms or building style.</p> <p>The proposed skillion roof style is consistent with a recently approved multiple dwelling development to the south of the site at Nos. 16-18 Kayle Street.</p> <p>The proposal meets the relevant design principles in relation to roof forms and is acceptable.</p>

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	20 August 2015 to 2 September 2015		
Comments Received:	Two submissions in support and three objections.		

Comments in support of the application were received, which stated that the development compliments and fits in with the rest of the buildings in the area and the streetscape and that the development is in line with the vision for the rest of the street and the North Perth area.

This rendition of the plans has not been readvertised as the only change is the addition of a further visitor bay, which has no adverse impact on the amenity of the neighbouring properties or the streetscape.

The table below discusses the issues raised during consultation.

Summary of Comments Received:	Officer Technical Comment:
<p><u>Car Parking</u></p> <p>To assume that there is plenty of parking on Kayle Street is a falsehood.</p> <p>Kayle Street experiences parking problems due to the construction of two developments taking place on the corner of Bourke and Charles Streets and 6 Kayle Street.</p> <p>Perth has poor public transport and people need cars. This development will worsen the amount of cars that already exists on Kayle Street.</p>	<p>The proposal fully complies with the parking requirements of the Residential Design Codes.</p> <p>Although there are on-street parking issues attributed to the construction of new developments, they are temporary during the time of construction. Construction workers are required to adhere to the same parking rules as the general public.</p> <p>The area is well served by frequent buses running along Charles Street.</p> <p>Medium density developments such as this serve to increase the population density in an area, which will make public transport services more feasible and likely to establish and sustain in an area.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Height and Setbacks</u></p> <p>The development should adhere to the setback and height guidelines.</p>	<p>The overall height of the proposed development is consistent with the height of the existing two storey developments to the north and the recently approved two storey development to the south.</p> <p>The proposed front setback maintains the character and rhythm of the streetscape as it provides generous open space, outdoor living areas and soft landscaping within the front 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 proposal was considered by the City’s DAC on two occasions – 6 May 2015 and 15 July 2015. Refer to **Attachment 5** for an extract of the minutes of the meetings.

Although the DAC have not viewed this rendition of the plans, the only change is the addition of a further visitor bay, which has no effect of the design of the proposal.

The applicant engaged with the DAC process to achieve a superior design outcome.

The proposal has met all mandatory requirements of the DAC but does not require and has not achieved Design Excellence.

LEGAL/POLICY:

The following legislation and policies apply:

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

“Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The existing single house does not have any heritage significance and demolition is supported.

Multiple dwelling developments are a permitted use on this site and the proposal is consistent with other medium density infill development within this locality in terms of bulk, scale, height and density.

This proposal requires discretion to the plot ratio, height, roof form and front setbacks provisions, however these design aspects as proposed have no adverse impacts on the streetscape and neighbouring properties.

The bulk, scale, height and roof forms of the development is consistent with existing development situated to the north of the site, which consists of nine, two-storey town houses in a row with nil side boundary setbacks and the recently approved 14 unit multiple dwelling development to the south.

The proposed front setback maintains the character of the streetscape by providing generous open green living spaces.

The proposal has been amended since it was last considered by Council on 20 October 2015 and now proposes one car bay per unit and two visitor bays, which complies fully with the on-site car parking requirements of the Residential Design Codes.

CONCLUSION:

The proposal is recommended to be approved.

9.1.2 FURTHER REPORT: No. 235 (Lot: 185; D/P: 7473) Charles Street, North Perth – Proposed Demolition of Existing Single House and Construction of a Multiple Dwelling Development comprising of Nine Two-Bedroom Multiple Dwellings and associated Car Parking

Ward:	South	Date:	20 November 2015
Precinct:	Precinct 6 – Smith’s Lake	File Ref:	PR19597; 5.2014.498.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Marked up plans showing proposed versus required setbacks 4 – Design Advisory Committee Minutes 5 – Applicant’s further Justification 6 – Car and Bicycle Parking Tables		
Tabled Items:	Nil		
Reporting Officer:	P Stuart, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by BDC Group on behalf of the owner C J Su, for the proposed demolition of an existing Single House and construction of a Multiple Dwelling development comprising of Nine Two-Bedroom Multiple Dwellings and associated Car Parking at No. 235 (Lot: 185) Charles Street, North Perth as shown on plans date stamped 13 November 2015, included as Attachment 2, for the following reasons:

1. Boundary Walls

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 233 and 237 Charles Street, in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City;

2. Car Parking and Access

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

3. External Fixtures

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

4. **Verge Trees**

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

5. **Car Parking Permits**

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

6. **Retention of Existing Trees**

6.1 The existing mature trees along the northern and western boundaries shall be retained and the following shall not occur beneath the drip line of the trees in order to protect the trees during construction:

- Storage of materials;
- Mixing of materials;
- Parking of plant, machinery, vehicles, trailers etc.;
- Erection of temporary structures;
- Any in-ground or other intrusions such as trenching;
- Damage to the tree in any form e.g. sign erection/cable attachment;
- Placement of fill/soil and/or grade changes; and
- Any other activities or otherwise that may affect the structure and health of the tree;

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

7.1 **Acoustic Report**

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

7.2 **Landscape and Reticulation Plan**

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

- 7.2.1 The location and type of existing and proposed trees and plants;
- 7.2.2 Screening trees along the southern lot boundary are to be evergreen;
- 7.2.3 Areas to be irrigated or reticulated;
- 7.2.4 The removal of redundant crossovers;
- 7.2.5 The existing trees as identified on the approved plans along the eastern lot boundary and the northern lot boundary to be retained and protected; and
- 7.2.6 All proposed treatments of the verge;

7.3 **Schedule of External Finishes**

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

7.4 Construction Management Plan

A Construction Management Plan that:

7.4.1 details how the construction of the development will be managed to minimise the impact on the surrounding area; and

7.4.2 includes certification from a Geotechnical Engineer that the proposed method of construction for the proposed works is appropriate for the prevailing soil conditions onsite;

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

7.5 Waste Management

7.5.1 A bin storage area of a size that meets the City's requirements shall be provided to the satisfaction of the City;

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

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

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

8.1 Clothes Drying Facility

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

8.2 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;

8.3 Stormwater

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

8.4 Acoustic Report Certification

With reference to Condition 7.1, certification from an acoustic consultant that the recommended measures have been undertaken shall be provided to the City;

8.5 Landscape Plan and Verge Upgrade Plan

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

8.6 Bicycle Bays

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

ADVICE NOTES:

1. With reference to Condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
 2. With reference to Condition 2.5, the portion of the existing footpath traversing the proposed crossover must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not be deemed to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths;
 3. With reference to Condition 2.6, all new crossovers to the development site are subject to a separate application to be approved by the City;
 4. A security bond for the sum of \$3,000, shall be lodged with the City by the applicant, prior to the issue of a building permit. This bond will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure in the Right of Way and the Verge along Charles Street, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;
 5. With reference to Condition 7.2, the City encourages landscaping methods and species selection which do not rely on reticulation;
 6. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If there is a request to erect scaffolding, site fencing etc. or if building materials are required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate;
 7. With reference to Condition 8.3, no further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings;
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8. Any additional property numbering to the abovementioned address which results from this application will be allocated by the City of Vincent. The Applicant is requested to liaise with the City in this regard during the building permit process;
9. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
10. With reference to Condition 7.1 the acoustic report is required to take traffic noise from Charles Street into consideration;
11. The minimum distance a building can be to the centre of a Water Corporation sewer easement is 1 metre with piling and 2.5 metres without piling and any building is required to have a head room clearance within this area of 2.4 metres;
12. With reference to Condition 7.1, the Acoustic Report is required to include a full and robust transport noise assessment in accordance with the guidelines of the WAPC State Planning Policy 5.4 "Road and Rail Transport Noise and Freight Considerations in Land Use Planning" as, Charles Street is identified as a Primary Freight Road in Schedule 1 of the State Planning Policy 5.4; and
13. Main Roads WA has advised that the following requirements apply:
 - 13.1 No Earthworks shall encroach onto the Charles Street road reserve;
 - 13.2 No stormwater drainage shall be discharged onto the Charles Street road reserve;
 - 13.3 The existing levels on the Charles Street road reserve boundary are to be maintained as existing; and
 - 13.4 The proposed structure, in its entirety, shall be setback from the Charles Street Lot boundary to the satisfaction of the City of Vincent to preserve minimum sight lines for vehicles exiting the site. Minimum sight distance required should be determined pursuant to Austroads Standards Part 4A: Unsignalised and Signalised Intersections.

FURTHER REPORT:

This application was previously reported to Council on 27 October 2015, but withdrawn by the applicant following concerns raised at the Council Briefing regarding the extent of discretion sought in relation to the western boundary.

PURPOSE OF REPORT:

To consider the proposal for the demolition of a single house and the construction of a three storey multiple dwelling building consisting of nine two bedroom dwellings.

BACKGROUND:

Nil.

DETAILS:

Landowner:	C J Su
Applicant:	BDC Group
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60 Draft Town Planning Scheme No. 2 (TPS2): R60
Existing Land Use:	Single House
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	840 square metres
Right of Way (ROW):	Not Applicable
Heritage List:	No
Date of Application:	11 September 2014

The application is to demolish the existing single storey brick and tile home and construct a three storey building consisting of nine multiple dwellings.

The property is long and narrow. There is a sewer line that traverses directly through the middle of the site in a northerly direction as well as in a westerly direction along the northern side boundary. An easement restriction placed on the title by WaterCorp results in a design constraint that prevents building within 2.5 metres of the centre of the main. The building however can be built over the sewer main provided a minimum 2.4 metres headroom clearance is achieved. The proposed development achieves these requirements.

The majority of the dwellings are located on the first and second floor of the proposed development with car parking at grade level directly underneath the proposed building. Only one dwelling, which faces Charles Street, is located on the ground floor.

The common car parking area is located behind the ground floor dwelling facing Charles Street and one parking bay is provided for each dwelling. There are also two visitor bays. The car parking area obtains access from Charles Street. The car parking bays and external walkway will be separated from the northern boundary by a landscaping strip.

The development complies with the permitted density, number of parking bays, landscaping and overshadowing.

There are two existing, reasonably sized trees located towards the rear of the property and a third tree along the northern boundary. The largest of the trees is located at the rear close to the western boundary and is a mature avocado tree that is approximately 20 years old and 15 metres high with a healthy canopy spread. The applicant has agreed to retain these trees and that intention is reflected on the plans.

The proposal has been revised on several occasions as follows:

Date	Comment
11 September 2014	Initial application received.
5 November 2014	Reported to the City's Design Advisory Committee (DAC).
4 March 2015	Amended plans received and reported to DAC.
7 May 2015	Further amended plans received and reported to DAC.
29 July 2015	Application referred for Community Consultation.
11 September 2015	Further amended plans received.
13 November 2015	Further amended plans received showing an increase in setback from the rear boundary from 2 metres to 2.7 metres.

Numerous changes to the design were made following input from the City's DAC and the assessment process. Changes were made to building setbacks to rear and side boundaries, façade appearance, openings to the north, access, landscaping and to bring privacy requirements into compliance.

The plans of 11 September 2014 were referred to Main Roads WA (MRWA) and the Water Corporation and the plans of 7 May 2015 were advertised for public comment.

Compared to the proposal on the Council agenda in October 2015, the current plans before Council increase the setback of the building from the rear boundary by an additional 700mm. This proposed setback now aligns with the approved multiple dwelling development on the adjoining lot at No. 233 Charles Street, which was approved at Council's Ordinary Meeting of 14 November 2014.

ASSESSMENT:

Summary Assessment

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

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

Detailed Assessment

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

Street Setback			
Location	Policy Requirement	Proposal	Variation
	Policy No. 7.2.1 – Residential Design Elements		
Ground floor	10 metres	3.32 metres	6.68 metres
Upper floor	Two metres behind each portion of the ground floor setback which equates to a setback of 12 metres from the street.	Walls directly above ground floor which is set back 3.32 metres from the boundary.	Two metres from the ground floor or 8.68 metres from the street.

Street Setback			
Location	Policy Requirement	Proposal	Variation
Upper floor (balconies)	One metre behind each portion of the ground floor setback which equates to a setback of 11 metres from the street.	0.88 metres forward of the ground floor setback, and 2.44 metres from the street	1.88 metres from the ground floor and 8.56 metres from the street

The assessment against the relevant design principles is as follows:

Street Setback
Design Principles
Policy No. 7.2.1 – Residential Design Elements
<p>SPC 5</p> <p>(i) Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site. <p>(ii) Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Summary of Application’s Justification
The use of vertical transparent and solid forms help offset the bulk and scale of the building. This effect furthermore reduces mass allowing for the identity of both private and common areas whilst also allowing light and ventilation.”
Officer Technical Comment:
<p>The existing street setbacks are the result of a mix of low and medium density development on adjoining land in the immediate locality and are inconsistent due to the transitioning nature of the street.</p> <p>The proposed reduced setbacks are consistent with the setbacks and built form in other recently developed medium density developments in the area as follows:</p> <ul style="list-style-type: none"> • No. 261 Charles Street was approved a with a secondary street setback of 5.7 metres; and • No. 233 Charles Street has been approved with a setback of 3.66 metres. <p>The proposed setback aligns with Council’s vision to contain higher density along main arterial roads and is consistent with the R60 acceptable development standards of the Residential Design Codes.</p>

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

Lot Boundary Setbacks			
Location	Policy Requirement	Proposal	Variation
Southern Boundary	Residential Design Codes Clause 6.1.4 <ul style="list-style-type: none"> First floor bulk wall to be set back 6.3 metres from the southern boundary; and Second floor bulk wall to be set back 8.3 metres from the southern boundary. 	<ul style="list-style-type: none"> First floor bulk wall set back 6 metres from the southern boundary; and Second floor bulk wall set back 6 metres from the southern boundary. 	0.3 metres
			2.3 metres
Northern Boundary	Residential Design Codes Clause 6.1.4 <ul style="list-style-type: none"> First floor bulk wall to be set back 2.8 metres from the northern boundary; and Second floor bulk wall to be set back 4.3 metres from the northern boundary. 	First floor bulk wall set back 1.55 metres from the southern boundary; and Second floor bulk wall set back 1.55 metres from the northern boundary.	1.25 metres
			2.75 metres
Western Boundary	Development Guidelines for Multiple Dwellings Clause 2.3 <ul style="list-style-type: none"> Buildings are to be set back 2.4 metres from the rear boundary for the first two levels; and The third level (second storey) is to be set back 6 metres from the rear boundary 	Rear portion of building set back 2.7 metres from the rear boundary.	3.3 metres for the second storey

The assessment against the relevant design principles is as follows:

Lot Boundary Setbacks	
Design Principles	
Residential Design Codes Clause 6.1.4	
P3.1	Buildings set back from lot boundaries so as to: <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.

Lot Boundary Setbacks	
Development Guidelines for Multiple Dwellings Clause 2.3	
<p>2.3.2 Variations to the requirements of 2.3.1 may be considered where the applicant demonstrates special circumstances that ensure that greater height close to the boundary will not have a negative impact on the neighbour in regards to overshadowing, bulk or general amenity.</p>	
Summary of Application's Justification	
<p>The use of functional balconies to each units helps provide outdoor living for residents whilst achieving privacy and solar passive principles to both the subject site and adjoining neighbours.</p> <p>The 2.7 metre rear setback achieves additional landscaping area to the rear whilst successfully retaining two existing mature trees and securing their growth by allowing sun and shade cover. One tree measures a height of four metres while the other measures 15 metres in height which minimise the proposed development's impact onto the rear neighbour and helps provide aesthetically pleasing greenery to both sites.</p>	
Officer Technical Comment:	
<p>The large side setback requirements are the result of an elongated development on this long and narrow site. However both side elevations are well articulated and include the use of different colours and materials to reduce the perceived bulk to the neighbouring side properties.</p> <p>In November 2014 Council approved a very similar development on the adjoining lot at No. 233 Charles Street (Item 9.1.1) with setback variations to its southern boundary (variation from the deemed-to-comply provisions up to 3 metres), northern boundary (variation from the deemed-to-comply provisions of up to 1.8 metres) and western boundary (variation from the deemed-to-comply provisions ranging between 3.3 and 4.1 metres).</p> <p>The proposed discretion sought in relation to the western (rear) setback of this proposal will not impact on the western adjoining neighbour as the proposed building is open at the ground floor, includes new and mature landscaping and the proposal does not provide any opportunities to overlook the adjoining neighbour. The impact of this variation is on a shed that is located along a significant portion of the rear boundary of the adjoining block.</p> <p>The proposal meets the design principles in regards to boundary setbacks and fully complies with the privacy and overshadowing requirements of the Residential Design Codes. The setbacks are supported.</p>	

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

Roof Form			
Location	Policy Requirement	Proposal	Variation
	<p>Policy No. 7.2.1 – Residential Design Elements</p> <p>Roof pitch to be between 30-45 degrees.</p>	6 degree skillion roof	24 degrees

The assessment against the relevant design principles is as follows:

Roof Form
Design Principles
Policy No. 7.2.1 – Residential Design Elements
BDPC 3 (i) The roof of a building is to be designed so that: <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Summary of Application’s Justification
The use of a skillion roof adds variation to both the northern and southern elevations achieving solar passive principles whilst reducing height lines.
Officer Technical Comment:
Charles Street is a street transitioning from low to medium density development. There is little consistency of built form and roof shapes between older and newer developments. The proposed roof form is acceptable as: <ul style="list-style-type: none"> • there is no established development form along the street that needs to be preserved or protected; • it does not contribute to the bulk of the building; and • it does not result in overshadowing of the adjacent properties and open space.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	29 July 2015 – 18 August 2015		
Comments Received:	One objection to the proposal was received and one letter of advice from The Water Corporation.		

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

Summary of Comments Received:	Officer Technical Comment:
<u>Height</u> The proposed building should be a maximum two storeys only.	Three storeys are permitted on Charles Street.
<u>Clearance</u> The development should maintain a minimum clearance from the sewer line located within the lot.	The development maintains the required clearance from the sewer.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: Yes

Although the application does not require design excellence, the proposal was considered by the City’s DAC on 5 November 2014 and on 4 March 2015.

The applicant revised the plans in line with advice provided by the DAC, which resulted in the proposal of 7 May 2015. The application was not referred back to DAC as the applicant advised that it was their preference to proceed to Council determination.

LEGAL/POLICY:

The following legislation and policies apply to the proposed alterations and additions to existing commercial building (milliners):

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

“Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

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

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

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

The proposed three storey development is considered to be of a scale that is consistent with the City's vision to locate higher density development along main arterial roads.

All of the proposed dwellings have access to natural light and ventilation and exceed the minimum dwelling size requirements of the Residential Design Codes. The dwellings will add variety to the housing stock in the area in terms of affordability, size and style.

The proposal seeks discretion to front, side and rear setbacks. These setbacks are consistent with those approved for the development immediately to the south. The design has been carefully considered to minimise adverse impacts to the streetscape and neighbouring properties.

The proposal in its current form is considered to be acceptable as it is consistent with other higher density infill developments along the street and contributes positively to the transition of Charles Street to a medium density corridor.

CONCLUSION:

It is recommended that Council approves this proposal.

9.1.3 Nos. 590 & 596 (Lot: 48, 49 & 50; D/P: 692) Beaufort Street, Corner Barlee Street, Mount Lawley – Proposed Temporary Art Market (Unlisted Use) to Existing Car Park (Barlee Street Car Park) – Reconsideration of Conditions of Planning Approval No 5.2014.391.1

Ward:	South	Date:	20 November 2015
Precinct:	Precinct 1 – Mount Lawley Centre	File Ref:	PR18411; 5.2015.470.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification dated 25 September 2015 4 – Applicant’s Submission dated 15 May 2014		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES BY ABSOLUTE MAJORITY** the application submitted by P Herron for the Beaufort Street Network Inc. on behalf of the owners, G & T Palassis and the City of Vincent for the Proposed Temporary Art Market (Unlisted Use) to Existing Car Park (Barlee Street Car Park) – Reconsideration of Conditions at Nos. 590 & 596 (Lot: 48, 49 & 50; D/P: 692) Beaufort Street, Corner Barlee Street, Mount Lawley as shown on plans date stamped 19 October 2015, included as Attachment 2, subject to the following conditions:

- A. 1. Hours of Operation**
- 1.1 Stallholder “set-up” shall occur no earlier than 7.00am;
 - 1.2 Public access and sales shall only be conducted between 8.00am and 1.00pm;
 - 1.3 Stallholder “pack-up” shall be concluded by 2.00pm on market days after which time the car park shall be entirely available for vehicle parking; and
 - 1.4 The Art Market is to only operate on one Sunday of every month;
- 2. This approval for the Art Market is valid until 31 December 2017 only and does not allow continuation of the use beyond that date. Should the applicant wish to continue the use after this date, it will be necessary to re-apply to and obtain approval from Council prior to continuation of the use;
 - 3. Written notification of the outdoor markets shall be provided to all premises within a 200 metre radius of the site. The notification shall be in a letter form and is to include information relating to the opening times and activities of the markets. The letter shall include contact details of a responsible person who can be contacted throughout the operation times, including setup and take down. Notification shall be distributed five days prior to the commencement of each market day;
 - 4. The Art Market is to operate in accordance with the Operational Guidelines dated 15 May 2014 (Attachment 4);

5. The type of stalls shall be limited to those specified in the Applicant's submission dated 15 May 2014;
 6. A responsible representative of the Art Market shall be present on-site during the operation of the market (i.e. 7.00am to 2.00pm) to respond to any complaints or concerns; and
 7. The applicant enters into a licence agreement with the City to address issues relating to the use of the land and in recognition of the City's contribution to provide the land free of charge; and
- B. **AUTHORISES** the Chief Executive Officer to act in regard to the licence agreement on behalf of the City.

ADVICE NOTES:

1. **Prior to the commencement of the art market use:**
 - 1.1 All temporary food stalls and vans shall obtain a Special Events Permit from the City's Health Services. Application forms together with the relevant fees shall be submitted at least 14 days prior to the commencement of trade;
 - 1.2 All temporary structures are subject to independent engineering certification being provided at the completion of construction, prior to the event. Note: this relates to all temporary structures greater than 9 square metres; and
 - 1.3 All temporary electrical installations to be certified by a licensed electrical contractor. A Form 5 – *Certification of Electrical Compliance* must be completed by the electrical contractor at the completion of installation.

PURPOSE OF REPORT:

To reconsider Conditions 1.4 and 3 of the planning approval No. 5.2014.391.1 granted by Council on 9 September 2014.

BACKGROUND:

The Art Market was approved by Council in September 2014 subject to a condition that the approval is valid until 31 December 2015. As the approval is due to lapse at the end of this year, the applicant has reapplied in order to be able to continue with this use.

History:

Date	Comment
9 September 2014.	Council resolved to approve the proposed addition of temporary art market (unlisted use) to existing car park (Barlee Street car park).

Previous Reports to Council:

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

DETAILS:

Landowner:	G & T Palassis and City of Vincent
Applicant:	P Herron and City of Vincent
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Commercial Draft Town Planning Scheme No. 2 (TPS2): District Centre
Existing Land Use:	Car Park
Use Class:	Unlisted Use (Art Market)
Use Classification:	"SA"
Lot Area:	1507 square metres
Right of Way (ROW):	N/A
Heritage List:	No
Date of Application:	22 May 2015 and 16 October 2015, received 19 October 2015

The market provides a venue for local artists and artisans to display their goods in a cost effective manner and environment. The site permits 18-20 stalls to operate.

The market is proposed to operate in the same manner as it has since September 2014, but is for the reconsideration of two conditions of the approval dated 9 September 2014 issued for the temporary Art Market to Existing Car Park (Barlee Street Car Park). The two conditions requiring reconsideration are:

- "1.4 The Art Market is to only be in operation the first Sunday of every month; and
3. This approval for the Art Market is valid until 31 December 2015 only and does not allow continuation of the use beyond that date. Should the applicant wish to continue the use after this date, it will be necessary to re-apply to and obtain approval from Council prior to continuation of the use."

The applicant has requested that the restriction to operate only on the first Sunday of every month be replaced with a provision that is more flexible to allow the market to operate one Sunday every month, as experience has shown that unpredictable weather has previously prevented the market from being held.

In regards to Condition 3, the applicant has requested that the Art Market be approved until 31 December 2017.

ASSESSMENT:

The proposal complies in all respects with the provisions of the Scheme except in relation to car parking and bicycle parking.

Summary Assessment

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

Parking & Access			
Location	Policy Requirement	Proposal	Variation
	<p>Policy No. 7.7.1 – Parking and Access</p> <p>Market – 3 spaces per stall provided (max 20 stalls)</p> <p>Total car bays required = 60 car bays</p>		

Parking & Access			
Location	Policy Requirement	Proposal	Variation
	Adjustment factors: 0.80 (The development is located within 400 metres of a bus route) 0.80 (the development is within 200 metres of an existing off-street public car park with in excess of 50 car parking spaces) 0.90 (the development is located in a Town Centre) Total adjustment factors = 0.576 Total Car Bays = 0.576 x 60 = 34.56 or 35 car bays	Nil car parking bays	35 car bays

Detailed Assessment

The subject site is located in close proximity to the City owned and controlled “Chelmsford Road” car park and “Raglan Road” car park, which include 57 car bays and 87 car bays respectively. Each car park also includes two ACROD bays. There is also on-street parking with the provision of first hour free surrounding the Art Market.

The previous survey conducted by the City’s Rangers has revealed that Chelmsford Road and Raglan Road car parks are at approximately 11 per cent capacity from 8.00am to 10.00am, and increases to approximately 90 per cent capacity closer to lunch time, and no complaints have been received in the past year.

The Art Market has been in operation since September 2014 with no parking issues being reported to the City’s Ranger Services. As the market is a periodic use only and will only be occupied one Sunday of every month for a few hours, the shortfall will not have a detrimental impact on the surrounding area.

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

Bicycles			
Location	Policy Requirement	Proposal	Variation
	Policy No. 7.7.1 – Parking and Access Market – 1 space for stall (max 20 stalls)	Nil bicycle parking	20 bicycle bays

There is bicycle parking available in the general vicinity of the site which is considered to substantially cater for the anticipated demand. In addition, the proposal is for a periodic use only and as such the bicycle shortfall is considered acceptable in this instance.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	28 October 2015 to 10 November 2015		
Comments Received:	One letter of support was received during the community consultation process.		

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1; and
- Policy No. 7.1.1 – Mount Lawley Centre Precinct.

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

Under Clause 39 of the Town Planning Scheme No. 1 Council cannot grant planning approval for a development which involves an unlisted use unless it is satisfied, by an absolute majority that the proposed development is consistent with the matters listed in Clause 38 (5).

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

“Economic Development

2.1 *Progress economic development with adequate financial resources”.*

SUSTAINABILITY IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The market will be located within an already established car park.
SOCIAL
The market will be a community event for the residents in the immediate and surrounding areas.
ECONOMIC
The market will economically benefit local artists, local food and beverage creators, community funded stalls and immediate businesses in the area.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The existing Art Market has been operating successfully since it commenced in September 2014. Approval was granted by Council until 31 December 2015 in which time it could be determined whether the Art Market would have an adverse impact on the surrounding areas. During this time the City has not received any complaints nor were any objections submitted during the Community Consultation period for this application. The extension of the approval to December 2017 is supported.

Operational Guidelines were submitted as part of the first application for approval (**Attachment 4**). These guidelines have controlled the way in which the market operates effectively and a condition is recommended to be included in this approval to ensure that the markets continue to operate in line with the guidelines.

The request made by the applicant to permit the operation of the Art Market on one Sunday of every month is considered reasonable as it does not increase the frequency of the market and allows for flexibility. It is recommended that a condition is imposed requiring the operators of the market to notify the surrounding residents and businesses five days prior to each market day.

CONCLUSION:

It is recommended that Council approves this proposal.

9.1.4 Nos. 394-398 (Lot: 58; D/P: 1823) Newcastle Street, West Perth – Proposed Construction of a Hand Car Wash (Unlisted Use) and Eating House

Ward:	South	Date:	20 November 2015
Precinct:	Precinct 13 – Beaufort	File Ref:	PR51861; 5.2015.335.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Submission 4 – Car Parking Table		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Acting Senior Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES BY ABSOLUTE MAJORITY** the application submitted by Lee and Bill Investment Group Pty Ltd on behalf of the owner Vandar Properties Pty Ltd, for the proposed construction of a Hand Car Wash (Unlisted Use) and Eating House at Nos. 394 - 398 (Lot: 90; D/P: 62522) Newcastle Street, West Perth as shown on plans date stamped 27 July 2015 (feature survey plan and elevation plans) and amended plans date stamped 2 November 2015 (site plan), 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. 400 Newcastle Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork to the satisfaction of the City;

2. **Hours of Operation**

The hours of operation of the Hand Car Wash and the Eating House shall be restricted to:

Monday to Sunday, 7.00am – 8.00pm;

3. **Car Parking and Access**

3.1 A minimum of ten car bays shall be provided onsite;

3.2 The car park shall be used only by visitors directly associated with the development;

3.3 The car parking and access areas are to comply with the requirements of AS2890.1; and

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

4. **Interactive Front**

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

5. **External Fixtures**

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

6. **Verge Trees**

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

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

7.1 **Acoustic Report**

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

7.2 **Landscape and Verge Upgrade Plan**

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

- 7.2.1 The location and type of existing and proposed trees and plants;
- 7.2.2 Areas to be irrigated or reticulated;
- 7.2.3 The rear landscaped area includes five 500 litre mature trees;
- 7.2.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 7.2.5 All proposed treatments of the verge;

7.3 **Schedule of External Finishes**

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

7.4 **Construction Management Plan**

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

7.5 **Waste Management**

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

7.6 Waste Water Management

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

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

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

8.1 Car Parking

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

8.2 Stormwater

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

8.3 Acoustic Report Certification

With reference to Condition 7.1, certification from an acoustic consultant that the recommended measures have been undertaken shall be provided to the City;

8.4 Landscape Plan and Verge Upgrade Plan

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

8.5 Bicycle Bays

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

ADVICE NOTES:

- 1. With reference to Condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;**
 - 2. With reference to Condition 3.4, the portion of the existing footpath traversing the proposed crossover must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not be deemed to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths;**
 - 3. 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. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;**
-

4. With reference to Condition 7.2, the City encourages landscaping methods and species selection which do not rely on reticulation;
5. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If there is a request to erect scaffolding, site fencing etc. or if building materials are required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate;
6. With reference to Condition 8.2, no further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings;
7. All signage that does not comply with the City's Policy No. 7.5.2 – Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Building Permit application, being submitted to and approved by the City prior to the erection of the signage;
8. With reference to condition 7.6, all waste water associated with the car wash shall be collected in retention tanks, processed and recycled. Detail of the waste water processing procedure and mechanism specific to this site shall be submitted and approved to the satisfaction of the City; and
9. With reference to condition 7.2 planting is required along all boundaries as shown on the site plan (Drawing No 02 dated 6/10/2015 and with the City's date stamp of 2/11/2015).

PURPOSE OF REPORT:

To consider a proposal for the construction of a Hand Car Wash (Unlisted Use) and Eating House.

BACKGROUND:

History:

Date	Comment
27 May 2008	Council approved an application for the Demolition of an Existing Warehouse and the Construction of a Five Storey Office and Associated Car Parking.
28 May 2009	Council approved an application for the Construction of a Five Storey Office Building and Associated Car Parking.
11 October 2011	Council refused an application for the Construction of a Seven Storey Mixed Use Development.

Date	Comment
22 May 2012	After mediation at SAT, Council approved an application for the Construction of a Seven Storey Mixed Use Development.
27 May 2014	Council approved an application for the Construction of a Seven Storey Mixed Use Development.

Previous Reports to Council:

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

DETAILS:

Landowner:	Vandar Properties Pty Ltd
Applicant:	Lee and Bill Investment Group Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Commercial Draft Town Planning Scheme No. 2 (TPS2): Commercial
Existing Land Use:	Vacant
Use Class:	(Unlisted Use) Hand Car Wash, Eating House
Use Classification:	'SA', 'P'
Lot Area:	2898 square metres
Right of Way (ROW):	Yes, East, 4.0 metres width
Heritage List:	No
Date of Application:	28 July 2015

The proposal is to convert the existing vacant site into a hand car wash and eating house (café).

The site is accessible via the existing crossover off Newcastle Street and also to the rear from the ROW to Fitzgerald Street.

The development involves construction of the car wash and detailing bays at the front of the site and the associated buildings along the western boundary of the site. These buildings include areas for the café, site office, storerooms, toilets and bin stores.

The proposed car wash operation is for three wash and detailing bays (vacuuming and finishing). (Refer **Attachment 3**).

The waste water generated by the carwash is to be contained within a new collection pit, constructed within the site. A Coalescing Plate Separator will also be installed to treat the waste water prior for discharge.

The proposed use will operate seven days per week from 7.00am to 8.00pm.

The number of staff proposed at any one time is between seven – 10 persons.

There are 13 car bays provided onsite for the facility, including one disabled car bay. The applicant initially proposed to locate the parking bays for staff and visitors in front of the wash bays but, with the subsequent revision of the proposal the car parking area was relocated towards the eastern boundary.

Landscaping is proposed at the front of the property and at the rear in deep soil and within the car parking area onsite in the form of planter troughs located behind each bay. The landscaping at the rear of the site is proposed to include soft landscaping with five mature trees (500 litres) being provided.

The proposed eating house (café) component includes an amenities area and a storage space for the coffee shop. The café will sell packaged foods and hot/cold drinks. There is no intention to prepare or sell cooked food, and the café will have the same hours of operation as the car wash.

The original application was received on 27 July 2015. The proposal was revised with a new site plan date stamped 2 November 2015 with the following changes:

- Showing 13 car bays;
- Provision of further landscaping to the front of the site (in ground), rear of the site (in ground) and at the rear (planter boxes) of the car parking bays; and
- An access way on the eastern side of the property was removed and replaced with landscaping.

ASSESSMENT:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, and the City's policies. There are no aspects of the proposal that require the discretion of Council.

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

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	1 September 2015 – 21 September 2015		
Comments Received:	Four objections were received during the consultation period.		

The table below discusses the comments/issues raised during consultation on the original plans dated 27 July 2015, which included provision for 28 car bays, an additional access way to the rear along the eastern boundary and minimal landscaping. The revised proposal includes a substantial increase in landscaping and simplification of vehicle circulation around the site.

Summary of Comments Received:	Officer Technical Comment:
<p><u>Impact on Character of the Area</u></p> <p>Concern in relation to the use and its integration into other new developments in the area.</p>	<p>The proposed uses will activate the site, which is currently vacant, and the new business will make a positive contribution to the area.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Noise</u></p> <p>Concern regarding noise from the use and its impact on sound sensitive premises nearby.</p>	<p>The proposed operation has been designed to be located closer on the front portion of the lot facing Newcastle Street to minimise any noise impact on the residential properties adjoining the site at the rear.</p> <p>The applicant is required to provide an acoustic report to address any noise related issues from the proposed use and any recommendations from the report are required to be implemented for the management of any adverse impact.</p> <p>The above measures will enable noise to be limited where possible.</p> <p>It is recommended that a condition is imposed in this regard.</p>

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

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 7.1.13 – Beaufort Precinct;
- Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments; and
- Policy No. 7.7.1 – Parking and Access.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

“Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The proposed car wash will reuse water in the cleaning of vehicles.

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

ECONOMIC
The development will provide increased employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed hand car wash use and associated eating house (café) use is acceptable in this location as the lot is located in an area that is largely commercial and the use is compatible with other neighbouring commercial uses. The hours of operation for each use are considered acceptable for the site's location.

The car wash and café will provide a convenient service to the locality and are not expected to impact on the adjacent residential properties at the rear of the subject site.

The proposed redevelopment of the site, including the proposed built form, and associated landscaping will improve the amenity of the property as it activates a dormant site. The landscaping provided along the front of the property and rear of the site will serve to soften the built form and the rear landscaping will also provide a buffer to the residential properties to the rear.

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

CONCLUSION:

It is recommended that Council approves this proposal.

9.1.5 No. 28 (Lot: 800; D/P: 37552) Knutsford Street, North Perth – Construction of a Mixed Use Development Comprising 25 Multiple Dwellings (Including 15 Single Bedroom Dwellings and 10 Two-Bedroom Dwellings), Four Offices, One Eating House and Associated Car Parking (Amendment to Approval)

Ward:	North	Date:	20 November 2015
Precinct:	Precinct 8 – North Perth	File Ref:	PR28047; 5.2015.405.1
Attachments:	1 – Consultation Map 2 – Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Acting Co-ordinator Statutory Planning		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application to amend planning approval reference number 5.2007.488.1 submitted by the owner Dancer Enterprise Pty Ltd, for the proposed Construction of a Mixed Use Development Comprising 25 Multiple Dwellings (Including 15 Single Bedroom Dwellings and 10 Two-Bedroom Dwellings), Four Offices, One Eating House and Associated Car Parking (Amendment to Approval) at No. 28 (Lot: 800; D/P: 37552) Knutsford Street, North Perth as shown on plans date stamped 16 September 2015, included as Attachment 2, subject to compliance with all conditions of approval imposed with the planning approval reference number 5.2007.488.1 approved by Council on 27 May 2008.

PURPOSE OF REPORT:

To consider an amendment to planning approval number 5.2007.488.1, granted on 27 May 2008.

BACKGROUND:

The site is the former Knutsford Arms Hotel, which was demolished and later subdivided into 2 lots. One of the subdivided lots to the south of the subject site has already been developed for multiple dwellings.

History

Date	Comment
27 May 2008	Council resolved to approve a four-storey mixed use development comprising 25 multiple dwellings (including 15 single bedroom dwellings and 10 two-bedroom dwellings), four offices, one eating house and associated car parking. Planning approval was issued on 10 June 2008.
9 June 2010	A Building Permit was issued for forward works for footings and slab and columns to first floor level, including incidental earthworks and below ground drainage.
6 October 2011	The then Director of Development Services made a decision that as the applicant has acted on the building permit it is considered that the planning approval has been substantially commenced
12 August 2015	A Building Permit was submitted for the construction of the building together with a landscaping plan that provides the details of the proposed green wall along Knutsford Street.

Previous Reports to Council:

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

DETAILS:

Landowner:	Dancer Enterprise Pty Ltd
Applicant:	Danmar Developments
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Local Centre Draft Town Planning Scheme No. 2 (TPS2): Local Centre
Existing Land Use:	Vacant Site
Use Class:	Offices, Eating House and Multiple Dwelling
Use Classification:	"P", "AA" and "AA"
Lot Area:	2016 square metres
Right of Way (ROW):	Not applicable
Heritage List:	No
Date of Application:	10 September 2015

The proposal is an amendment to the planning approval for a four-storey mixed use development comprising 25 multiple dwellings (including 15 single bedroom dwellings and 10 two-bedroom dwellings), four offices, one eating house and associated car parking granted on 27 May 2008.

The differences between the plans approved by Council on 27 May 2008 and the submitted proposal are as follows:

Element	Plans Approved 27 May 2008	Plans submitted as part of this application
Pump Room/Water Tanks	Not shown on the plans	A pump room and water tank room are proposed to the ground/undercroft level on the south west corner along Knutsford Street, with a nil setback to Knutsford Street. The structures also include a purpose built booster cabinet which also has a nil setback from Knutsford Street and a maximum height of 3 metres. While the wall to the water tank room has a blank façade, the higher pump room wall is stepped back from the street boundary by 0.8 metres above the wall height of 2 metres. The overall wall has a maximum height of 3 metres. The wall has been designed to be a green wall. The nil setback walls for both rooms will vary from 1.2 metres to 2 metres along the street due to the slope of the land.
Western Power Substation and Bin Store	Western Power Substation not shown on the plans. Bin store located on the south-eastern corner of site.	The bin store to the south-eastern corner has been relocated adjacent to Little Walcott Street and replaced by the Western Power substation.
Lift, Stairwell & Walkway	Shown on the plans.	The internal changes of an additional lift and removal of a staircase do not have any impact in terms of street and building setbacks.

Element	Plans Approved 27 May 2008	Plans submitted as part of this application
Lofts	The lofts were located on the northern side of the site and were considered as the fourth storey.	The lofts have been deleted and as such the development has changed from four storeys to three storeys.

Only the changes in relation to the rooms for the pump/ water tanks potentially impact on the amenity of the surrounding area, as one of the walls is proposed at a nil street setback to Knutsford Street.

Validity of 2008 Planning Approval

Following the decision of the Director of Development Services in October 2011 regarding the commencement of works, the City has consistently communicated to the owner, developer and neighbours that it considers that the works had substantially commenced and that the 2008 planning approval therefore remains valid.

ASSESSMENT:

Summary Assessment

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

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

Detailed Assessment

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

Secondary Street Setback (Knutsford Street)			
Location	Policy Requirement	Proposal	Variation
Ground/Undercroft floor-Pump Room	<p>Policy No. 7.1.8 – North Perth Precinct</p> <p>All other 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, and buildings are not required to have any other setbacks.</p> <p>Required setback = 3.9 metres</p> <p>(Previously approved with a street setback 4 metres)</p>	Nil	3.9 metres

The assessment against the relevant Design Principles is as follows:

Secondary Street Setback (Knutsford Street)	
Design Principles	
Not applicable.	
Application’s Justification	
<p><i>“Due to requirements in our fire engineers brief and a lack of pressure in the main water supply, a pump room was required to supply adequate water pressure in the event of a firefighting emergency.”</i> In further discussions with the applicant it has been confirmed this is the only place available onsite for the pump room/water tanks.</p>	
Officer Technical Comment:	
<p>The wall facing Knutsford Street for the tank and pump room will occupy approximately 24% of the street boundary length. As the wall is designed as a green wall, it is expected to have a positive impact on the streetscape.</p>	

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	5 October 2015 to 18 October 2015. The proposal was advertised to the properties affected by the nil setback boundary wall.		
Comments Received:	Four submissions were received which include two objections and two neither supporting nor objecting.		

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Noise</u></p> <p>Concerns about the impact of noise during construction on the adjoining neighbours.</p>	<p>During construction the builder will be required to comply with the applicable Noise Regulations.</p>
<p><u>Dilapidation Report</u></p> <p>The construction of this building may cause damages to the adjoining existing units and therefore a dilapidation report is required.</p>	<p>Sheet piling will not be used as part of the construction of the building. In this instance a dilapidation report is not required. Any damages to the adjoining buildings is a civil matter between the adjoining owners and builder.</p>
<p><u>Dust</u></p> <p>There should be control of the dust during construction as it will impact on the adjoining neighbours.</p>	<p>As part of the Building Permit the applicant will be required to address the impact of dust during construction.</p>
<p><u>Number of Storeys</u></p> <p>Concerns regarding misleading advertising as the title of the advertising was for four storeys and the plans show three storeys.</p>	<p>Given the proposal is an amendment to an already granted planning approval, the title of development for advertising was unchanged, although qualified by the words "<i>Amendment to Previous Approval</i>". It is acknowledged that the amended proposal is three storeys as the lofts have been deleted.</p>
<p><u>Development Approval</u></p> <p>Previous advice received from the City's Officers was that there was no current approval for the site.</p>	<p>As per the City's records, planning approval for the subject site was issued on 10 June 2008 and building permit for forward works, footings, slab and columns to first floor level, including incidental earthworks and below ground drainage, was issued on 9 June 2010.</p>
<p><u>Substantially Commenced</u></p> <p>The planning approval has lapsed given it was approved seven years ago, and the site is vacant. It should again go through the planning process under the current planning framework. Legally the City should not have proceeded with this application (amendment) given the development approval has lapsed.</p> <p>The proposed amendment does not give assurance that there will be no impact on the amenity of the adjoining property.</p>	<p>The development approval has not lapsed since the City had committed to a position in October 2011 that the development has substantially commenced, which it had communicated to the owner/developer.</p> <p>Council at its meeting on 27 May 2008, considered that the overall development will not impact on the amenity of the adjoining property and supported the proposal. The proposed changes which are the subject of this report are not expected to have any negative impact on the locality.</p>

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

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

The proposal is for amendments to an existing planning approval which do not have an impact on the overall design of the building.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 7.1.8 – North Perth Precinct; and
- Policy No. 7.5.4 – Substantial Commencement.

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*.

As this application was received prior to the introduction of the *New Planning and Development (Local Planning Scheme) Regulations 2015*, the applicant submitted a planning application to get approval for the proposed amendments of a granted planning approval.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

“Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
Nil.

SOCIAL
Nil.

ECONOMIC
Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

The City committed to a position in regard to the validity of the planning approval granted in 2008 in October 2011 and communicated this position consistently. Legally the party receiving advice from a decision maker such as the City is entitled to rely on this advice. While the City today would not consider the work that had been done on this site to be adequate to be “substantially commenced” under its current Policy No. 7.5.4 – Substantial Commencement, the City is obliged to meet the expectations created in October 2011 or alternatively deal with possible consequences.

Under these circumstances it is considered that the proposal can be dealt with as an amendment to an existing development approval.

The subject site is located in a Local Centre where a development of this intensity can be expected. Most of the proposed changes requested in this development application are internal and the proposed reduction in the building height as a result of the removing to loft level are considered to be acceptable.

The only impact of the proposed changes is from the relocation of the water tank/pump room along Knutsford Street, as it includes a wall on the boundary facing Knutsford Street. The applicant has advised that there is no alternative location in this development for the proposed pump room. Given that a portion of this wall is relatively low and the remainder is designed as a green wall, the wall with a nil setback to Knutsford Street is expected to benefit the streetscape.

The proposed changes subject of this application are acceptable.

CONCLUSION:

It is recommended that Council approves this proposal.

9.1.6 No. 80 (Lots: 169 and 170; D/P: 3784) Paddington Street, North Perth – Proposed Construction of Four Multiple Dwellings and Alterations and Additions to existing Dwelling (Grouped Dwelling)

Ward:	North	Date:	20 November 2015
Precinct:	Precinct 8 – North Perth	File Ref:	PR15772; 5.2015.446.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Car and Bicycle Parking Tables 5 – Extract of Design Advisory Committee Minutes and Comments		
Tabled Items:	Nil		
Reporting Officer:	T Wright, Senior Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Urban and Rural Perspectives on behalf of the owner JVP2 Pty Ltd, for the proposed construction of a two storey development comprising of four Multiple Dwellings and alterations and additions to an existing Dwelling (Grouped Dwelling) at No. 80 (Lots: 169 and 170; D/P: 3784) Paddington Street, North Perth as shown on plans date stamped 13 November 2015, included as Attachment 2, subject to the following conditions:

1. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 442 Charles Street and No. 78A Paddington Street in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City;

2. **Car Parking and Access**

2.1 A minimum of:

2.2.1 Four resident and one visitor bay shall be provided onsite for the multiple dwelling component of the development; and

2.2.2 One resident bay shall be provided onsite for the existing dwelling;

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

2.3 The visitor bay is to be marked accordingly;

2.4 The car parking and access areas are to comply with the requirements of AS2890.1;

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

2.6 All new crossovers shall be constructed in accordance with the City’s Standard Crossover Specifications;

3. **External Fixtures**

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

4. **Verge Trees**

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

5. **Car Parking Permits**

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

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

6.1 **Amalgamation**

Lots 169 and 170 shall be amalgamated into one lot on Certificate of Title to the satisfaction of the City;

6.2 **Acoustic Report**

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

6.3 **Landscape and Reticulation Plan**

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

- 6.3.1 The location and type of existing and proposed trees and plants;
- 6.3.2 Areas to be irrigated or reticulated;
- 6.3.3 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months;
- 6.3.4 All proposed treatments of the verge; and
- 6.3.5 The inclusion of a minimum of three mature trees (minimum 500 litres) and three smaller trees (minimum 300 litres);

6.4 **Schedule of External Finishes**

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

6.5 **Construction Management Plan**

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

6.6 Waste Management

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

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

6.7 Revised Plans

Revised Plans to be provided denoting the following:

6.7.1 Privacy

The kitchen windows of Units 3 and 4 being screened in accordance with the Residential Design Codes to the satisfaction of the City; and

6.8 Legal Agreement

A Caveat shall be registered on the Certificate of Title of the subject land, to conserve the existing dwelling on the site to the City's satisfaction at the expense of the applicant/owner(s); and

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

7.1 Clothes Drying Facility

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

7.2 Car Parking

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

7.3 Stormwater

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

7.4 Acoustic Report Certification

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

7.5 Landscape Plan and Verge Upgrade Plan

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

7.6 Bicycle Bays

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

ADVICE NOTES:

1. With reference to Condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
 2. With reference to Condition 2.5, the portion of the existing footpath traversing the proposed crossover must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not be deemed to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths;
 3. With reference to Condition 2.6, all new crossovers to the development site are subject to a separate application to be approved by the City;
 4. A Road and Verge security bond for the sum of \$2,000 shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;
 5. With reference to Condition 6.1, as an alternative, the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Permit. All costs associated with this condition shall be borne by the applicant/owner(s). Amalgamation of the lots is not required if it can be demonstrated that the proposed development complies with the relevant requirements of the National Construction Code Series;
 6. With reference to Condition 6.3, the City encourages landscaping methods and species selection which do not rely on reticulation;
 7. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If there is a request to erect scaffolding, site fencing etc. or if building materials are required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate;
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8. **With reference to Condition 7.3, no further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings;**
9. **Any additional property numbering to the abovementioned address which results from this application will be allocated by the City of Vincent. The applicant is requested to liaise with the City in this regard during the building permit process;**
10. **A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site; and**
11. **Any new street/front wall, fence and gate within the Paddington Street setback areas, including along the side boundaries within this street setback area, shall comply with the City's Policy No. 7.2.1 – Residential Design Elements relating to Street Walls and Fences.**

PURPOSE OF REPORT:

To consider the proposal for the construction of four multiple dwellings and alterations and additions to an existing Dwelling (Grouped Dwelling).

BACKGROUND:

Nil

DETAILS:

Landowner:	JVP2 Pty Ltd
Applicant:	Urban and Rural Perspectives
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R30/40 Draft Town Planning Scheme No. 2 (TPS2): Residential R30/40
Existing Land Use:	Single House
Use Class:	Multiple Dwelling and Grouped Dwelling
Use Classification:	"P"
Lot Area:	Lot 169: 278 square metres Lot 170: 556 square metres Total: 834 square metres
Right of Way (ROW):	Not Applicable
Heritage List:	No
Date of Application:	17 September 2015

The proposal is for the construction of a two storey development comprising of four two-bedroom multiple dwellings and the alterations and additions to the existing Dwelling (Grouped Dwelling) and associated car parking.

The site comprises of two lots (Lots 169 and 170), and currently contains a single dwelling. The development proposes to retain this dwelling and construct four multiple dwellings within the rear portion of the site. As more than one dwelling is proposed on the site, the single dwelling will be classified as a grouped dwelling.

The site is zoned Residential R30/40 and under Clause 20(4)(c) of TPS1 the existing dwelling must be retained in order to achieve the higher density zoning of Residential R40.

The development proposes an indicative “battle-axe” subdivision layout and it is anticipated that a formal subdivision application will be lodged if this application is approved.

A driveway leading to the multiple dwellings at the rear of the site is situated along the western boundary and connects to the rear car parking area. The multiple dwellings are separated from the existing dwelling by a car parking area. The driveway also provides vehicle access for the two car bays situated within the front setback area that will be used by the existing dwelling.

The multiple dwelling component of the development comprises of two ground floor and two upper floor dwellings. The building mass is located towards the rear of the site but set back from all lot boundaries except for the two store rooms which are each built up to one of the side boundaries.

As part of this proposal the existing dwelling will be modified to comply with the grouped dwelling requirements of the Residential Design Codes to provide a four square metre store room, one parking bay and a 16 square metre outdoor living area.

The multiple dwelling component of the development proposes one car bay per unit and one visitor bay and the grouped dwelling component proposes two resident car bays.

The proposal was revised on several occasions as follows:

Date	Comment
6 October 2015	Initial application received.
28 October 2015	Reported to DAC.
19 October 2015	Plans advertised for community consultation.
13 November 2015	Amended plans received.

The version of the plans included in this report have been amended to include:

1. additional landscaping; and
2. minor changes to the external materials of the south facing balconies in order to visually lighten the appearance of this part of the building.

The present delegations require that all proposals comprising more than three dwellings are determined by Council.

ASSESSMENT:

Summary Assessment

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

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

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

Detailed Assessment

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

Building Setbacks/Boundary Wall			
Location	Policy Requirement	Proposal	Variation
	Residential Design Codes Clause 6.1.4		
	Walls built up to one side boundary.	Walls built up to two side boundaries.	Walls built up to an additional boundary.
Eastern Boundary	66% of the length of the boundary = 28.8 metres	6% of the length of the boundary = 2.7 metres	
	Maximum height 3.5 metres	Maximum height 2.4 metres	
	Average height 3 metres	Average height 2.4 metres	
Western Boundary	66% of the length of the boundary = 28.8 metres.	6% of the length of the boundary = 2.7 metres	
	Maximum height 3.5 metres	Maximum height 2.9 metres	
	Average height 3 metres	Average height 2.9 metres	

The assessment against the relevant design principles is as follows:

Building Setbacks/Boundary Wall	
Design Principles	
Residential Design Codes Clause 6.1.4	
P4.1	Buildings set back from boundaries or adjacent buildings so as to: <ul style="list-style-type: none"> ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; moderate the visual impact of building bulk on a neighbouring property; ensure access to daylight and direct sun for adjoining properties; and assist with the protection of privacy between adjoining properties.
Application's Justification	
Nil.	

Building Setbacks/Boundary Wall
Officer Technical Comment:
<p>The boundary wall on the eastern boundary is considered to be the permitted wall on the boundary under the Residential Design Codes as it has:</p> <ul style="list-style-type: none"> • a wall length of 2.7 metres or 6% of the length of the side boundary, less than the 66% permitted length; • an average wall height of 2.4 metres, less than the 3 metre average height permitted; and • a maximum wall height of 2.4 metres, less than the 3.5 metre maximum height permitted. <p>Therefore the impact of this variation is assessed only in relation to the western boundary wall.</p> <p><u>Western Boundary Wall</u></p> <p>The proposed boundary wall has a maximum and average height of 2.9 metres and a total length of 2.7 metres or 6% the length of the western boundary.</p> <p>The boundary wall adjoins a rear yard area of a neighbouring property and a single dwelling is situated approximately 25 metres from the rear lot boundary. The proposed boundary wall will have no impact in regards to overshadowing, access to natural light and ventilation or bulk and scale to the neighbouring dwelling.</p> <p>As this proposal meets the relevant Design Criteria in relation to boundary walls this discretionary aspect of the proposal can be supported.</p>

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

Roof Form			
Location	Policy Requirement	Proposal	Variation
	<p>Policy No. 7.2.1 – Residential Design Elements</p> <p>Roof pitch to be between 30-45 degrees</p>	25 degrees	5 degrees

The assessment against the design principles is as follows:

Roof Form
Design Principles
<p>Policy No. 7.2.1 – Residential Design Elements</p> <p>BDPC 3</p> <p>(i) The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Application's Justification
Nil.
Officer Technical Comment:
<p>Although the roof pitch is lower than required, the proposed pitched roof is acceptable because it:</p> <ul style="list-style-type: none"> • complements the established roof forms in the area; • does not unduly increase the bulk of the building; and • does not cause any overshadowing of the adjoining properties. <p>This proposal meets the relevant Design Criteria in relation to roof form.</p>

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	19 October 2015 to 1 November 2015		
Comments Received:	Four objections and one submission in support and one neither supporting nor objecting.		

The advertised plans proposed less soft landscaping than required in the City's Multiple Dwellings Policy.

Since the public consultation period the applicant has revised the proposal with the addition of soft landscaping and minor changes to the external appearance of the south facing balconies.

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Landscaping</u></p> <p>There is a lack of soft landscaping, leading to a heat island effect and it will resemble a concrete jungle.</p>	<p>Since advertising, the applicant has revised the plans to increase the amount of soft landscaping on the site and the landscaping now fully complies with the requirements of the City's Multiple Dwellings Policy.</p> <p>The development proposes three mature trees and three smaller trees throughout the site to decrease the heat island effect.</p>
<p><u>Rear Setbacks</u></p> <p>Minimal rear setbacks mean landscaping screening will have to be placed on the neighbours' side.</p>	<p>The applicant has revised the plans to include two trees within the rear setback area to help screen the development from the neighbouring properties.</p>
<p><u>Privacy</u></p> <p>There are privacy concerns from the rear neighbours'.</p>	<p>The proposed development complies fully with the privacy requirements of the Residential Design Codes.</p> <p>The only cone of vision that extends beyond the property boundary of the subject lot is in relation to the window to bedroom one and the balcony for Unit 4. Both these openings overlook a battle-axe driveway on the adjoining property and therefore comply with the privacy requirements of the Residential Design Codes.</p> <p>In relation to the bedroom one window for Unit 3 a reduced cone of vision from 4.5 metres to 3 metres is required as the affected adjoining property has a density coding of Residential R60.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Retaining Wall</u></p> <p>The retaining wall is too high and should be lowered.</p>	<p>The development proposes to excavate the land by 0.5 metres along the eastern boundary and 1.1 metres in the north eastern corner in order to retain the finished floor level of the neighbouring property to the east.</p> <p>The proposed development complies fully with the retaining wall requirements of the Residential Design Codes.</p>
<p><u>Sense of Community</u></p> <p>Multiple dwellings in this area will affect the local sense of community.</p>	<p>Multiple dwellings are a permitted use on the site.</p> <p>As the new multiple dwellings are located to the rear of the site, and the existing dwelling is retained the proposal will not have a negative impact on the character of the streetscape.</p>
<p><u>Noise</u></p> <p>Rear courtyard of Unit 2 adjoins our property and therefore noise will affect our amenity.</p>	<p>Any noise generated from the site, is required to comply with the <i>Environmental Health (Noise) Regulations 1997</i>.</p>
<p><u>Enjoyment of Backyard</u></p> <p>Our enjoyment of our back yard will be affected by four units so close to our property.</p>	<p>The proposed development complies fully with the rear setback requirements of the Residential Design Codes.</p>
<p><u>Property Value</u></p> <p>The development will devalue our home.</p>	<p>The effect on property values is not a valid planning consideration.</p>
<p><u>Car Parking</u></p> <p>The number of car bays does not reflect the real number of cars the people living in the units will have.</p>	<p>The proposed development complies fully with the car parking requirements of the Residential Design Codes.</p>
<p><u>Removal of Trees</u></p> <p>The removal of mature trees is a great concern.</p>	<p>Noted. The mature trees on the site are not listed on the City's Significant Tree Register.</p>

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

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: Yes

The proposal was considered by the City's DAC on one occasion – 28 October 2015. Refer to **Attachment 3** for an extract of the Minutes of the meeting.

The applicant engaged with the DAC process to achieve a good design outcome and subsequent revisions have increased the soft landscaping. The planting of mature canopy trees and changes to the external appearance of the south facing balconies will further improve the development.

The proposal has met all mandatory requirements of the DAC but does not require, and has not achieved Design Excellence.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 7.1.8 – North Perth Precinct;
- Policy No. 7.2.1 – Residential Design Elements; and
- Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Multiple dwelling and grouped dwelling developments are permitted uses on this site.

This proposal meets the deemed-to-comply requirements of the Residential Design Codes and the requirements of the City's Policies, except in regards to the boundary wall and roof form provisions. This development as proposed has no adverse impacts on the streetscape and neighbouring properties.

The development is required to retain the existing dwelling at the front of the site in order to access the R40 density. It is recommended that a condition is imposed for a legal agreement and caveat on the Title to secure the City's interest.

By retaining the existing house, it will continue to contribute to the existing streetscape while the new development at the rear is unlikely to have any impact on the streetscape or any adverse impact on the amenity of the neighbouring properties.

CONCLUSION:

It is recommended that Council approves this proposal.

9.1.7 No. 225 (Lot: 34; D/P: 2358) Loftus Street, Leederville – Proposed Demolition of Existing Single House and Construction of Eight Multiple Dwellings

Ward:	North	Date:	20 November 2015
Precinct:	Precinct 3 – Leederville	File Ref:	PR14675; 5.2015.195.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Car Parking and Bicycle Tables 5 – Marked up plans showing proposed versus required setbacks 6 – Extract of Design Advisory Committee Minutes and Comments		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Acting Senior Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Mark Anthony Design on behalf of the owner D Condidorio, for the proposed demolition of an existing single house and the construction of a three storey Multiple Dwelling Development comprising of eight multiple dwellings and Associated Car Parking at No. 225 (Lot: 34; D/P: 2358) Loftus Street, Leederville as shown on amended plans date stamped 5 November 2015, included as Attachment 2, subject to the following conditions:

1. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 227 Loftus Street in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City;

2. **Car Parking and Access**

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

3. **External Fixtures**

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

4. **Verge Trees**

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

5. **Car Parking Permits**

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

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

6.1 **Acoustic Report**

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

6.2 **Landscape and Verge Upgrade Plan**

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

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

6.2.2 Areas to be irrigated or reticulated;

6.2.3 The removal of redundant crossovers; and

6.2.4 All proposed treatments of the verge;

6.3 **Schedule of External Finishes**

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

6.4 **Construction Management Plan**

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

6.5 **Waste Management**

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

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

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

7.1 **Clothes Drying Facility**

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

7.2 Car Parking

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

7.3 Stormwater

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

7.4 Acoustic Report Certification

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

7.5 Landscape Plan and Verge Upgrade Plan

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

7.6 Bicycle Bays

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

7.7 Privacy Screening

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

ADVICE NOTES:

1. With reference to Condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
 2. With reference to Condition 2.6, the portion of the existing footpath traversing the proposed crossover must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not be deemed to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths;
 3. With reference to Condition 2.5, all new crossovers to the development site are subject to a separate application to be approved by the City;
 4. A Road and Verge security bond for the sum of \$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. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;
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5. With reference to Condition 6.2, the City encourages landscaping methods and species selection which do not rely on reticulation;
6. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If there is a request to erect scaffolding, site fencing etc. or if building materials are required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate;
7. With reference to Condition 7.3, no further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings;
8. Any additional property numbering to the abovementioned address which results from this application will be allocated by the City of Vincent. The applicant is requested to liaise with the City in this regard during the building permit process; and
9. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site.

PURPOSE OF REPORT:

To consider an application for a three storey development comprising of eight multiple dwellings.

BACKGROUND:

Nil.

DETAILS:

Landowner:	D Condidorio
Applicant:	Mark Anthony Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60 Draft Town Planning Scheme No. 2 (TPS2): Residential R60
Existing Land Use:	Single House
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	693 square metres
Right of Way (ROW):	West, 5 metres, Sealed
Heritage List:	No
Date of Application:	5 May 2015

The proposal is for the demolition of the existing single house and the construction of a three storey multiple dwelling development comprising eight multiple dwellings.

The site is relatively flat with minimal fall across the site.

A common car parking area for 6 resident and 2 visitor bays is proposed in the middle of the site with access from Salisbury Street and the remaining two bays located at the rear with access from the Right of Way (ROW).

Landscaping is proposed throughout the site and along both street frontages and complies with the City's requirements.

The original application was received on 5 May 2015. The proposal was revised following the initial advertising period and the City received new plans on 5 November 2015 showing the following:

- a reduction in plot ratio (by 131.84 square metres) as a result of reducing the size of the units which allowed for the building mass in the centre of the site to be removed;
- relocation of one car parking bay behind the street setback area for Salisbury Street ;
- increased landscaping along the street frontages; and

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

ASSESSMENT:

Summary Assessment

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

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

Detailed Assessment

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

Density/Plot Ratio			
Location	Policy Requirement	Proposal	Variation
	Residential Design Codes Clause 6.1.1		
Site	0.7 = 485.1 square metres	0.787 = 545 square metres	0.087 = 59.9 square metres

The assessment against the relevant design principles is as follows:

Density/Plot Ratio
Design Principles
Residential Design Codes Clause 6.1.1
P1 Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.
Summary of Application's Justification
Following the community consultation period the proposal has been revised by removing a section of the built form in the middle of the site which reduced the plot ratio by 131.84 square metres.
The building façades are articulated and include varying setbacks, colour and materials and the street elevations are open to the street. The proposed skillion roof serves to reduce the overall height of the development.
Officer Technical Comment:
The proposed development in its current form is acceptable as it is not expected to have a detrimental impact on the amenity of the adjoining properties and the streetscape due to the following: <ul style="list-style-type: none"> • The development is setback in accordance with the City's Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings from the rear boundary, creating an appropriate interface to the R30 lots at the rear of the property beyond the ROW. • The elevations are well articulated with the use of different materials, window treatments and landscaping; • The proposed overshadowing from the development falls over Salisbury Street and does not impact on any residential property; • The proposed landscaping located at ground level at the street frontage along Loftus and Salisbury Street and within the car parking area in the form of grow walls.
This proposal meets the relevant design principles and is acceptable.

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

Street Setback			
Location	Policy Requirement	Proposal	Variation
	Policy No. 7.2.1 – Residential Design Elements		
Loftus Street: Ground floor	8 metres	3.7 metres	4.3 metres

Street Setback			
Location	Policy Requirement	Proposal	Variation
Upper Floor (balconies)	One metre behind each portion of the ground floor setback which equates to a setback of 9 metres from the street	Balconies directly above ground floor at 3.7 metres	1 metre from ground floor or 5.3 from the street
ROW: Setback Upper Floor	1 metre behind ground floor which equates to 3 metres from the ROW	Walls directly above ground floor with setbacks ranging between 2 metre and 2.7 metres	1 metre from the ground floor or ranging between 0.3 metre - 1 metre from the ROW
Salisbury Street: Upper Floor	0.5 metres behind ground floor or 2 metres from street	Directly above ground floor at 2 metres from street	0.5 metres from ground floor

The assessment against the relevant design principles is as follows:

Street Setback
<p>Design Principles</p> <p>Policy No. 7.2.1 – Residential Design Elements Clause 6.4.2</p> <p>SPC5</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> <p>SPC9</p> <p>(i) The setback is to be compatible and consistent with the established pattern of setbacks presenting to the right of way.</p> <p>(ii) The minimum width of a right of way is to be 6 metres, in accordance with the Western Australian Planning Commission’s Policy DC 2.6 – ‘Residential Road Planning’. However, there are a number of rights of way within the Town that are less than 6 metres wide. Where this is the case, the minimum manoeuvring distance of 6 metres still needs to be met.</p> <p>SPC10</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);

Street Setback
<ul style="list-style-type: none"> • Landscaping; • Feature windows; • Staggering of height and setbacks; • External wall surface treatments and finishes; and • Building articulation.
Summary of Application's Justification
<p>The proposed street setback is reflective of the emerging street setback along Loftus Street for multiple dwelling developments, which are significantly reduced when compared to the traditional street setbacks for existing single residential dwellings.</p> <p>In relation to Salisbury Street and the ROW, the proposal includes elevations that are articulated which assist to off-set the proposed variations from the requirements.</p>
Officer Technical Comment:
<p>This locality is characterised by older housing stock consisting of single-storey residential properties with car parking areas at the rear and substantial front setbacks.</p> <p><u>Loftus Street</u></p> <p>While a lesser front setback is proposed from Loftus Street, the areas of the development facing the street includes alfresco areas and balconies above, which give the impression of larger setbacks from the street than actually provided and landscaping. The setback as proposed aligns with the emerging streetscape along Loftus Street and is acceptable.</p> <p><u>ROW</u></p> <p>The proposal faces a side boundary and rear boundaries of surrounding properties along the ROW. As the adjoining properties in the ROW face away from the site in this location the proposed setback has no impact on the adjoining properties.</p> <p><u>Salisbury Street</u></p> <p>While the ground and upper floor setbacks from Salisbury Street comply with the minimum 2m requirement only the required the horizontal articulation between the ground and upper floors has not been achieved. To compensate for this, the street elevations have incorporated design features and a variety of finishes, which meet the relevant design principles and is acceptable.</p>

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

Building Setbacks/Boundary Wall			
Location	Policy Requirement	Proposal	Variation
Northern boundary	Residential Design Codes Clause 6.1.4 <ul style="list-style-type: none"> • Second Floor (walls containing Kitchen/Meals) to be setback 1.5 metres from the northern boundary 	1.2 metres	0.3 metres
	<ul style="list-style-type: none"> • Second Floor bulk wall is to be setback 4.8 metres from the northern boundary 	2.1 metres	2.7 metres

The assessment against the relevant design principles is as follows:

Building Setbacks/Boundary Wall	
Design Principles	
Residential Design Codes – Clause 6.1.4	
<p>P4.1 Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties. 	
Summary of Application’s Justification	
<p>The proposed boundary walls are minimal in length and when integrated within the overall design, impose no adverse building bulk or adversely affect access to northern sun to the adjoining property. Articulated facades are provided to all elevations with recesses to balconies and varying setbacks to walls provided. The use of varying materials and window openings further enhance the appearance of the buildings which provides interest to the elevation, ultimately ameliorating building bulk.</p>	
Officer Technical Comment:	
<p>Attachment 5 shows the extent of discretion requested from the deemed-to-comply provisions of the Residential Design Codes.</p> <p>The proposed setbacks are acceptable as:</p> <ul style="list-style-type: none"> • they do not impact on the adjoining property’s privacy, access to sunlight or ventilation; • they break up of the facades to visually moderate the building bulk as seen from the adjoining property; and • the proposal complies with the privacy requirements and meets the relevant design principles. 	

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

Roof Form			
Location	Policy Requirement	Proposal	Variation
Site	<p>Policy No. 7.2.1 – Residential Design Elements</p> <p>Roof pitch between 30 degrees and 45 degrees</p>	Flat (concealed) roof	30 degrees

The assessment against the relevant design principles is as follows:

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

Roof Form
Summary of Application's Justification
<p>The proposal includes concealed and skillion roof forms in lieu of a pitched roof. The proposed roof forms are contemporary and reduce the bulk of the development.</p> <p>Other developments recently approved and constructed within close proximity to the development also include concealed and skillion roof types. The proposed roof form therefore aligns with the emerging streetscape along Loftus Street.</p>
Officer Technical Comment:
<p>The proposed roof form is acceptable as Loftus Street is in transition from low to medium density development. Numerous new developments along Loftus Street have recently been approved with flatter roofs resulting in little consistency in roof form between older and newer developments.</p> <p>A benefit of the proposal is that the roof form does not contribute to the building height in the same way that a pitched roof would, or to overshadowing.</p> <p>This proposal meets the relevant design principles and is acceptable.</p>

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period #1:	9 July 2015 – 29 July 2015		
Comments Received:	21 comments were received including 15 objections, one comment of concern and four comments of support. In addition a petition was received with 16 signatories.		
Consultation Period #2:	17 November 2015 – 23 November 2015		
Comments Received:	Four objections were received.		

The proposal was advertised on two occasions, being the proposals of 5 May 2015 and 5 November 2015. The proposal of 5 May 2015 was larger in scale and bulk than the current proposal.

The plans were referred to the Department of Planning (DoP) as the site abuts an Other Regional Road (Blue Road). They have noted no objections to the proposal on regional transport planning grounds.

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Building Height</u></p> <p>Concern in relation to the proposed building height.</p> <p>Concern in relation to the scale of the development and its relationship to the street.</p>	<p>The proposed height complies the permitted height of three storeys along Loftus Street.</p> <p>The planning framework permits three storeys for properties that front Loftus Street. In order to reduce the impact of bulk and scale the built form has been broken up into two buildings.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Plot Ratio</u></p> <p>The scale of the development and in particular the plot ratio should be scaled back. There is a 40% variation to the size of the building which is far greater than considered for a block of this size. The size of the building could be made far more compact.</p> <p>The amended plot ratio of 0.787 is still a considerable variation and the number of units have not been reduced as a result of the reduction.</p>	<p>The applicant has amended the proposal and reduced the plot ratio following the initial community consultation period from 0.977 or 677 square metres to 0.787 or 545 square metres.</p> <p>This amendment has reduced the overall bulk of the building by increasing the space between the two buildings.</p>
<p><u>Setbacks</u></p> <p>The upper floor variation to Loftus Street creates a bulky building and accentuates the scale.</p>	<p>The upper floor facing Loftus Street consists of two large balconies which offset the building bulk and provide some open aspect to Loftus Street and gives the illusions of greater setbacks provided. The elevation includes good surveillance to the street and with a mixture of colour and finishes as well as glass balustrading, presents a new form of development into a street.</p>
<p><u>Traffic</u></p> <p>Impact of additional traffic to street as Salisbury Street is already a busy road and it is currently used as a side street for access from Loftus Street to Oxford Street. Vehicles often drive through at high speed and any cars parked along the street may be affected.</p>	<p>The streets serving this site are able to accommodate the additional traffic generated by this development.</p>
<p><u>Car Parking</u></p> <p>Impact of car parking and the number of car parking bays per unit is not indicative of the end users to the premises.</p> <p>The number of visitor bays is also not reflective of the amount of visitors that will come to the site.</p> <p>Concern over the location of visitor car parking and where they are going to park. Issues exist currently along Salisbury Street. Vehicles have been hit parked along the street.</p>	<p>The City is required to assess all aspects of this development including car parking in accordance with the Residential Design Code and this proposal complies with the minimum requirements of 1 bay per multiple dwelling and 2 visitor bays.</p> <p>Both visitor parking bays are accessed from Salisbury Street, will be sign marked and can easily be seen from the street.</p>
<p><u>Streetscape</u></p> <p>The development will set a precedent for the scale of the development.</p> <p>Reduction in level of streetscape character. The majority of Salisbury Street consists of single residential dwellings.</p>	<p>The height of three storeys is permitted for lots located along Loftus Street.</p> <p>Multiple dwellings are permitted to a maximum height of 3 storeys on this lot.</p>

Summary of Comments Received:	Officer Technical Comment:
<p>The impact to Salisbury Street is greater than that to Loftus Street. The predominant character of built form its red brick construction and pitched roof. The finish of the building should reflect the character of the street.</p> <p>Fencing along Salisbury Street should be compliant in terms of the solid area. Request that the walls facing Loftus Street have applied sound absorbing material so that traffic noise on Loftus Street does not get reflected or amplified.</p> <p>The location is not close to amenities and is more reflective of a quiet residential street.</p>	<p>The City's Design Advisory Committee supports the proposed design.</p> <p>The revised plans provide for a fence along Salisbury Street that complies with the requirements of the Residential Design Codes and the City's Policies.</p> <p>The site is located on Loftus Street which is expected to accommodate higher density developments.</p>
<p><u>Privacy</u></p> <p>Concern over privacy to adjoining and adjacent properties including stairways. All windows or balcony openings must be compliant.</p>	<p>The proposed development complies with the privacy requirements of the Residential Design Codes.</p>
<p><u>Landscaping</u></p> <p>Additional soft landscaping should be included and reduce the amount of paving. Mature plantings should be provided onsite.</p>	<p>The development complies with landscaping as per the City's Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings. Additional landscaping has been provided in the Salisbury Street setback area that previously accommodated a visitor bay.</p>
<p><u>Design</u></p> <p>Additional passive solar principles should be added to the building.</p> <p>The proposed setbacks should be greater on the northern elevation to improve light and ventilation to the building. Larger windows should also be located on this side.</p> <p>The parapet wall height to be compliant.</p> <p>One single bathroom for the 2 bedroom dwelling should be enough.</p> <p>Open space should be compliant.</p> <p>The size of the units is small.</p>	<p>While the development is orientated to address Salisbury Street the design includes windows along the northern façade to maximise passive solar gain opportunities.</p> <p>The proposed setbacks along the northern elevation are generous and provide good light and ventilation to the property. As privacy along the northern elevation must be maintained larger windows are not proposed.</p> <p>The revised proposal shows that the parapet walls along the northern façade comply with the Residential Design Codes.</p> <p>Although this is not a valid planning consideration the revised proposal has reduced the number of bathrooms per dwelling.</p> <p>The revised plans following the initial community consultation period comply with the minimum 45% requirement.</p> <p>The size of the proposed units is compliant with the minimum size provisions of the Residential Design Codes.</p>

Summary of Comments Received:	Officer Technical Comment:
<u>Other</u> Economic viability should not be a justification of excessive development. Affordable housing should be provided in the development.	 Noted. For this scale of development there is no requirement for affordable housing.

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

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: Yes

The proposal was considered by the City's DAC on two occasions on the 21 January 2015 and 4 March 2015. Refer to **Attachment 6** for an extract of the minutes of the meetings.

The applicant engaged the DAC process.

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

LEGAL/POLICY:

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

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

The proposal is consistent with other recently approved multiple dwelling developments on both sides of Loftus Street where variations to front boundary setback, roof form, side boundary setbacks and plot ratio (ranging between 70-80 square metres) were approved.

The revised proposal has responded to the concerns raised following the initial public consultation period, and in most instances complies with the minimum requirements of the planning framework. The scale and height of the proposed development is acceptable.

CONCLUSION:

It is recommended that Council approves this proposal.

9.1.8 Nos. 388 & 396 (Lot: 64 & 65; D/P 613) William Street, Perth – Proposed Periodic Theatre and Associated Activities on Existing Car Park

Ward:	South	Date:	20 November 2015
Precinct:	Precinct 13 – Beaufort	File Ref:	PR27241; 5.2015.482.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Applicant’s Response to Submissions		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by N Ligerwood of Strut and Fret Production House Pty Ltd on behalf of the owner S-I Chen, for the proposed periodic Theatre and associated activities on an existing Car Park at Nos. 388 & 396 (Lot: 64 & 65; D/P: 613) William Street, Perth as shown on plans date stamped 28 October 2015, included as Attachment 2, subject to the following conditions:

1. Approval Period

This approval is only valid until 31 July 2017 and does not allow continuation of the use beyond that date. Should the applicant wish to continue the use after this date, it will be necessary to re-apply and obtain approval from Council prior to continuation of the use;

2. Maximum Number of Persons

The maximum number of people permitted in the event space shall not exceed 630 persons.

3. Minimum Site Facilities

The following minimum facilities shall be provided for each event on site to the satisfaction of the City:

- 3.1 Enclosed event space;
- 3.2 Ablution facilities;
- 3.3 Fencing of the perimeter of the site;
- 3.4 Signage;
- 3.5 Lighting;
- 3.6 Office; and
- 3.7 Waste Storage

4. Days and Hours of Operation

The hours of operation of any event shall be restricted to:

Sunday to Thursday: 12noon - 10pm; and
Friday & Saturday: 12noon – midnight.

5. **Notification of Residents/Businesses**

The applicant shall notify the all residents and operating businesses within a 100 metre radius of the site via letter drop no later than 7 calendar days prior to the start of an event. The letter shall provide details of the event and a contact telephone number to notify the event organisers of any problems arising;

6. **Ticket Pricing**

This development is approved with a shortfall of 63 parking bays on the proviso that performances may only be conducted if all tickets are sold in a package which includes free public transport within the Perth Metropolitan Area, given the area is well serviced by convenient public transport;

7. **Condition of Site**

The event area and all associated facilities shall at all times be maintained in a clean and tidy condition at the operator's cost to a standard that is to the satisfaction of the City;

8. **External Finishes**

All external finishes shall not contain material of an offensive nature, or be a colour, style or form detrimental to the amenity of the immediate surrounds;

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

9.1 **Revised plans:**

A bin storage area of adequate size to accommodate the City's bin requirements;

10. 14 days prior to the commencement of each event the following shall be submitted to and approved by the City:

10.1 **Event Management Plan**

An Event Management Plan in accordance with the City's Policy No. 7.5.7 – Licensed Premises to the satisfaction of the City;

10.2 **Waste Management Plan**

10.2.1 A Waste management Plan prepared to the satisfaction of the City; and

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

11. At all times during the event periods the following is required:

11.1 **Event Management Plan**

Compliance with the Event Management Plan approved by the City;

11.2 Responsible Representative

A responsible representative of Strut & Fret Production House shall be present on-site for the full duration of the event to respond to any complaints or concerns;

11.3 Complaints

A complaints "Hot-Line" phone number shall be made available to the public throughout the duration of the events to members of the public to seek information or lodge any complaints; and

11.4 Light

There shall be no light spillage beyond the boundaries of the event site; and

12. With reference to Condition 6 arrangements for free public transport ticketing must be made with the Public Transport Authority (WA).

ADVICE NOTES:

1. All Noise Management requirements are undertaken in line with the Noise Management Plan, and Sound levels created shall not exceed the provisions of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*;
2. The venue is required to comply with the *Health (Public Buildings) Regulations 1992*;
3. All temporary food stalls and vans shall obtain a Special Events Permit from the City. Application forms together with the relevant fee. The Applicant shall ensure that temporary food stall application forms are submitted to the City at least seven days prior to the event; and
4. With reference to Condition 2, the maximum patronage capacity shall be subject to an assessment in accordance with *the Health (Public Buildings) Regulations 1992*.

PURPOSE OF REPORT:

To approve an application for a Periodic Theatre and Associated Activities at Nos. 388 and 396 William Street, Perth.

BACKGROUND:

DETAILS:

Landowner:	S-I Chen
Applicant:	N Lidgerwood of Strut & Fret Production House Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Commercial Draft Town Planning Scheme No. 2 (TPS2): District Centre
Existing Land Use:	Car Park
Use Class:	Theatre
Use Classification:	"P" Use
Lot Area:	990 square metres
Right of Way (ROW):	Not applicable
Heritage List:	No
Date of Application:	28 October 2015

The application has been received from event managers Strut and Fret Productions to use an existing disused private car park as an event space. The car park was previously managed by Wilson Parking. The event managers have entered into a three year lease with the owners of the land.

The intention is to hold up to 4 events each year each for a fixed duration ranging from six-10 weeks. Each event will include:

- A temporary venue (usually a Spiegeltent) for a theatrical production that ranges in styles and genres to appeal to children, families, seniors and theatre audiences;
- Site office/dressing rooms;
- Box Office, Bar/food service area;
- A single entrance point for patrons at the corner of William and Monger Streets;
- Portable amenities including power generators, toilets; refrigeration, video camera surveillance and external site lighting; and
- Fencing.

The first event is scheduled from 22 January 2016 to 7 March 2016. The tent is proposed to be constructed in January 2016 and will be dismantled and removed from the site by 12 March 2016.

During each event period the site will be open daily with operational hours being determined by the event program.

No car parking is provided onsite.

ASSESSMENT:

The proposal complies in all respects with the provisions of the Scheme expect in relation to car parking and bicycle parking.

Summary Assessment

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

Parking & Access			
Location	Policy Requirement	Proposal	Variation
	<p>Policy No. 7.7.1 – Parking and Access</p> <p>Theatre – 1 spaces per 6 seats (max 630 seats)</p> <p>Total car bays required = 105 car bays</p> <p>Adjustment factors:</p> <p>0.80 (The development is located within 400 metres of a bus route)</p> <p>0.90 (the development is located in a Town Centre)</p> <p>Total adjustment factors = 0.72</p>		

Parking & Access			
Location	Policy Requirement	Proposal	Variation
	<p>Total Car Bays = $0.72 \times 105 = 75.6$ or 76 car bays</p> <p>Where the total number of commercial car bays required (after adjustment factors) is greater than 50 car bays, the number of car bays in excess of 50 shall be reduced by 50 per cent.</p> <p>Total Car Bays = $76 (26/2 = 13) 76 - 13 = 63$ car bays</p>	Nil car bays	63 car bays

Detailed Assessment

The car parking shortfall is the result of the size of the proposed use and the lack of on-site car parking.

The site is centrally located to public transport including the Perth Railway Station and 34 different bus services along William Street, Beaufort Street, Fitzgerald Street and Roe Street, as well as City owned and controlled car parking areas. At the Brisbane Street car park there are 231 bays and the Stadium car park there are 71 bays.

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

Bicycles			
Location	Policy Requirement	Proposal	Variation
	<p>Policy No. 7.7.1 - Parking and Access</p> <p>Theatre – 1 space per 20 seats (max 630 seats)</p> <p>Total Bicycle Bays = $630/20 = 31.5$ or 32 bicycle bays</p>	Nil bicycle parking	32 bicycle bays

Detailed Assessment

There is bicycle parking available in the general vicinity of the site which will adequately cater for the anticipated periodic demand and is acceptable in this instance.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	30 October 2015 to 13 November 2015		
Comments Received:	10 letters of support, 12 objections and five general concern comments were received during the Community Consultation period.		

A total of 709 letters were sent to owners and occupiers within a 200 metre radius of the proposed Periodic Event Space. An additional 100 letters were also hand delivered to all properties within a 75 metre radius of the site including shop fronts and residential properties.

Community Consultation resulted in a response rate of 3.46%.

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Hours of Operation</u></p> <p>Resident concern with noise levels and the hours of operation beyond 10 pm on weekdays</p>	<p>It is considered that the theatre use has the potential to have a detrimental impact on the surrounding residential area, particularly in relation to amplified music. A condition has therefore been recommended to restrict the hours of use of the venue.</p> <p>The applicant has advised that extreme care and diligence is always taken to ensure that the events operate within State EPA regulations.</p>
<p><u>Car Parking</u></p> <p>Concern with number of patrons and that the lack of car parking for this venue will result in vehicles parking on residential streets causing parking issues for residents and businesses.</p> <p>Any other use with a car parking shortfall of this nature would need to pay a significant amount of pay cash-in-lieu which could potentially be partially recouped through the cost of public transport being added to the ticket price.</p>	<p>The proposal is for a temporary and periodic use.</p> <p>The site is well serviced by public transport including frequent bus services along William Street, Beaufort Street, Fitzgerald Street and Roe Street and is located in short walking distance to the Perth train station.</p> <p>There are public car parks located in close proximity to the site including the Brisbane Street car park, the Stadium car park and the City of Perth State Library car park.</p> <p>A condition has been recommended that the ticket price includes the cost of public transport in order to encourage the alternative transport modes for this use and the applicant has advised that all marketing will promote the use of Public Transport to attend the Temporary Theatre space.</p> <p>It is also noted, as the car park space used for this venue is no longer operating, this use does not result in a net loss of car bays for the area.</p>
<p><u>Noise</u></p> <p>Concern with noise that will affect the amenity of the residential area.</p>	<p>A condition has been recommended requiring the applicant to submit an Event Management Plan for each event which would include noise management and control of patron behaviour to ensure adequate measures will be implemented to monitor sound levels during the events. In any event all activities are subject to the provisions of the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>

Summary of Comments Received:	Officer Technical Comment:
	The applicant has advised that they do not promote or program extremely loud or offensive bands or DJ's. There are no plans for any audio to be outside of the theatre structure. All program activities with audio take place within the Theatre structure.
<p><u>Amenity</u></p> <p>Concern with temporary toilets and the likelihood of odours, light spillage, ugly fencing and the location of the generator.</p>	<p>The toilets are required to be serviced and kept clean at all times.</p> <p>All major lighting will be contained within the temporary venue structure and any outdoor lighting will be ambient and placed so that the site is safe for patrons.</p> <p>It is recommended that a condition is imposed that requires that there is no light spillage beyond the boundaries of this site.</p> <p>A condition is recommended that prior to the occupation of the site the applicant is required to liaise with the City to determine the level of fencing appropriate to the site.</p> <p>The applicant has advised of the intention to connect to permanent power supply but will use silent generators and be flexible with the placement of the generators where necessary.</p>

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

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Policy No 7.7.1 – Parking and Access;
- Policy No. 7.1.13 – Beaufort Precinct; and
- Policy No. 7.5.7 – Licenced Premises.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Economic Development

2.1 *Progress economic development with adequate financial resources".*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The theatre will be located within an already established car park.
SOCIAL
The theatre will be a community event for the residents in the immediate and surrounding areas.
ECONOMIC
The theatre will economically benefit immediate businesses in the area.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The City generally requires amalgamation when development proposes to straddle two or more lots. This requirement is not considered to be necessary in this instance as the proposal is temporary and does not include any permanent structures.

The proposed Theatre is a unique type of activity that will have the potential to make a positive contribution to this area as it will entice a variety of customers and add to the local economy. However, it is acknowledged that it may also have a negative impact as a result of the car parking shortfall and on the amenity of the existing businesses and residents in the area.

In relation to the car parking shortfall the following applies:

- the site is centrally located and is easily accessible by alternative transport modes; and
- the City's Policy No. 7.7.1 – Parking and Access permits the City to accept a car parking shortfall to enable an otherwise desirable development to proceed by requiring the payment of cash-in-lieu. However the policy also provides that cash- in-lieu is applied at the discretion of the City.

Given the uniqueness of this development and that it is temporary, it is recommended that the car parking shortfall is accepted and that no cash-in-lieu is required, but instead that a condition is imposed that requires that the cost of public transport is included in the ticket price. This would require the event organisers to make an application to the Public Transport Authority for every event to reach an agreement.

As a use of this nature has never before been considered in this well-established central area its impact on the amenity of the locality is difficult to predict. It is therefore recommended that this approval is granted on a trial basis until the 31 December 2016 only, which will allow the City sufficient time to determine the impact of the car parking shortfall and on the amenity in general.

The recommended conditions and advice notes that form part of this approval have been tailored to specifically manage concerns that have been raised.

CONCLUSION:

It is recommended that Council approves this proposal.

9.1.9 Final Adoption of Proposed Amendment to Policy No. 7.5.13 – Percent for Art

Ward:	All	Date:	20 November 2015
Precinct:	All	File Ref:	SC436
Attachments:	1 – Draft Amended Policy No. 7.5.13 – Percent for Art (as advertised) 2 – Draft Amended Policy No. 7.5.13 – Percent for Art (for adoption) 3 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	T Elliott, Strategic Planning Officer Y Coyne, Coordinator Arts & Creativity		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council:

- ADOPTS Policy No. 7.5.13 – Percent for Art as shown in Attachment 2;**
- NOTES the submissions received in relation to the advertising of draft amended Policy No. 7.5.13 – Percent for Art, included as Attachment 3 and ENDORSES Administration’s responses to those submissions; and**
- AUTHORISES the Chief Executive Officer to advertise the final version of Policy No. 7.5.13 – Percent for Art (Attachment 2) pursuant to Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

PURPOSE OF REPORT:

To consider the outcomes of community consultation regarding the proposed amendments to Policy No. 7.5.13 – Percent for Art and to adopt the amended policy.

BACKGROUND:

The Percent for Public Art scheme was introduced in 1998 in order to develop and promote community identity within the City of Vincent. The scheme has been a success with many developers working with artists to create artworks in the Vincent landscape.

Approximately 60 public art works have been completed to date and the City currently holds \$184,390 that has been paid by developers of new developments in lieu of providing public art works.

Prior to the formal community consultation period, the City canvassed various opinions including stakeholders and independent consultants to inform the changes to the current Policy.

History:

Date	Comment
24 August 1998	Council adopted a Policy relating to Percent for Art Scheme.
9 March 2004 13 March 2007 24 July 2007	Council amended the Policy relating to Percent for Art Scheme on several occasions.
22 April 2008	Council consolidated two policies relating to public art in the City into one policy.

Date	Comment
24 June 2008 4 December 2012 28 May 2013 9 September 2014	Council resolved to amend Policy No. 7.5.13 – Percent for Art which included: <ul style="list-style-type: none"> • Refining clauses for clear interpretation; and • Improving definitions.
9 December 2014 27 January 2015 17 February 2015	Proposed amendments relating to Policy No. 7.5.13 – Percent for Public Art were presented at Council Forums, in relation to: <ul style="list-style-type: none"> • the location of the Public Art works; • the manner in which Cash-in-Lieu payments may be used; • definitions of Public Art and Professional Artist; • administration of cash-in-lieu payments; • maximum percentages of art consultant fees; • removing requirements contained in other policies; and • adjusting the enforcement process of the policy in line with changes to the <i>Building Act 2011</i>.
17 March 2015 – 15 April 2015	Public consultation period of 21 days with one submission received.
22 September 2015	Council resolved to initiate amendments to Policy No. 7.5.13 – Percent for Art.
6 October 2015 – 3 November 2015	Formal Advertising period in accordance with clause 5 of the Deemed Provisions to amend a local planning policy.
24 November 2015	Administration presented the outcomes of community consultation to a Council Forum.

Previous Reports to Council:

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

DETAILS:

No further amendments to the policy are proposed following consultation.

Attachment 1 shows the proposed changes through strikeout and underline to the policy currently applicable, while **Attachment 2** is the clean version.

CONSULTATION/ADVERTISING:

The version of the policy as shown in **Attachment 1** was advertised for public comment.

Required by Legislation:	Required under Schedule 2, Part 2, Clause 5 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Required by City of Vincent Policy:	Required under Clause 1.1(i) and 1.1(ii) of the City’s Policy No. 4.1.5 – Community Consultation.

Consultation Period:	28 Days
Consultation Type:	<ul style="list-style-type: none"> • Alternating 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; • Updates in the Planning and Building E-News; and • Consultation with adjoining Local Authorities and government agencies.

A total of seven submissions were received. One was a submission from a member of the community and the other six submissions were received from government authorities.

The below table provides a summary of the issues identified by the comments received during the advertising period. For further details of the submission please refer to **Attachment 3**.

Summary of Comments Received:	Officer Comment:
There should be a cap on contributions.	Introducing a cap would only benefit higher priced developments (above \$100,000,000) as these developments would effectively contribute less than the 1% that is required from other development. On this basis a cap is not supported as it creates inequity.
There should be allowance for staged developments so that contributions are paid at each stage rather than the total cost up front.	The Policy states that a contribution of 1% of total project cost is payable for Public Art. Allowing for staged developments may result in avoidance of contribution as each stage may not achieve the threshold value under the policy for a contribution to public art.
Selection of artist should be based on the aesthetics of art with experience taken into account and not only open to established professionals.	The Policy states: <i>“The Percent for Art Scheme is not an emerging artist initiative, however in some instances emerging artists may be considered for particular projects.”</i> Opportunity for emerging artists remains in the Policy in defined circumstances.
Cash-in-lieu for public art should be spent in the vicinity of the development.	The aim of the Policy is to integrate artistic concepts into the public realm in general. The intent of the cash-in-lieu component of the policy is to ensure that art work is provided in appropriate locations where it can relate to the context of its location and add aesthetic value.

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

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation; and
- Policy No. 7.5.13 – Percent for Art.

RISK MANAGEMENT IMPLICATIONS:

Should Council not proceed to adopt the amended policy, the existing policy with its ambiguities and lack of clarity will remain and result in the community losing opportunities for public art.

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

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

SUSTAINABILITY IMPLICATIONS:

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

ENVIRONMENTAL
Under the Policy, public art can include landscaping and therefore the policy potentially contributes to the natural environment.

SOCIAL
The Policy, allows opportunities for artists, improves the enjoyment of the City's built environment, and encourages discussion regarding art.

ECONOMIC
Provides employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

As the proposed amendments to the policy refine the current policy to make it more effective, Administration supports the changes.

CONCLUSION:

Administration recommends that Council adopts the Policy and endorses the Officer Recommendation.

9.1.10 Final Adoption of Proposed Amendment to Policy No. 7.7.1 – Parking and Access

Ward:	All	Date:	20 November 2015
Precinct:	All	File Ref:	SC436
Attachments:	<p>1 – Draft Amended Policy No. 7.7.1 – Parking and Access (as advertised)</p> <p>2 – Draft Amended Policy No. 7.7.1 – Parking and Access (showing amendments following advertising)</p> <p>3 – Draft Amended Policy No. 7.7.1 – Parking and Access (for adoption)</p> <p>4 – Summary of Submissions</p>		
Tabled Items:	Nil		
Reporting Officer:	T Elliott, Strategic Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council:

- ADOPTS Policy No. 7.7.1 – Parking and Access as amended and shown in Attachment 3;**
- NOTES the submissions received in relation to the advertising of Draft Policy No. 7.7.1 – Parking and Access, included as Attachment 4 and ENDORSES Administration’s responses to those submissions; and**
- AUTHORISES the Chief Executive Officer to advertise the final version of Policy No. 7.7.1 – Parking and Access (Attachment 3) pursuant to Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

PURPOSE OF REPORT:

To consider the outcomes of community consultation regarding the proposed amendments to Policy No. 7.7.1 – Parking and Access and to adopt the amended policy.

BACKGROUND:

Council initiated an amendment to the City’s Policy No. 7.7.1 – Parking and Access on 7 April 2015 to include a new clause that would exempt some small tenancies (less than 100 square metres) from having to pay cash-in-lieu for car parking. This was done in response to concerns from some Elected Members and business owners that the parking requirements and subsequent cash-in-lieu payments are a disincentive for small businesses to establish in Vincent.

Administration identified potential negative impacts of this proposed amendment and recommended an alternative approach which introduces a new Clause 2.4.

The proposed Clause 2.4 allows car parking requirements to be waived for change of use applications where the application:

- does not reduce onsite car bays;
- does not increase a building’s floor area; and
- has not been subject to a previous Council decision relating to car parking.

These proposed provisions would not apply to any new buildings with an occupation certificate issued on or after 1 January 2014 unless:

- the change of use application is the second or subsequent application after the initial approval; and
- a minimum period of 12 months has elapsed between the first and subsequent change of use applications.

The new provisions would also not apply to change of use applications to Taverns or Small Bars as the objective of the proposal to remove obstacles is to encourage the establishment of small shops which, by their nature present an active front to the street and area rather than small bars and taverns that tend to be more internally focussed.

Additional amendments to the advertised policy are also being recommended as a result of the consultation period and are explained in the Details section of this report.

History:

Date	Comment
27 March 2001	Council resolved to adopt the Planning and Building Policy Manual, including Policy No. 3.7.1 – Parking and Access.
26 October 2004 23 May 2006 12 August 2008	Since initial adoption the policy has been renumbered to Policy No. 7.7.1 and there were various amendments including: <ul style="list-style-type: none"> • Changes to parking ratios; • Improvement of definitions; • Modification to cash-in-lieu requirements; and • Additional land use ratios.
9 March 2010	The City's Car Parking Strategy and associated Parking Precinct Management Plans were adopted.
11 May 2010	Council resolved to adopt a Car Parking Strategy Implementation Plan which includes the requirement to review the City's Parking & Access Policy.
8 October 2013	Council adopted amendments to the Parking and Access Policy to consolidate the provisions of other transport policies which were rescinded as part of the resolution.
17 February 2015	A discussion was undertaken at the Council Forum in relation to possible alternative approaches to cash-in-lieu for car parking for uses less than 100 square metres in Town Centres.
7 April 2015	Council initiated an alternative amendment to that recommended by Administration for advertising.
23 May 2015 – 22 June 2015	Formal Advertising period.
4 August 2015	Administration presented the outcomes of advertising to a Council Forum.
1 September 2015	Administration sought further feedback from Elected Members at a Council Forum on a revised approach to the Amendment.
22 September 2015	Council resolved to not proceed with the advertised amendments and instead initiated an alternative amendment and a subsequent review of the Policy.
6 October 2015 – 3 November 2015	Formal Advertising period.
24 November 2015	Administration presented the outcomes of community consultation to a Council Forum.

Previous Reports to Council:

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

DETAILS:

As a result of the consultation period the following further two amendments are proposed to be incorporated into the policy.

Amendment	Officer Comment
<p>Amend the current wording of Adjustment Factor 7B as follows:</p> <p>The site cannot reasonably accommodate onsite parking required for the development due to the presence of an existing a building listed on the City's Municipal Heritage Inventory and/or significant trees protected under the City's Town Planning Scheme a tree listed on the Trees of Significance Inventory.</p>	<p>The clause was originally introduced into the policy to allow a reduction in car parking requirements for properties retaining buildings listed on the City's Heritage List and/or trees listed on the Significant Tree inventory. The current wording does not reflect this intent due to words having been omitted in error. The re-wording as proposed corrects this error and ensures that the wording clearly aligns with the intent of this provision.</p>
<p>Amended clause 2.4.1(c) as follows:</p> <p>Where the application has not been subject to a previous Council decision relating to car parking.</p> <p><u>Where a current planning approval required payment of cash-in-lieu but that approval has not been acted upon in any way including payment of cash in lieu in part or in full.</u></p>	<p>Administration have recommended to change the wording to clause 2.4.1(c) in order to close a possible loophole. By making this change to the wording the provision to waive cash-in-lieu does not apply to any proposal that was determined prior to the policy changes becoming effective unless the approval had not been acted on, and in this way prevents applicants to request reconsiderations of proposal that have already been determined.</p>

Attachment 1 shows the initiated amendment of the existing policy through strikeout and underline which was initially advertised. **Attachment 2** shows the proposed amendments to the advertised version of the existing policy and **Attachment 3** is the clean version of the amended policy which is recommended for adoption.

CONSULTATION/ADVERTISING:

The version of the policy as shown in **Attachment 1** was advertised for public comment.

Required by Legislation:	Required under Schedule 2, Part 2, Clause 5 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Required by City of Vincent Policy:	Required under Clause 1.1(i) and 1.1(ii) of the City's Policy No. 4.1.5 – Community Consultation.

Consultation Period:	28 Days
Consultation Type:	<ul style="list-style-type: none"> • Alternating 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; • Updates in the Planning and Building E-News; and • Consultation with adjoining Local Authority's and government agencies.

Three submissions were received of which one submission is an objection from a member of the community and two from government agencies.

The below table provides a summary of the issues identified by the comments received during the advertising period. For further details of the submission please refer to **Attachment 3**.

Summary of Comments Received	Officer Comment:
Clause 2.4.1(c) should be reviewed to define the term 'relating to parking'.	No change is proposed for the term 'relating to parking' because it clearly refers to any determination in relation to car parking requirements.
The policy should not control land use.	The Policy does not control land use, nor does it use car parking to control land use. The power to control land use remains in the City's Town Planning Scheme.
Clause 2.4.2 is open to exploitation.	The intention of the 12 month period is to remove the ability to exploit the new clause.
Adjustment factor 7B should be amended to reflect its original intention.	Supported and included as a further amendment to the current policy.

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

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Approving the amendment may result in a loss of cash-in-lieu revenue from change of use applications. The changes proposed however will result in more efficient processing of planning approvals of change of use applications.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

SUSTAINABILITY IMPLICATIONS:

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

ENVIRONMENTAL
Reducing the provision of car parking results in the efficient use of land and reduces the attraction of the private motor vehicle mode of transport.

SOCIAL
New uses will be viable in the City, removing unused spaces and activating community places.

ECONOMIC
It will be financially viable for businesses to establish in existing premises throughout the City which will assist to stimulate the local economy.

FINANCIAL/BUDGET IMPLICATIONS:

Adopting the amendment may result in foregone revenue of cash-in-lieu contributions for change of use applications which satisfy the criteria of Clause 2.4.

COMMENTS:

Administration supports the advertised amendment as it is an appropriate interim measure to assist efficient processing of change of use applications and support local economies.

The comments provided during the public consultation process have been assessed and where appropriate incorporated to further revise the amended policy. The additional changes will not materially change the policy and can therefore be incorporated without further advertising.

CONCLUSION:

Administration recommends that Council adopts the Policy and endorses the Officer recommendation.

9.2 TECHNICAL SERVICES

9.2.1 Proposed Charles Street Bus Bridge and Associated Works

Ward:	Both	Date:	20 November 2015
Precinct:	Precinct 5 - Cleaver	File Ref:	SC653, SC735
Attachments:	<u>1</u> - Bus Bridge Proposal (Plans A to E) <u>2</u> - Plan No. 3268-CP-01 <u>3</u> - Plan No. 3268-CP-02 <u>4</u> - Plan No. 3268-CP-03 (updated plan) <u>5</u> - Plan No. 3264-CP-01 (updated plan)		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

- NOTES** the proposal by Main Roads WA to construct a 'Bus Bridge', south of Newcastle Street, including the construction of dedicated bus lanes on Charles Street, as shown on attached Plans A to E in Attachment 1;
- REQUESTS** Main Roads WA to fund Traffic Management works, estimated to cost \$170,000, in the streets within the Cleaver Precinct, potentially affected by the 'Bus Bridge' project, as shown in Attachment 1 to 5;
- CONSULTS** with residents within the Cleaver Precinct regarding the Traffic Management proposals as shown in Attachments 1 to 5; and
- RECEIVES** a further report at the conclusion of the community consultation.

PURPOSE OF REPORT:

To consider a proposal by Main Roads WA (MRWA) to implement major changes in Charles Street as part of a Bus Bridge proposal and make recommendations on proposed measures to protect the City's nearby streets.

BACKGROUND:

At the Council Forum held on 21 September 2015 the Project Director at MRWA presented a confidential briefing on the proposed Charles Street Bus Project.

The new underground City Busport, located beneath the City Link project area in Wellington Street is scheduled to open in 2016. There is an existing Bus Bridge over the railway lines adjacent the Perth Arena that was originally built to improve bus access to the now demolished Wellington Street bus station.

Prior to the demolition of the Wellington Street bus station the majority of the Charles Street services followed a circuitous route, that required the bus to deviate down Carr Street, Fitzgerald Street and James Street over the Bus Bridge and into the bus station. During the morning peak times this deviation added in excess of five minutes to the travel time and several hundred buses per day to an already congested section of Fitzgerald Street.

In order to improve the reliability and performance of the bus services the Public Transport Authority (PTA) and MRWA are proposing a more direct route for the Charles Street services to and from the new City Busport.

Council was advised that, in conjunction with the new underground City Busport (currently under construction), the PTA and MRWA were proposing to construct dedicated bus lanes in Charles Street, from approximately Violet Street to Newcastle Street.

In addition, as part of the proposal, a 'Bus Bridge' would be constructed from south of Newcastle Street, over the Mitchel Freeway interchange, to link into the existing Bus Bridge (over the railway) to the proposed Busport.

DETAILS:

Proposed Design:

MRWA, and their consultants, prepared a design for dedicated bus lanes along Charles Street in the vicinity of Violet Street to Newcastle Street, then a bridge over the freeway and railway into the Busport.

The 'concept' design presented to Council, at the Forum, has been modified based on comments by Council members and Administration and now includes the following (Refer attached Plan Nos A to C in **Attachment 1**):

- New bus lanes including a (approximately) 110m Bus Bridge of Graham Farmer Freeway (from Charles Street to the existing James Street Bus Bridge). (City of Vincent/City of Perth);
- Approximately 500m of new bus lane on Charles Street. (City of Vincent);
- Carr Street/Charles Street intersection reconfiguration which allows for straight through movement on Carr Street and right turns into Charles Street. There will be no right turn into Carr Street from Charles Street. The intersection will have pedestrian and cyclist access and priority will be provided to buses. (City of Vincent);
- Minor intersection improvements at Newcastle Street/Cleaver Street to allow for a bus only right turn into Cleaver with right turn arrows on pavement for buses only and the intersection will be configured to not allow straight through movement on Cleaver Street heading north. (City of Vincent);
- Current bus routes and frequency to stay the same but to use Cleaver Street/Newcastle Street to access the new busport and bus layover area. (City of Vincent);
- An additional bus stop will be required on Cleaver Street and the bus stops on Carr Street are to be removed. Carr Street patrons may need to walk further to access a bus stop facility. (City of Vincent);
- New off-ramp onto Roe Street to replace James Street off-ramp. (City of Perth);
- Increased turn pocket to two lanes at Charles Street off-ramp. (City of Perth);
- Improved access to bus layover area at James Street. (City of Perth); and
- Minor intersection improvements at James Street and Wellington Street off-ramp. (City of Perth)

MRWA proposed that the detailed bridge design will be developed through the competitive design and construction tender process during 2015 and awarded in 2016. Tenders for the project opened on 20 October and will close on 15 December 2015.

Project Timeline:

MRWA expect to award a contract in February 2016 with construction scheduled to commence in May 2016. The project scope and concept design has been developed by the PTA and MRWA will be responsible to deliver the project which has been announced by the State Government.

Implications for Local Roads:

On 12 November 2015, commencing at 5.15pm, the Minister for Transport and the State Member for Perth hosted a community meeting at the West End Deli in Carr Street to discuss the Bus Bridge project attended by approximately 25 residents. After the Minister for Transport and PTA representatives provided an overview of the proposal, the Director Technical Services provided a brief overview of the potential positive and negative outcomes of the Government's proposal on the local area.

Residents were predominantly in favour of the proposal and discussed a number of current, and potential, traffic related issues in the area. Table 1 outlines outcomes of MRWA proposal and suggested measures to protect streets in the Cleaver Precinct.

Location	Outcome of MRWA Proposal	Comments/City of Vincent Proposals
Carr Street Between Charles Street and Fitzgerald Street.	Buses will no longer be using this section of street resulting in a reduction in heavy vehicle traffic in the street. Currently all Charles Street buses travel along this section of street.	A disadvantage for residents will be the removal of the two bus stops on Carr Street near Fitzgerald Street. Also the proposed removal of the right turn slip lane on Charles Street for north bound traffic wishing to turn right into Carr Street, will result in a reduction in traffic in the street.
Carr Street Between Charles Street and Cleaver Street.	Buses will no longer be using this section of street resulting in a reduction in traffic in the street. This provides scope for introducing traffic calming in the street.	Traffic/pedestrian safety at the intersections of Florence Street/Carr Street and Strathcona Street/Carr Street was raised by residents at the recent site meeting. It is proposed that residents be consulted regarding implementing traffic calming/safety improvements on Carr Street as shown on attached Plan No. 3268-CP-01 at Attachment 2 .
Strathcona Street.	The proposed removal of the right turn slip lane on Charles Street for south bound traffic wishing to turn right into Carr Street, may result in vehicles: <ul style="list-style-type: none"> • turning right from Charles Street into Vincent Street; • then left into Florence Street; and • then across Carr Street and left into Strathcona Street. • 	It is proposed that the City consults with residents on implementing traffic calming in Strathcona Street as shown on attached Plan No. 3268-CP-02 at Attachment 3 .
Florence Street.	The proposed removal of the right turn slip lane on Charles Street for south bound traffic wishing to turn right into Carr Street, may result in: <ul style="list-style-type: none"> • vehicles turning right from Charles Street into Vincent Street; and • then turning left into Florence Street (or Cleaver Street). • 	It is proposed that the City consults with residents on implementing traffic calming in Florence Street as shown on attached Plan No 3268-CP-03 in Attachment 4 .

<p>Cleaver Street Between Carr Street and Newcastle Street.</p>	<p>As part of the proposal, the buses that currently travel along Cleaver Street from Vincent Street and turn into Carr Street, and vice versa, will continue along Cleaver Street to Newcastle Street.</p> <p>Cleaver Street at Newcastle Street is currently restricted to 'left in left out'. The MRWA proposal is to allow buses to turn right from Newcastle Street into Cleaver Street.</p>	<p>It is proposed to modify the intersection to allow this movement for 'buses only'. (Refer attached Plan C in Attachment 1). A bus stop is proposed to be located on the west side of Cleaver Street at the Newcastle Street end.</p> <p>The design will ensure that it is clear that only buses can undertake the right hand manoeuvre</p>
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Table 1: Outcomes of MRWA proposal and suggested traffic measures on streets in the Cleaver Precinct.

Note: Plan No.3264-CP-01 outlines an overview of all the proposed traffic management works as shown in **Attachment 5**.

CONSULTATION/ADVERTISING:

The residents in the Cleaver precinct will be consulted regarding the traffic treatments proposed in their streets.

LEGAL/POLICY:

All streets discussed in the report except for Charles Street, and the Freeway on and off ramps, are under the care, control and management of the City.

STRATEGIC IMPLICATIONS:

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

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

In accordance with the City's *Sustainable Environment Strategy 2011-2016*, Objective 1 states:

"Contribute to a cleaner local and regional air environment by promoting alternative modes of transport than car use to residents and employees within the City".

SUSTAINABILITY IMPLICATIONS:

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

RISK MANAGEMENT IMPLICATIONS:

Low. The risk to the community is considered to be low as the proposal will enhance the streetscape, reduce traffic speeds and volumes and provide a safer environment for residents and cyclists.

FINANCIAL/BUDGET IMPLICATIONS:

Table 1 above outlines outcomes of MRWA proposal and suggested measures to protect streets in the Cleaver Precinct.

Table 2 below indicates who would be responsible for works, associated with the overall project, and the estimated costs for traffic management works on streets in the Cleaver Precinct. The proposed traffic management works would be implemented by the City and funded by MRWA.

Street	Section	Proposal	Estimated Cost	Comments
Carr Street	Charles Street Intersection	Installation of north bound and south bound bus lanes, removal of right turn slip lanes on Charles Street	-	Works by MRWA
	Charles Street and Fitzgerald Street	No works proposed	-	n/a
	Charles Street and Cleaver Street	Proposed traffic management treatments at the intersection of Carr Street with Strathcona and Florence Streets.	\$65,000	Consultation with residents required. Works to be implemented by CoV and funded by MRWA
Florence Street	Vincent Street to Carr Street	Proposed traffic management treatments at the intersection of Florence Street and Vincent Street and midblock treatments	\$60,000	Consultation with residents required. Works to be implemented by CoV and funded by MRWA
Strathcona Street	Newcastle Street to Carr Street	Proposed traffic management treatments at the intersection of Florence Street and Vincent Street and midblock treatments	\$45,000	Consultation with residents required. Works to be implemented by CoV and funded by MRWA
Cleaver Street	Newcastle Street Intersection	Modifications to the Cleaver Street/Newcastle Street intersection to allow for busses only.	-	Works by MRWA
TOTAL			\$170,000	

COMMENTS:

The proposal is a positive step towards improving the efficiency of the bus service and to encourage the use of public transport as it will create a more direct route to the Busport. It will also take busses off two of the City's roads namely Carr Street and a portion of Fitzgerald Street.

There may be some positive and negative impact on the Cleaver Precinct however MRWA have indicated that they will work with the City to mitigate any potential impacts and fund any potential traffic management works in the local road network.

9.2.2 Proposed Change to Existing Time Restrictions in the Fitzgerald Street Car Park and Introduction of Time Restrictions on South Side of Lawley Street, West Perth

Ward:	South	Date:	20 November 2015
Precinct:	Precinct 12 - Hyde Park	File Ref:	SC1072
Attachments:	1 – Consultation Comments 2 – Plan A 3 – Plan No. 3027-PP-01A		
Tabled Items:	Nil		
Reporting Officers:	R Lotznicker, Director Technical Services S Butler, Manager Ranger and Community Safety		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. NOTES;

- 1.1 the comments received during the recent public consultation period as shown in Attachment 1 and the results of the parking survey as outlined in the report; and
- 1.2 Plan No. A, at Attachment 2, which shows all the existing parking restrictions along the streets and in carpark/s in the vicinity of Lawley Street and the Fitzgerald Street Car Park;

2. DEFERS consideration of the;

- 2.1 introduction of paid parking in both Lawley Street and the Fitzgerald Street Car Park until the review of the Car Parking Strategy, has been undertaken; and
- 2.2 requests for parking permits until a review of the City's current approach to parking control and the issuance of parking permits has been undertaken and completed;

3. APPROVES;

- 3.1 the introduction of 3P parking restrictions, 8am to 5.30pm Monday to Friday, in the existing angle parking located on the southern side of Lawley Street, as shown on attached Plan No 3027-PP-01A at Attachment 3; and
- 3.2 amending the existing restriction in the Fitzgerald Street Car Park from '3P, 8am to 12 Noon Monday to Friday', to '3P, 8am to 5.30pm Monday to Friday' as shown on attached Plan No. 3027-PP-01A at Attachment 3; and

4. ADVISES the respondents of its decision.

PURPOSE OF REPORT:

To consider the submissions received regarding the proposed introduction of paid parking in the Fitzgerald Street Car Park and Lawley Street, West Perth.

BACKGROUND:

Ordinary Meeting of Council 2 June 2015:

Council considered a report on a number of options available in respect to the management of the Fitzgerald Street Car Park and the 90 degree angle parking in Lawley Street where the following decision was made.

“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 First Hour Free 7am to 6pm Monday to Friday at a cost of \$2.50 per hour; and*
 - 1.2 *on the southern side of Lawley Street between 7.00am and 6.00pm Monday to Friday;*
2. *NOTES that an amount of \$43,650 is listed for consideration in the Draft 2015/16 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;*
3. *RECEIVES a further report at the conclusion of the community consultation process having regard to any submissions received; and*
4. *APPROVES the issue of 26 Annual Parking Permits to the Azzurri Bocce Club at no cost for Wednesdays only between 7am and 6pm, in accordance with the City's Policy No. 3.9.3 relating to Parking Permits.”*

DETAILS:

Fitzgerald Street Carpark:

This carpark is located behind the Italian Club on Fitzgerald Street and is bounded by Lawley Street to the north, Dorrien Gardens to the west and the rear of Cowle Street properties to the south.

The car park comprises 143 car bays and can only be accessed via Lawley Street, via a Right of Way with a one-way egress onto Fitzgerald Street and via the Water Corporation Reserve (accessway). It is not visible from the adjoining streets and the current restriction is 3P 8am to 12noon Monday to Friday.

Lawley Street:

Several years ago the City constructed a number of 90 degree angle parking bays on the south side of Lawley Street. While parallel kerbside street parking on the north side of the street has parking restrictions i.e. 2P 8am to 5.30pm Monday to Friday, the south side has no parking restrictions.

In support of the introduction of paid parking to the Fitzgerald Street Car Park, Council also decided to include the south side of Lawley Street in the proposal.

CONSULTATION/ADVERTISING:

Consultation was undertaken in accordance with the City's Policy No 4.5.1 Community Consultation.

Required by legislation	No	Required by City of Vincent Policy	Yes
Consultation period	15 July 2015 – 31 July 2015		
Comments Received	<p>In accordance with Council's decision, on 15 July 2015, 36 consultation packs were distributed to residents/businesses in the vicinity of Lawley Street and the Fitzgerald Street Car Park.</p> <p>At the close of consultation the following responses were received.</p> <ul style="list-style-type: none"> • two in favour with no comments; and • one against with comments. • letter from the Italo - Australian Welfare and Cultural Centre Inc. was also received which advised that they wanted 40 permits and the first 3 hours free parking. • a petition (244 signatures) from WA Italian Club Inc. requesting that 'Council amend the proposed paid parking to allow three hours free parking similar to other surrounding carparks instead of the one hour free parking. We would also request that the WA Italian Club be issued with 30 annual permits which will be passed onto our most senior and frail members to be used one day of the week in line with such permits being proposed to be issued to the adjoining Azzuri Bocce Club'. (refer Attachment 1): 		

Parking Survey:

A parking survey of the number of vehicles parked, in the car park and surrounding 'on and off' street parking areas, was undertaken by the City's Rangers from 9 November to 18 November 2015. The results of the survey are outlined in the Table 1 below.

DATE	Fitzgerald Street Car Park(142 bays)			Lawley St, North & South Side (approx. 70)			Robertson Park Car Park (32 bays)			Cowle St, North & South Side (approx. 69)		
	9am	12pm	4pm	9am	12pm	4pm	9am	12pm	4pm	9am	12pm	4pm
Mon 9 Nov 15	51	68	91	45	48	38	10	11	10	22	42	20
Tues 10 Nov 15	35	99	125	49	51	38	10	18	11	48	39	31
Thurs 12 Nov 15	41	116	78	47	42	42	11	8	14	46	40	23
Fri 13 Nov 15	33	89	131	45	48	45	24	14	14	47	45	25
Sat 14 Nov 15	9	55	76	19	22	18	31	17	23	30	31	30
Sun 15 Nov 15	38	44	90	11	45	10	21	17	27	23	23	25
Mon 16 Nov 15	25	80	85	54	45	29	18	16	18	48	41	20
Tues 17 Nov 15	47	124	134	53	49	43	22	18	19	40	44	27
Wed 18 Nov 15	42	128	94	50	47	32	13	14	24	54	44	25
Average No	36	89	100	41	44	33	18	15	18	40	39	25
%	25	63	71	59	63	47	56	46	56	58	56	36
Overall average %	53			56			52			50		

DATE	Randell St, North & South Side (approx. 47 bays)			Fitzgerald St, between Bulwer St & Robertson Park Car Park, East & West side (approx. 33)			Bulwer St, between Fitzgerald St & Palmerston St, North & South Side (approx. 44)			Bulwer St, between Fitzgerald St & Vincent St, North & South side (approx. 40)		
	9am	12pm	4pm	9am	12pm	4pm	9am	12pm	4pm	9am	12pm	4pm
Mon 9 Nov 15	29	21	28	19	21	7	17	25	25	10	12	14
Tues 10 Nov 15	35	32	27	2	16	12	29	27	26	15	16	17
Thurs 12 Nov 15	28	32	23	6	28	5	15	31	25	16	14	10
Fri 13 Nov 15	30	28	31	3	15	14	29	25	25	15	15	22
Sat 14 Nov 15	21	26	21	10	13	11	36	36	19	24	27	27
Sun 15 Nov 15	23	29	21	2	4	11	31	26	18	20	28	21
Mon 16 Nov 15	32	33	29	7	16	4	21	28	25	13	9	9
Tues 17 Nov 15	29	32	22	11	23	16	15	11	28	17	31	12
Wed 18 Nov 15	34	36	23	4	21	28	33	33	12	10	18	17
Average No	29	30	25	7	17	12	25	27	23	16	19	17
%	62	64	53	22	53	36	57	61	51	39	47	41
Overall average %	59			37			56			43		

Table 1: Results of parking survey:

Note: The highlighted numbers in the table represent the highest usage on a particular day/time.

Administration Comments:

Eight parking locations were surveyed with approximately 477 parking bays available in the locations surveyed. This includes the Fitzgerald Street Car Park with 142 car bays available.

The overall average use of all of the parking areas surveyed over the nine day period was just over 50%. There were some peaks and troughs however from the results there seems to be adequate parking available in the area.

The Fitzgerald Street Car Park recorded an average use of 53% however on Tuesday 10 and Friday 13 November between 12noon and 4.00pm the usage was 88% and 92% respectively and on Tuesday 17 November between 12noon and 4.00pm the actual use was just over 90%.

What are we are trying to achieve by changing the status quo?

The survey results indicate that there is parking available in the area as even during times of high usage there are still parking spaces available in the Fitzgerald Street Car Park.

Council previously considered introducing paid parking in both Lawley Street and the Fitzgerald Street Car Park to regulate parking and provide parking 'churn'.

There are 142 parking bays in the Fitzgerald Street Car Park. Council previously approved the issuing of 26 Annual Parking Permits to the Azzurri Bocce Club, at no cost, for Wednesdays only between 7am and 6pm.

Both the Italo - Australian Welfare and Cultural Centre Inc. and the WA Italian Club have requested that, should ticket parking be introduced, that the first three hours be free and that a total of 70 annual permits be issued. This would be on top of the 26 permits previously agreed to by Council for the Azzuri Bocce Club.

If approved, the total number of permits for the carpark would be 96.

While the Italian Club and Azzuri permits will be for one day only the Italo - Australian Welfare and Cultural Centre have requested that the permits be valid every day.

A separate report on the review of the City's approach to parking control and the issuance of parking permits is currently being prepared and in this instance, should be deferred until Council has considered the review.

Officers have therefore reconsidered the original paid parking proposal in the context of the comments/requests received, and the parking survey results and consider that, for now, 3P time restrictions between 8am and 5.30pm Monday to Friday in both Lawley Street and the Fitzgerald Street Car Park should be implemented for the following reasons:

- The 3P time restriction is consistent with the nearby Robertson Park Car Park;
- The 8am to 5.30pm Monday to Friday is consistent with all of the surrounding streets/carpark;
- If paid parking was introduced in the Fitzgerald Street Car Park, and permits issued, as requested, i.e. 106 permits/142 parking bays there would be a significant loss in potential revenue and would restrict the parking availability of others;
- The proposed 3P time restrictions between 8am and 5.30pm Monday to Friday would deter all day CBD parkers while still maintaining the amenity for the adjoining club patrons/visitors to the area; and
- As there are approximately 477 parking bays available in the adjoining area including the Fitzgerald Street Car Park with 142 car bays available, the overall average use of all of the parking areas surveyed over the nine days period was just over 50% (so there is ample parking available at any one time).

LEGAL/POLICY:

The Fitzgerald Street Car Park and Lawley Street will be managed in accordance with the City of Vincent Parking and Parking Facilities Local Law 2007.

RISK MANAGEMENT IMPLICATIONS:

Low: Failure to introduce appropriate parking restrictions 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:

- 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 parking restrictions in these locations and will encourage behavioural change for users of the street/car park.

FINANCIAL/BUDGET IMPLICATIONS:

The cost associated with the installation of poles/signs will be in the order of \$1,500.

Funds totalling \$43,650, for the purchase/installation of ticket machines have been included in the 2015/16 budget however this will not be required as part of the current recommendation.

COMMENTS:

The comments received are generally supportive of the proposal however on the proviso that the first 3 hours are free and the issuing of permits to allow fee parking.

Should paid parking be the preferred option for Council, first three hours fee parking is not available in any of the City's other paid car parks and therefore it would not be supported in the Fitzgerald Street Car Park.

With regards to the issue of permits, Council previously decided to give the Azzurri Bocce Club 26 permits and the WA Italian Club and the Italo - Australian Welfare and Cultural Centre have requested 30 and 40 permits respectively.

Conclusion

It is recommended that Council defers consideration of the introduction of paid parking in both Lawley Street and the Fitzgerald Street Car Park until a review of the Car Parking Strategy, has been undertaken and that appropriate time restrictions, as outlined in the report, be implemented at this stage.

It is also further recommended that any requests for permits be deferred until a review of the City's current approach to parking control and the issuance of parking permits has been undertaken and completed.

9.2.3 Foreshore Restoration – Banks Reserve Foreshore Stage 2 Funding Submission, Progress Report No. 1

Ward:	South	Date:	19 November 2015
Precinct:	Precinct 15 - Banks	File Ref:	SC541
Attachments:	1 – Banks Reserve Foreshore Map 2 – Proposed Project Figures		
Tabled Items:	Nil		
Reporting Officers:	S Hill, Project Officer – Parks and Environment J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **NOTES** the;
 - 1.1 **City of Vincent has been offered a grant of \$85,000 by Department of Parks and Wildlife for Riverbank Funding in 2016/17 for Stage 2 of the Banks Reserve, Swan River foreshore restoration as shown at Attachment 1; and**
 - 1.2 **estimated cost of the restoration project is \$180,300;**
2. **LISTS for consideration an amount of \$95,300 for consideration in the Draft 2016/17 Capital Works Budget for Banks Reserve Foreshore Restoration; and**
3. **ADVISES Department of Parks and Wildlife that it will consider the funding proposal upon finalisation of it 2016/17 budget in June/July 2016.**

PURPOSE OF REPORT:

The City has received conditional approval from the Department of Parks and Wildlife (formerly Swan River Trust) from an expression of interest for funding of \$85,000 for the Stage 2 of the Banks Reserve Swan River foreshore restoration. This funding will require contributory funding to be included in the 2016/17 draft budget.

BACKGROUND:

Section 12 of the *Swan and Canning Rivers Management Act 2006* states that the responsibility of the river park shoreline (two metres above and below the high water mark) is the shared responsibility of the Swan River Trust and the Landowner.

The City maintains a section of the Swan River foreshore approximately 1.2km in length which extends from Mitchell Street (boundary Road with the City of Bayswater) Mercy Hospital, through to the Windan Bridge.

In early 2015 the then Swan River Trust contacted the City and strongly encouraged them to submit an Expression of Interest for the 2015/16 round of Riverbank Funding. Administration subsequently engaged Natural Area Holdings to provide a project proposal for the Banks Reserve Foreshore Restoration (Stage 2).

DETAILS:

Past Riverbank Restoration works at Banks Reserve (refer Attachment 1):

The section of foreshore between Mitchell Street and the southern portion of Banks Reserve (at the Summers Street car park), was previously re-contoured, retained using brush mattresses and rock revetments and coir logs, and landscaped with local native species. This area is now well maintained and more importantly the riverbank is stable and not continuing to erode due to the various engineering and landscaping measures previously implemented.

Banks Reserve Foreshore Restoration Stage 1:

In 2004/05, the City allocated funds to investigate, plan and implement works at Banks Reserve to restore the eroded sections of riverbank. At the time, the City engaged Syrinx Environmental to prepare a comprehensive report and preliminary design for the proposed restoration works. This proposal formed the basis of an application to the Swan River Trust (SRT) for riverbank funding.

In 2006 the City was successful in securing \$172,059 from the 2006/07 round of Riverbank Funding to carry out the Banks Reserve Foreshore Restoration Project (Stage 1) at a total cost of \$285,000.

In December 2006 the tender to undertake the works was awarded to Syrinx Environmental. Works commenced early 2007 and involved an area of foreshore that extends approximately 160m south of Walters Brook. Stabilisation techniques included the installation of log-barriers and brush mattresses with limestone rocks at the base to hold the material to the slope and disperse the impacts of waves. The area was then revegetated with native tubestock which when established, will provide long term stabilisation to the riverbank. The project was completed in July 2007.

This section of foreshore is now stabilised and well vegetated. The successful restoration project has enhanced the natural habitat and overall aesthetics of this section of foreshore and Banks Reserve as a whole.

Tony Di Scerni Pathway:

The Western Australian Planning Commission (WAPC) commenced construction of the Swan River Regional Recreational Path (Tony Di Scerni pathway) in 2006/07. The path was opened in 2008 and the area was maintained by the WAPC up until 30 June 2010.

At its Ordinary Meeting held on 13 April 2010, Council agreed to take on the care, control and management of this area from 1 July 2010.

The upgrade of this section of river foreshore has provided a direct link to the City via the Recreational Shared Path (RSP) and forms a passive vegetative barrier between the river and adjacent properties.

Proposed Project – Banks Reserve Foreshore Restoration Stage 2:

The section of riverbank south or down river from Banks Reserve is in poor condition, with severe erosion causing steep embankments and the potential risk of trees and parts of the RSP falling into the river.

It should be noted that if this project is approved and progressed further, a detailed design will be required and this would be funded through the grant and the City as part of the co-funding budget estimate.

Current Site Condition:

The proposed stage 2 foreshore restoration site extends approximately 150m south from the stage 1 works and is currently in a degraded condition, dominated by exotic grasses and several large exotic trees. The area is well utilised for fishing and other passive recreation activities such as canoeing, walking and cycling.

Project Objectives:

The objectives of the Banks Reserve foreshore restoration project are to:

- Stabilise the foreshore to mitigate erosion and provide protection to nearby assets such as the RSP;
- Increase the amenity of the area;
- Formalise public access to reduce foreshore degradation and erosion and ensure user safety; and
- Revegetate the area using local native species.

Project Proposal:

In order to achieve the project objectives, it is proposed to use a combination of foreshore restoration and stabilisation techniques including gabion walls (Figures 1 and 2), rock revetments (Figure 3) and toe protection (Figure 4) as shown at **Attachment 2**.

1) Gabion Walls with Formalised Access Points:

The objective of the gabion walls is to disperse wave action, provide toe protection and allow backfilling using clean river sand. A geotextile ground layer will be installed to prevent the loss of material from behind the gabions. Jute matting will be applied to the top layer to stabilise the soil and assist with plant establishment and prevent weed growth.

Formalised access points will consist of two fishing/canoe launching platforms at the northern end of the site adjacent to the carpark. Platforms will be constructed using galvanised steel framework and non-slip decking board.

2) Rock Revetments:

Several existing trees within the northern end of the site will require protection. It is proposed to construct rock toe/revetments around these trees to provide erosion mitigation as well as to tie-in to the gabion walls.

Rock revetments would consist of limestone spalls placed over a geotextile ground layer. Minor backfilling may be required behind each revetment to cover exposed roots and tie in the back of the revetment to the existing bank.

3) Embankment Stabilisation and Toe Protection:

Due to the steep slope present at the northern end of the site, proposed works are as follows:

- Removal of rubble from foreshore area;
 - Removal of exotic grasses from slope;
 - Installation of jute or coir mesh matting to provide stabilisation;
 - Installation of toe protection in the form of rock rip rap and brush log walling; and
 - Revegetation behind the toe using native sedges.
-

CONSULTATION/ADVERTISING:

Should Council approve the allocation of funds for Banks Reserve Foreshore Restoration (Stage 2) in the 2016/17 Budget, detailed designs and specifications for the project will need to be drawn up and approved. Upon final approval of the proposed works the design will need to be advertised for public comment.

LEGAL/POLICY:

In undertaking this project, the City is required to comply with the following:-

- *Swan River Trust Act 1988*
- *Aboriginal Heritage Act 1972*
- *Native Title Act 1993*

Section 18 Clearance:

On the 28 February 2007, the City received conditional consent under section 18(3) of the *Aboriginal Heritage Act 1972* for the stage 1 and 2 restoration of the existing severely eroded riverbank using a bio-engineering construction method and revegetation with indigenous plant species.

In accordance with Part 4 of the *Local Government (Function and General) Regulations 1996* should the project receive funding, public tenders will be called.

RISK MANAGEMENT IMPLICATIONS:

Medium/High: The banks along the Swan River have been eroding overtime due to wave action caused predominantly by boats using the river. This is a major concern as the root systems of existing mature trees, located at the river edge, are slowly being undermined to the point where the trees are susceptible to collapse. Should this occur, erosion of the river banks would accelerate, causing concern for nearby assets such as the Regional Shared Path. Stabilising the river banks is crucial to address this matter.

STRATEGIC IMPLICATIONS:

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

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

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

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

1.1.6 Enhance and maintain the City's parks, landscaping and the natural environment."

In accordance with the City's *Sustainable Environment Strategy 2011-2016*, Objective 6 states:

"6. *Re-establish, conserve and enhance floral and faunal biodiversity, native vegetation, green spaces and green linkages within the City.*

6.3.1 *Continue to replant areas of City-owned land with local plant and tree species to increase food and habitat areas, including native fringing vegetation as faunal habitat areas.*

6.3.2 *Continue to establish Greenways by vegetating road reserves, expanding the street tree program, and enhancing other habitat corridors as opportunities arise.*

6.3.8 *Promote faunal protection and habitat enhancement within the City."*

SUSTAINABILITY IMPLICATIONS:

The proposed restoration of this section of foreshore at Banks Reserve will achieve a number of sustainability outcomes:

- Stabilisation of foreshore to provide protection to nearby natural and built assets;
- Enhancement of the recreational facility and foreshore area through formalised access points will allow for effective management of recreational use whilst reducing the associated impact and risks;
- Protection of high conservation areas;
- Reduce maintenance cost; and
- Increased biodiversity through protection of existing vegetation and revegetation of the area using local native species.

FINANCIAL/BUDGET IMPLICATIONS:

The City has been offered a grant of \$85,000 by the Swan River Trust for Riverbank Funding in 2016/17. The estimated cost of the restoration project (Stage 2) is \$180,300.

Should this proposal be supported, Council would need to contribute \$95,300 towards the project in 2016/17.

COMMENTS:

The SRT has in the past provided significant financial assistance to the City in completing and upgrading a very popular section of the river foreshore.

The Stage 1 restoration project was completed in 2007 with financial assistance from the SRT and the outcome has been effective and successful.

Parks and Wildlife Riverbank program has ranked the proposed stage 2 restoration site as Priority 1. If funding for this project is not secured in this round, there is no guarantee of funding in the future.

The proposed design for Stage 2 uses a variety of bio-engineering techniques in order to protect and enhance the facilities and areas for public use. The techniques in the proposal have been widely and successfully used in other restoration projects along the Swan River and are supported by the SRT.

In addition there is strong community support for the project both from the Claise Brook Catchment Group and the Banks Precinct Action Group.

If works are not undertaken in the near future, degradation of the river foreshore will continue and this will eventually result in loss of mature trees and a portion or portions of the RSP where it closely abuts the river adjacent to the Summers Street car park.

9.2.4 Proposed Parking Restriction Trial at the Flinders Street and Coogee Street Car Parks, Mount Hawthorn

Ward:	North	Date:	23 November 2015
Precinct:	Precinct 1 - Mount Hawthorn	File Ref:	SC2453, SC2517, SC2518
Attachments:	<u>1</u> - Plan No. 3269-PP-01 <u>2</u> - Plan No. 3270-PP-01 <u>3</u> - Observational Car Parking Study		
Tabled Items:	Nil		
Reporting Officers:	G Lawrence, Place Manager J O'Keefe, Manager Policy and Place		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

- 1. APPROVES the introduction of a six month trial of 3P Parking Restrictions, 8am to 5.30pm Monday to Friday in the Coogee Street Car Park and Flinders Street Car Park, Mount Hawthorn, as shown in Attachment 1 and 2; and**
- 2. RECEIVES a further report at the completion of the trial period.**

PURPOSE OF REPORT:

To inform Council of the outcomes of the observational car parking study undertaken in regards to the proposed installation of timed parking restrictions in the Coogee Street Car Park and Flinders Street Car Park, Mount Hawthorn and recommend appropriate parking restrictions in these areas on a trial basis.

BACKGROUND:

In the last three months the City has received multiple requests for timed parking restrictions in the Coogee Street and Flinders Street City owned car parks. These requests have come from local landowners and local business owners and operators from the southern side of Scarborough Beach Road between Flinders Street and Fairfield Street.

The requests have been made in response to ongoing issues with the management and use of both car parks. There is a perception that local employees park in both car parks during business hours for prolonged periods of time. There is also a perception that the use of these car parks by local employees unduly precludes their use by local shoppers and visitors to the town centre.

Recent changes to the previously unrestricted privately owned car park located between Anvil Lane and Coogee Street have exacerbated the issue. The introduction of ticketed parking in this car park has displaced a number of local employees who previously used it during business hours. These employees have since relocated and continue to use both the Coogee Street and Flinders Street unrestricted car parks.

DETAILS:

A number of areas in North Perth and Mount Hawthorn, which may benefit from improved parking management were identified some time ago. There has been a reluctance to introduce these measures in the absence of current data.

To address this lack of data in August 2015 the City's Policy and Place team advertised a Request for Quotation (RFQ) for the Data collection and audit of public and City managed car parking bays for North Perth and Mount Hawthorn (Data Audit 2015).

A preferred supplier has been selected, however the Data Audit 2015 is yet to be undertaken and will not be completed in time for Christmas trading.

In order to determine an interim measure to address the ongoing management issues with the Coogee Street and Flinders Street Car Parks in Mount Hawthorn, Administration has undertaken an observational study of both car parks over a two week period.

This study included the morning, lunchtime and afternoon observation of both car parks on Wednesday 11 November, Tuesday 17 November and Thursday 19 November.

The detailed findings and data collected to substantiate these findings are outlined at **Attachment 3** and summarised in the following table 1:

Car Park	No. of Bays	Restriction	Peak Occupancy (%) and Duration (% and hours) Tues, Wed & Thurs
Coogee Street Car Park	44	42 Unrestricted 2 disabled/ ACROD	<ul style="list-style-type: none"> • >95% by 9.00am • >96% 12.00pm - 2.00pm • 83% vehicles parked 5 hours or more
Flinders Street Car Park	28	Unrestricted	<ul style="list-style-type: none"> • >56% by 9.00am • >100% 12.00pm – 2.00pm • 33% vehicles parked 5 hours or more
Total	72		

Table 1: Observational Car Parking Study

Administration Comments:

The observational study found that both Coogee Street Car Park and Flinders Street Car Park were both used during business hours for prolonged periods by local employees. The study found that Coogee Street Car Park was significantly more affected by local employee use but that parking for shoppers and town centre visitors was significantly reduced in relation to both.

On all three days the Coogee Street Car Park was 100% filled by 9.00am with the exception of the two disabled parking bays. Similarly, on all three days Coogee Street Car Park was 100% filled during the lunch time peak period between 12.00pm-2.00pm. Although Flinders Street Car Park was only 56% full by 9.00am, on all three days it was at maximum capacity during the lunch time peak period.

There is a clear and ongoing issue with cars being parked for prolonged periods of time during business hours with 83% of the 44 Coogee Street bays being used for 5 hours or more and 33% of the 28 Flinders Street bays being used for 5 hours or more. The use of these car parks for extended periods of time limits their use by local shoppers and town centre visitors and is of particular significance during lunch time peak periods when the car parks are at maximum capacity.

There is a need to carefully manage this parking to prioritise activities supporting economic activity. As an interim measure it is proposed that a six month trial 3P time limited restriction be implemented in both car parks. This would allow the City to gain additional data in order to gauge the effectiveness of this interim management measure through an additional observational study. This additional data would not be in isolation and would form a subset of the information and data collection which will be obtained through the work undertaken as part of the Data Audit 2015.

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: Mainly related to amenity improvements for local shoppers and visitors.

STRATEGIC IMPLICATIONS:

Car Parking Strategy:

The City of Vincent's Car Parking Strategy (2010) recommends the improved management of the City's existing public car parking. This includes setting the appropriate prices and time restrictions relative to the demand for parking for each precinct.

Recommendation 7 of the consolidated recommendations states the following:

"The following objectives are adopted for the Parking Strategy for Vincent. The strategy should:

- *Provide enforcement resources to ensure safety, adequate turnover of parking spaces to support business activity in the areas and to protect residential amenity.*
- *Ensure parking space availability is managed according to the varying needs of businesses, customers and commuters."*

City's Strategic Plan 2011-2023:

In keeping with the City's *Strategic Plan 2011-2023 Objective 1:*

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The inclusive cost to install the appropriate Australian Standards signage (in both locations) is in the order of \$600.

COMMENTS:

As indicated by the above, there is a clear need for better management of the Coogee Street Car Park and Flinders Street Car Park.

It is evident that a broader town centre transport and parking management strategy is required to holistically address the parking issues within the Mount Hawthorn town centre. As this strategy is yet to be completed it is believed that an interim management measure is required. In lieu of this strategy and as an interim measure only a trial 3P parking restriction should be introduced. This would significantly improve the management of the car parks and prioritise their use for drivers and users who support economic activity in the town centre.

This would also give the City an opportunity to undertake further analysis of these car parks to inform the broader town centre transport and parking strategy. This analysis would not be in isolation and would feed into the Data Audit 2015 currently being progressed by the City's Policy and Place team.

As a result of the findings it is recommended that a 3P time restriction be implemented to manage the Coogee Street Car Park and Flinders Street Car Park in order to prioritise their use for activities which support economic activity and reduce their prolonged use by local employees.

Conclusion:

The introduction of trial restrictions will enable the City to prioritise the Coogee Street Car Park and Flinders Street Car Park for drivers and activities which support economic activity in the Mount Hawthorn town centre.

9.3 CORPORATE SERVICES

9.3.1 Financial Statements as at 31 October 2015

Ward:	Both	Date:	20 November 2015
Precinct:	All	File Ref:	SC357
Attachments:	1 – Financial Reports		
Reporting Officers:	N Makwana, Accounting Officer B Wong, Accountant G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

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

PURPOSE OF REPORT:

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

Financial reports as presented are an estimate of the October month end position. Pending finalisation of 2014-2015 accounts and audit which may necessitate some further adjustments. Some of these adjustments may have a follow-on impact on the 2015-16 results.

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

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

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

DETAILS:

As stated earlier, this report gives an estimate of the October position as it uses provisional figures. Once the 2014-15 financial year end adjustment is completed, some July 2015 opening balances may change, which may have a flow-on effect on 2015-16 figures.

The following documents, included as **Attachment 1** represent the Statement of Financial Activity for the period ending 31 October 2015:

Note	Description	Page
1.	Statement of Financial Activity by Programme Report and Graph	1-3
2.	Statement of Comprehensive Income by Nature and Type Report	4
3.	Net Current Funding Position	5
4.	Summary of Income and Expenditure by Service Areas	6-35
5.	Capital Works Schedule and Funding and Graph	36-42
6.	Cash Backed Reserves	43
7.	Receivables	44
8.	Rating Information and Graph	45-46
9.	Beatty Park Leisure Centre Report – Financial Position	47
10.	Explanation of Material Variance	48-55

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

Summary of Financial Activity By Programme as at 31 October 2015

	Original Budget \$	Year to date Budget \$	Year to Date Actual \$	Year to Date Variance \$	Year to Date Variance %
Operating Revenue	29,470,806	10,545,409	10,286,492	(258,917)	-2%
Operating Expenditure	(55,853,974)	(18,587,627)	(15,629,376)	2,958,251	-16%
Add Deferred Rates Adjustment	0	0	8,414	8,414	0%
Add Back Depreciation	11,058,555	3,686,104	2,396,530	(1,289,574)	-35%
(Profit)/Loss on Asset Disposal	(3,716,718)	(1,828,354)	(1,840,469)	(12,115)	1%
Net Operating Excluding Rates	(19,041,331)	(6,184,468)	(4,778,409)	1,406,059	-23%
Proceeds from Disposal of Assets	4,662,151	2,605,818	2,625,341	19,523	1%
Transfer from Reserves	2,391,223	1,166,223	97,541	(1,068,682)	-92%
	7,053,374	3,772,041	2,722,882	(1,049,159)	-28%
Capital Expenditure	(12,657,347)	(6,635,323)	(2,092,561)	4,542,762	-68%
Repayments Loan Capital	(760,288)	(246,286)	(246,286)	0	0%
Transfers to Reserve	(4,568,059)	(933,892)	(933,517)	375	0%
	(17,985,694)	(7,815,501)	(3,272,363)	4,543,138	-58%
Net Capital	(10,932,320)	(4,043,460)	(549,482)	3,493,978	-86%
Total Net Operating and Capital	(29,973,651)	(10,227,928)	(5,327,891)	4,900,037	-48%
Rates	29,396,786	29,209,780	29,451,582	241,801	1%
Opening Funding Surplus/ (Deficit)	576,865	576,865	2,018,240	1,441,375	250%
Closing Surplus/(Deficit)	0	19,558,717	26,141,931	6,583,213	34%

**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 2% which is primarily due to less revenue received for fees and charges in the Transport program.

Operating Revenue as presented on the 'Nature and Type' report (Page 4 of **Attachment 1**) is on budget.

Operating Expenditure

The positive variance is currently at 16% and is primarily due to the delayed payment cycle for materials, contracts and depreciation charges being lower than budget.

Transfer from Reserves

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

Capital Expenditure

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

Transfer to Reserves

Monthly transfer to Asset Sustainability Reserve commenced in July based on budget phasing. This will be reviewed quarterly and transfers based on actuals will be adjusted after the review.

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

Opening Funding Surplus/(Deficit)

The estimated surplus Opening Balance brought forward from 2014-15 is \$2,018,240, as compared to budgeted opening surplus balance of \$576,865. The actual balance may change once end of year process is completed.

Closing Surplus/(Deficit)

There is currently a surplus of \$26,141,931 compared to year to date budget surplus of \$19,558,717. This is substantially attributed to the positive variance in operating expenditure and the current level of Capital Expenditure.

Please note that the October closing balance does not represent cash on hand (please see the Net Current Funding Position on page 5 of the attachment).

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

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

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

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

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

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

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

The net current funding position as at 31 October 2015 is \$26,141,931.

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

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

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

The following table is a Summary of the 2015/2016 Capital Expenditure Budget by programme, which compares Year to date Budget with actual expenditure to date. The full Capital Works Programme is listed in detail in Note 7 of Attachment 1.

	Original Budget \$	Year to date Budget \$	Year to Date Actual \$	Full Year Budget Remaining %
Furniture & Equipment	469,300	263,300	90	100%
Plant & Equipment	1,831,650	392,650	95,051	95%
Land & Building	2,858,272	2,077,755	463,265	84%
Infrastructure	7,498,125	3,901,618	1,534,155	80%
Total	12,657,347	6,635,323	2,092,561	83%

	Original Budget \$	Year to date Budget \$	Year to Date Actual \$	Full Year Budget Remaining %
Capital Grant and Contribution	1,791,189	183,975	137,886	92%
Cash Backed Reserves	2,391,223	100,000	97,541	96%
Other (Disposal/Trade In)	135,000	42,000	52,914	61%
Own Source Funding – Municipal	8,339,935	6,309,348	1,804,219	78%
Total	12,657,347	6,635,323	2,092,561	83%

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

6. Cash Backed Reserves (Note 6 Page 42)

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

The balance as at 31 October 2015 is \$8,507,781. The balance as at 30 September 2015 was \$8,304,014.

7. Receivables (Note 7 Page 43)

Receivables of \$2,846,542 are outstanding at the end of October 2015, of which \$461,224 has been outstanding over 90 days. These comprise:

\$392,104 (13.8%) relates to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangements for more than one year.

\$69,120 (2.4%) relates to Other Receivables.

\$2,080,479 (73.1%) relates to unpaid infringement. Infringements that remain unpaid for more than two months are sent to Fines Enforcement Registry (FER). FER collect the outstanding balance and return the funds to the City for a fee.

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

8. Rating Information (Note 8 Page 44 - 45)

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

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

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

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

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

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

Rates debtors as at 31 October 2015 including deferred rates was \$9,463,362 which represents 31.43% of the collectable income compared to 26.82% at the same time last year. It is of note that the rates notices were distributed one week earlier in 2014, with the first instalment due on 25 August, 2014, which may have contributed to the lower percentage paid for the corresponding period.

9. Beatty Park Leisure Centre – Financial Position Report (Note 9 Page 46)

As at 31 October 2015 the operating deficit for the Centre was \$10,941 in comparison to the year to date budgeted deficit of \$57,243.

The October budget estimates for Beatty Park Leisure Centre were mostly under or less than the actual expenditure incurred or revenue received. This has been detailed in the variance comments report in **Attachment 1**.

The cash position showed a current cash surplus of \$228,575 in comparison year to date budget estimate of a cash surplus of \$196,581.

10. Explanation of Material Variances (Note 10 Page 47 - 54)

The materiality threshold used for reporting variances is 10% on variances more than \$10,000. This threshold was adopted by Council as part of the Budget adoption for 2015-16 and is used in the preparation of the statements of financial activity when highlighting material variance in accordance with *Financial Management Regulation 34(1) (d)*.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

All expenditure included in the Financial Statements is incurred in accordance with Council's adopted Annual Budget. However, it is noted that a small capital expense has been incurred to purchase minor plant with no approved budget for 2015-2016. Historically, there has always been a budget for such purchases which has been omitted in the current year. This will be addressed while adjusting the carry forwards as the account was underspent in 2014-2015.

9.3.2 City of Vincent Aged Persons and Senior Citizens Reserve

Ward:	North	Date:	27 November 2015
Precinct:	Leederville - 3	File Ref:	SC313/SC308
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	J Paton, Director Corporate Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council:

1. **NOTES** that the surplus funds transferred to the City by Leederville Gardens (Inc) in accordance with clause 39(3) of its Constitution is transferred in 'trust';
2. **APPROVES BY ABSOLUTE MAJORITY**, in accordance with section 6.8(1) of the *Local Government Act 1995* the unbudgeted transfer of \$889,803 from the City's Municipal fund into the Aged Persons and Senior Citizens Reserve, to reimburse \$745,352 transferred from the Reserve in 2014/15 together with accrued interest;
3. **NOTES** the Annual Financial Report for the year ended 30 June 2015 has been amended on the advice of the City's Auditor to reflect the movement of \$875,631 (\$745,352 plus interest to 30 June 2015) from Unrestricted Cash to Restricted Cash, effectively neutralising the transfer approved by the Council on 18 November 2014; and
4. **NOTES** that a further report will be provided to Council to advise on the broader requirements for the management of the funds held in trust in the Aged Persons and Senior Citizens Reserve.

PURPOSE OF REPORT:

To consider reimbursing the Aged Persons and Senior Citizens Reserve of the \$745,352 transferred during 2014/15, together with accrued interest.

BACKGROUND:

Leederville Gardens Retirement Village was constructed on land provided free of charge by the City of Perth. The freehold ownership of the land is registered in the name of Leederville Gardens (Inc) (the Association), which operates under a constitution, originally prepared by the City of Perth in 1991.

DETAILS:

The original Constitution (originally named Lake Monger Senior Citizens' Centre and Homes (Inc)) provided that the operating surplus of the Association would be transferred:

"... to the City to be deposited by the City in a Particular Trust Account and disbursements therefrom shall only be made to public benevolent institutions which are located within the municipality of the City of Perth and which are covered by the provisions of sub-paragraph 78(1)(a)(ii) of the Income Tax Assessment Act ..."

In 1998 the Constitution was amended to provide that the transfer of funds by way of Trust to the Town, is on the basis that the Town deposit the excess in a particular trust account and payments from that account shall be made to one or any of those organisations which;

- “(i) have similar aims and objectives to the Association;*
- (ii) exist for the acquisition, provision, maintenance, management or extension of the existing village operated by the Association, or the purchase or construction of a similar type of village for senior citizens within the Town’s boundaries; and*
- (iii) are covered by the provisions of section 78(4) and Item 4.1.1 of the Income Tax Assessment Act,*

and the Deputy Commissioner of Taxation in Western Australia shall be provided with a copy of the financial records of the Trust in each financial year at the completion of the audit referred to in clause 25.

If no organisation exists which satisfies the requirements set out in clause 46(3) the Town may transfer the excess in the manner set out in clause 46(3) to one or any of those organisations which:

- (a) are covered by the provisions of section 78(4) and Item 4.1.1 of the Income Tax assessment Act; and*
- (b) are approved in writing by the Association as appropriate recipients of the excess prior to the transfer taking place.*

and the Deputy Commissioner of Taxation in Western Australia shall be provided with a copy of the financial records of the Trust in each financial year at the completion of the audit referred to in clause 25.”

At the Ordinary Meeting of Council on 19 January 1998, report 11.3.12 noted that Leederville Gardens (Inc) *“has now transferred the sum of \$925,405 to the Town of Vincent, in accordance with their constitution. While that constitution requires us to hold the funds in a trust, the proper accounting treatment of these monies is for them to be held in a specific cash reserve for the purpose as outlined in (ii) above”*. Council approved the establishment of the Aged Persons and Senior Citizens Reserve (the Reserve) and the transfer of the \$925,405 into the Reserve.

It is of note that the defined purpose of the Reserve as detailed below is inconsistent with the relevant provisions in the constitution:

- “For the acquisition, provision, maintenance, management or extension of the existing Leederville Gardens Village; or*
- The purchase or construction of a similar type of village for Senior Citizens; or*
- Provision of aged or senior citizens facilities, within the City’s boundaries.”*

In August 2006, Council approved amendments to the Constitution, previously endorsed by the members of the Association at their AGM. In respect to the transfer of the Surplus Funds as detailed in clause 39 (previously 46), the following key amendment occurred:

- This payment to the Town shall be on the basis of a trust to the Town requiring that the Town deposit the excess in a particular Trust reserve account.*

At 30 June 2014, the balance of the Reserve was \$3,620,923 made up of ‘surplus’ funds from the Association together with accumulated interest on the balance.

At the Special Meeting of Council on 3 September 2014, as part of the City's strategy to deal with the potential significant Budget deficit, Council approved by absolute majority, pursuant to section 6.11(2)(b) of the *Local Government Act 1995* (the Act), to give one month local public notice of the proposed use of the past five years of accumulated interest earned from the Reserve, calculated at \$745,352. The transfer was subsequently approved by Council on 18 November 2014.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Local Government Act 1996

6.9 Trust Fund

- (1) A local government is to hold in the trust fund all money or the value of assets —
 - (a) that are required by this Act or any other written law to be credited to that fund; and
 - (b) held by the local government in trust.
- (2) Money or other property held in the trust fund is to be applied for the purposes of, and in accordance with, the trusts affecting it.
- (3) Where money or other property is held in the trust fund, the local government is to —
 - (a) in the case of money, pay it to the person entitled to it together with, if the money has been invested, any interest earned from that investment;
 - (b) in the case of property, deliver it to the person entitled to it.

RISK MANAGEMENT IMPLICATIONS:

Low: This is a compliance matter.

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

The Reserve had a closing balance on 30 June 2015 of \$3,238,209. If the transfer from this Reserve had not occurred, and interest earnings had been credited to this Reserve, the balance of the Reserve at 30 June 2015 would have been increased by the following amount:

Transfer to Municipal	\$745,352
Interest Earnings to 30/06/2015	\$130,279
Total	\$875,631

During the first four months of 2015/16 this Reserve averaged 3.237% earnings on investments. If the 2015/16 Opening Balance had been increased by \$875,631, this Reserve would have earned an additional \$9,448 during the period July to October 2015. If this rate of earnings is extrapolated to the end of December, the interest earned could be estimated at \$14,172, bringing the total amount due to be reimbursed to the end of December 2015 to \$889,803.

It is noted, that as part of the finalisation of the 2014/15 annual audit, the City's Auditor sought information on subsequent events to the Reporting date that may have a material impact on the 2014/15 Financial Report. Administration provided the auditors with specific information and advice in respect to the Reserve and as a result, they have recommend changes to the Annual Financial Report to reflect the likely restriction on the above funds.

The changes proposed by the City's Auditor will have the effect of recognising the movement of \$875,631 from 'Unrestricted' Cash to 'Restricted' Cash. In turn, this will reduce the closing balance from \$1,883,522 (as reported to the Audit Committee) to \$1,007,891. Effectively, this amendment will neutralise the original transfer, which was required as one of the strategies to deal with the deficit at the time. Given the City's improved financial performance during the year, that funding has proven to not be required.

It is noted that the Opening balance for 2015/16 was estimated at \$576,865, however the annual audit for 2014/15, including the amendment for 'subsequent events' has identified that the actual closing balance for 2014/15 is \$1,007,891, an improvement of \$431,026. Whilst this report is recommending formal approval for the reimbursement of the Reserve in 2015/16, as a result of the past year adjustment, the net effect for the Municipal fund in 2015/16 will be recognition of the interest to be credited on the increased balance of the Reserve from 1 July 2015, which is estimated at \$14,172.

COMMENTS:

It is unclear, on what basis the 1998 advice to Council was made, in respect to the "proper accounting treatment" of the transferred surplus being held in a Reserve account rather than in Trust.

The City obtained legal advice on this matter, which (among other things) concluded that:

- The City is bound by the terms of the trust created by the Constitution. When the City receives the surplus funds, it holds those funds on trust. This means that the City has the legal possession and title to the money, but that a trust has been created whereby the City holds the funds for the benefit of the Association and those purposes specified in clause 39(3) of the Constitution;
- As the City receives the surplus funds on trust, they should be held in a trust fund established by S.6.9 of the Act; and
- S.6.9(3) of the Act requires any interest earned by the trust fund to be paid to the person entitled to it.

Administration erred in its advice to Council that the Reserve funds (interest) could be used, subject to compliance with section 6.11(2)(b) of the Act (advertising the proposed alternative use of Reserve funds). That advice overlooked the original 'trust' intent of the transfer from the Association and relied on the presumption that the funds were subject to the usual legislative limitations of a Reserve Fund. This may have been due to the funds being held by the City in a Reserve account established for that purpose instead of in Trust.

The legal advice received raises broader issues in respect to the application of the surplus funds and appropriateness of the transfer of the surplus funds in the context of the *Code of Fair Practice for Retirement Villages 2009* (the Code). Further research is required to reconcile the relevant transfer and Reserve balance with the specific constitution wording and timing of the introduction of the Code. A further report will be provided to Council addressing the broader issues once it has been fully researched.

In the interim, the legal advice is clear, in that the transfer of the surplus funds by the Association to the City was in 'trust' and despite the funds being held in a Reserve, they should still have been subject to the requirements of section 6.9 of the Act. In view of that, the funds, including the interest accumulated should be reimbursed.

9.3.3 Carry Forwards Adjustment Report

Ward:	Both	Date:	25 November 2015
Precinct:	All	File Ref:	SC357
Attachments:	1 – 2015/16 Carry-Forward Budget Review		
Reporting Officers:	N Makwana, Accounting Officer G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council:

1. **RECEIVES** the list of reviewed Carry-Forwards as shown in Attachment 1;
2. **APPROVES** a reduction of the total Capital Expenditure Budget for 2015/16 by \$319,356 to \$12,337,991, as per the individual line-item adjustments listed in Attachment 1; and
3. **APPROVES** a reduction of \$31,361 in Transfers from Reserves in the 2015/16 Budget.

PURPOSE OF REPORT:

To consider amendments to the 2015/16 Capital Expenditure Budget, that recognise the final audited balance of expenditure in 2014/15 for carry-forward projects.

BACKGROUND:

During the preparation of the budget for 2015/16, the values of the capital expenditure budget line-items to be carried-forward were based on estimates of the prior-year funds that would be spent by 30 June 2015. Now that the Annual Financial Report for the 2014/15 financial year and subsequent Audit has been completed, the estimated funds available to be carried-forward can be updated to reflect the actual level of expenditure and consequently the remainder of the budget available to be carried-forward in 2015/16.

The update of any carry-forward figures will need to amend the total 2015/16 budget for the affected line-items.

DETAILS:

The 2015/16 Budget included capital expenditure line-items totalling \$12,657,347. Of this \$3,060,813 was funded from Carry-Forwards. A carry-forward refers to a capital expenditure project that spans the old and new budget year, with some or all of its funding coming from funds that were allocated in the old budget year.

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

The \$3,060,813 that was estimated to be available to be carried-forward into the 2015/16 budget year was made-up of funding from:

Municipal Funds	\$2,065,879
Reserve Funds	\$666,173
Grant Funds	\$328,761

In some cases the spend to 30 June 2015 on some of the carry-forward projects was underestimated and therefore the total budget available in 2015/16 for these projects will need to be reduced. The 2015/16 Carry-Forward Budget Review (**Attachment 1**) lists the projects that need to have their 2015/16 budgets amended.

The net result from these adjustments is:

Source	Original	Adjustment	Amended
Municipal Funds	\$2,065,879	(\$252,728)	\$1,813,151
Reserve Funds	\$666,173	(\$31,361)	\$634,812
Grant Funds	\$328,761	(\$35,261)	\$293,499
Total Carry-Forwards	\$3,060,813	(\$319,356)	\$2,741,457

The reduction of Municipal funded carry-forwards means that carry-forward portions of these projects can now be funded from the actual Municipal surplus brought-forward of \$1,883,522 (as reported in the Annual Financial Statements for 2014/15).

Generally, carry-forward adjustments will only be a reduction, particularly for Municipal funded carry-forwards. However in some cases, like the "Bicycle Network" project, the grouped line-items are treated like a combined project for operational purposes.

The separate line-items need to be identified to allow individual infrastructure assets to be created at completion of the project. In this case additional funds have been carried-forward in the main project and the other line-items have had their carry-forward amounts reduced.

Any transfer between these line-items will need to be addressed through the 2015/16 Mid-Year Budget Review.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Not Applicable

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

The reduction of Municipal funded carry-forwards \$1,813,151 means that carry-forward portions of these projects can now be funded from the actual Municipal surplus brought-forward of \$1,883,522 (as reported in the Annual Financial Statements for 2014/15).

The net effect of all adjustments is a \$319,356 reduction to the 2015/16 Capital Expenditure Budget. The original total Capital Expenditure Budget of \$12,657,347, will reduce to \$12,337,991.

COMMENT:

With the completion of the year-end processes for the 2014/15 financial year, it is recommended that the carry-forward components of the 2015/16 Capital Expenditure Budget be adjusted to reflect the actual funds available at the end of 2014/15.

9.3.4 Investment Report as at 30 November 2015

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

OFFICER RECOMMENDATION:

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

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

Total funds held for the period ended 30 November 2015 were \$32,694,298 as compared to \$21,690,338 at the end of 30 November 2014.

Total Investments for the period ended 30 November 2015 were \$31,206,505 as compared to \$30,701,564 at the end of October 2015. At 30 November 2014, \$21,111,000 was invested.

Investment comparison table:

	2014-2015	2015-2016
July	\$11,311,000	\$14,961,000
August	\$23,111,000	\$26,961,000
September	\$22,111,000	\$31,361,000
October	\$22,411,000	\$30,701,564
November	\$21,111,000	\$31,206,505

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

	Annual Budget	Budget Year to Date	Actual Year to Date	% of FY Budget
Municipal	\$320,000	\$133,335	\$218,249	68.20
Reserve	\$203,680	\$84,865	\$106,418	52.25

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%	29.2%	30%	Nil	90%	65.9%
A Category	A1	20%	16.9%	30%	Nil	80%	34.1%
BBB Category	A2	10%	Nil	n/a	Nil	20%	Nil

RISK MANAGEMENT IMPLICATIONS:

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

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

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

STRATEGIC IMPLICATIONS:

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

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

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

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

The funds invested have increased from the previous period as receipts of cash exceeded payments to creditors, staff, etc. Cash receipts were high because the 2nd rates instalment (for ratepayers on instalment plans) fell due on 2nd November, 2015.

Most of the cash for rates is received in August to September. Traditionally the amount of cash held by the City peaks in September or October, and then gradually reduces until the rates are raised at the start of the next financial year. It is anticipated that the City will continue to receive interest earnings in excess of the budget for the remainder of the financial year due to:

- Increased levels of investment of around \$6 - \$7 million over the budget assumptions - due to a delay in capital budget spend in the first four months of the financial year and an increase of about \$1.07 million in the surplus carried-forward from the previous financial year; and
- The average rates quoted to the City have been reducing, however we have been able to select institutions who have had specific needs for increased funds and have therefore offered a rate significantly higher than the average being quoted. This has increased the average interest rates for term deposit investments over the amounts used in the budget assumptions.

The City has obtained a weighted average interest rate for current investments of 2.75% which includes the City's operating account. When the investments are calculated excluding the operating account, the average investment rate achieved is 2.88% as compared to the Reserve Bank 90 days Accepted Bill rate of 2.22%. As of 30 November 2015, the City's actual investment earnings are exceeding budget estimates.

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

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

9.3.5 Authorisation of Expenditure for the Period 1 to 26 November 2015

Ward:	Both	Date:	30 November 2015
Precinct:	All	File Ref:	SC347
Attachments:	1 – Creditors Report – Payments by EFT 2 – Creditors Report – Payments by Cheque 3 – Credit Card Transactions		
Tabled Items:	-		
Reporting Officers:	R Tang, Accounts Payable Officer; G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council RECEIVES the list of accounts paid under Delegated Authority for the period 1 November to 26 November 2015 as detailed in Attachment 1, 2 and 3 as summarised below:

Cheque numbers 79080 - 79254	\$216,644.74
EFT Documents 1865 - 1874	\$2,827,023.09
Payroll	\$1,030,689.64

Direct Debits

• Lease Fees	\$3,544.11
• Loan Repayment	\$144,403.51
• Bank Fees and Charges	\$10,280.06
• Credit Cards	\$10,880.17

Total \$169,107.85

Total Accounts Paid **\$4,243,465.32**

PURPOSE OF REPORT:

To present to Council the expenditure and list of accounts paid for the period 1 November 2015 to 26 November 2015.

BACKGROUND:

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

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

DETAILS:

The Schedule of Accounts paid, covers the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account (Attachment 1 and 2)		
Automatic Cheques	79080 - 79254	\$218,644.74
Cancelled Cheques	79123	- \$2,000.00
EFT Payments	1865 - 1874	\$2,827,023.09
Sub Total		\$3,043,667.83
Transfer of Payroll by EFT		
	03/11/2015	\$517,154.71
	01711/2015	\$513,534.93
	18/11/2015	\$909.29
	November 2015	\$1,030,689.64
Corporate Credit Cards (Attachment 3)		\$10,880.17
Bank Charges & Other Direct Debits		
Lease Fees		\$3,544.11
Loan Repayment		\$144,403.51
Bank Charges – CBA		\$10,280.06
Total Bank Charges & Other Direct Debits		
Less GST effect on Advance Account		0.00
Total Payments		\$4,243,465.32

LEGAL/POLICY:

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

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

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

13. *Lists of Accounts*

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

- “4.1 Provide good strategic decision-making, governance, leadership and professional management:*
- 4.1.2 Manage the organisation in a responsible, efficient and accountable manner;*
- (a) Continue to adopt best practice to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced.”*

SUSTAINABILITY IMPLICATIONS:

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

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENT:

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

9.4 COMMUNITY SERVICES

9.4.1 Cat and Dog Sterilisation Program 2015/2016

Ward:	Both Wards	Date:	20 November 2015
Precinct:	All Precincts	File Ref:	SC212; SC213
Attachments:	1 – Cats and Dogs Sterilisation Microchipping Quotes Received		
Tabled Items:	Nil		
Reporting Officer(s):	P Morrice, Team Leader Ranger Administration S Butler, Manager Ranger and Community Safety Services		
Responsible Officer:	R Hall, A/Director Community Services		

OFFICER RECOMMENDATION:

That Council:

1. **APPROVES the Dog and Cat Sterilisation Program to be conducted for the remainder of the 2015/2016 financial year, comprising:**
 - 1.1 **“My Best Friend” Veterinary Centre as the nominated provider of the 2015/2016 Dog and Cat Sterilisation Program within the City of Vincent;**
 - 1.2 **A subsidised the sterilisation cost of \$55 per dog (irrespective of gender) and \$33 per cat (irrespective of the gender); and**
 - 1.3 **A subsidised micro-chipping cost of \$25 per animal; and**
2. **NOTES the Dog and Cat Sterilisation Program and micro-chipping will cease at the end of the 2015/2016 financial year.**

PURPOSE OF REPORT:

To consider a Dog and Cat Sterilisation and Micro-chipping Program, which consists of the City subsidising of dog and cat sterilisation and microchipping for cat and dog owners that are residents of the City of Vincent for 2015/2016.

BACKGROUND:

The City of Vincent has subsidised dog and cat sterilisation since 1995. This subsidy encourages residents and ratepayers of the City to assist in the reduction of unwanted puppies and kittens within the City. The City has also subsidised dog and cat micro-chipping since 2001, which assists in the return of dogs and cats to their owners.

Veterinary surgeons recommend dog sterilisation as a strategy to make the animals more placid and also to reduce the animal's desire to wander. Sterilisation of dogs and cats has previously been undertaken by owners on a voluntarily basis, with the encouragement and support of the City, through subsidised sterilisation and discounted license fees providing a proactive approach to reducing unwanted puppies and kittens.

The introduction of the *Cat Act 2011* made sterilisation and micro-chipping compulsory for cats as of 1 November 2013. All cats six months and older are required to be sterilised, micro-chipped and registered. An exemption from sterilisation is provided within the *Cat Act 2011* for registered cat breeders. The City will not accept a cat registration application unless proof of sterilisation and micro-chipping is provided.

Recent amendments to the *Dog Act 1976* made micro-chipping of dogs compulsory as of 1 November 2015. The City will not accept a dog registration application unless proof of microchipping is provided.

The program has subsidised sterilisation of 1,644 dogs and 1,109 cats since 2001. Whilst specific authority for the subsidy to continue has not been approved by Council since then, funding has been included annually in the budget.

DETAILS:

Administration requested quotes for the sterilisation services of both dogs and cats from 10 Veterinary surgeries within or in close proximity to the City of Vincent in accordance with Purchasing Policy No. 1.2.3. The City received only two responses as detailed in **Attachment 1**.

CONSULTATION/ADVERTISING:

The City's Community Consultation Policy No. 4.1.5 does not require the Dog and Cat Sterilisation and Micro-chipping Program to be advertised for public consultation. Should Council approve the subsidy, it is intended to continue to promote the program to the City of Vincent residents.

LEGAL/POLICY:

The *Dog Act 1976* and the *Cat Act 2011* provide the legal authority in respect of the City's requirements of registration, sterilisation and micro-chipping.

RISK MANAGEMENT IMPLICATIONS:

Low: Failure to continue the dog and cat sterilisation and micro-chipping subsidy will have minimal impact, as it is now a statutory requirement for dogs to be micro-chipped and cats to be sterilised and micro-chipped.

STRATEGIC IMPLICATIONS:

This aligns with the City of Vincent *Strategic Plan 2013– 2023*, where Objective 4.1.5 states: *'Focus on stakeholder needs, values, engagement and involvement.'*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Revenue and expenditure for sterilisation of \$11,000 and \$13,000 respectively was adopted in the 2015/2016 Budget.

COMMENTS:

With sterilisation and micro-chipping being a statutory requirement for cats, and dogs being required to be micro-chipped, consideration should be given whether to continue the subsidy. The continuance of the dog subsidies may encourage residents to avail themselves of subsidised sterilisation, as dog sterilisation is not a legislative requirement.

'My Best Friend Veterinary Centre' are the most competitive supplier and have provided the City with this service for the past 15 years. It is recommended that this veterinary practice be approved as the preferred service provider for dog and cat sterilisation for the remaining 2015/2016 financial year.

It is also recommended that the City as of the 2016/2017 financial year cease to provide funds to subsidise the procedures that are now required by legislation.

9.4.2 Write-off Infringement Notices/Charges from 1 July 2015 to 31 October 2015

Ward:	Both	Date:	20 November 2015
Precinct:	All	File Ref:	SC210
Attachments:	1 – Pound Fees Modified 2 – Ranger Adjustments 3 – Individual Parking Infringements Withdrawn 4 – Pie Chart: Write-off of Infringements by Report Period 5 – Graph: Write-off of Infringements by Report Period 6 – Table: Write-off of Infringements by Report Period 7 – Guidelines: Appeal of a Parking Infringement 8 – Policy No. 3.9.2 Parking Enforcement and Review/Appeal of Infringement Notices		
Tabled Items:	Nil		
Reporting Officer:	P Morrice, Team Leader Ranger Administration		
Responsible Officer:	R Hall, A/Director Community Services		

OFFICER RECOMMENDATION:

That Council:

- ENDORSES** the Withdrawal of Infringement Notices for the period 1 July 2015 to 31 October 2015, as shown in Attachments 1, 2 and 3; and
- APPROVES** to write-off Infringement Notices/Charges to the value of \$58,408 for the reasons as detailed below:

Description	Amount
Breakdown/Stolen (Proof Produced)	\$1,315
Details Unknown/Vehicle Mismatched	\$485
Equipment Faulty (Confirmed by Technicians)	\$1,370
Failure to Display Resident or Visitor Permit	\$12,950
Interstate or Overseas Driver	\$9,950
Ranger/Administrative Adjustment	\$15,030
Signage Incorrect or Insufficient	\$1,800
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$4,995
Other (Financial Hardship, Disability, Police On-duty, Etc.)	\$9,865
Pound Fees Modified	\$648
TOTAL	\$58,408

PURPOSE OF REPORT:

To provide a progress report of the delegations exercised by the City's Administration for the period 1 July 2015 to 31 October 2015, obtain Council approval to write-off Infringement Notices/Costs and provide further information for the reasons why parking infringements are written off.

BACKGROUND:

The *Local Government Act 1995*, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government.

The Chief Executive Officer, Directors and specific Managers exercise the Delegated Authority in accordance with the Council's Policies.

The City's Officers strictly adhere to Council Policy No. 3.9.2 'Parking Enforcement and Review/Appeal of Infringement Notices', when considering appeals. Clause 2 of the Policy Procedure and Guidelines govern the Review/Appeal of Parking Infringement Notices including the grounds for upholding an appeal and Clause 3 stipulates the Review/Appeal process as shown in **Attachment 8**.

In addition, Guidelines identifying the circumstances that will be considered by the City to withdraw an Infringement Notice is included with the City's online appeal form, as shown in **Attachment 7**, and available at the Customer Service Centre.

DETAILS:

Reason for Withdrawal		July – October 2015	
		Number	Amount
1	Ranger/Administrative Adjustment	167	\$15,030
2	Other (Financial Hardship, Disability, Police On-duty, etc.)	105	\$9,865
3	Ticket Purchased but not Displayed (Valid Ticket Produced)	71	\$4,995
4	Breakdown/Stolen (Proof Produced)	11	\$1,315
5	Details Unknown/Vehicle Mismatched	4	\$485
6	Interstate or Overseas Driver	120	\$9,950
7	Signage Incorrect or Insufficient	18	\$1,800
8	Equipment Faulty (Confirmed by Technicians)	15	\$1,370
9	Resident or Visitor Permit issued but not Displayed (Valid permit Produced)	167	\$12,950
10	Statutory Barred/Written off through the Fines Enforcement Registry as unenforceable	0	\$0
TOTAL		678	\$57,760

Table 1: Write-off of Infringement Notices (Parking) 1 July – 31 October 2015 (as shown in **Attachments 2 and 3**).

The area where most Infringement Notices are withdrawn, as shown in **Attachment 4**, is where a resident or visitor is not displaying the necessary permits. However, as shown in **Attachments 5 and 6**, the number of infringements withdrawn as a result of a resident or visitor not displaying the necessary permits tends to fluctuate with the number of events being held at nib Stadium in a particular quarter. The number of infringements withdrawn in this category will reduce over the next 12 months, due to a stricter interpretation of the City's withdrawal policy in respect to residents and their visitors. Previously all infringements issued to Residents and Visitors were withdrawn on confirmation that a valid permit was held.

The reasons for withdrawal are explained in detail as follows:

- (1) Where an incorrect clause, street, date or time has been entered or where there has been an error in the entered information, the notice is withdrawn. Of the 284 that have been identified as being withdrawn for "Ranger/Administrative Adjustments", in 79 cases this was a cancellation as the Ranger identified the problem at the time and re-issued another corrected infringement notice;
- (2) Sometimes, an infringement notice is withdrawn on compassionate grounds, or because of a disability, or where it is clear that the driver was unable to comply with restrictions for a valid reason. The City confirms details prior to withdrawal;
- (3) Where a driver has purchased a ticket and has failed to display it, whether because it had blown off the dash, it was displayed upside down or the driver took it with them. Where the case appears to be genuine through evidence, a notice is sometimes withdrawn.
- (4) A withdrawal because of vehicle breakdown must be substantiated by documentary proof in the form of a towage receipt or mechanical repair receipt. Confirmation is obtained from the Police that a vehicle has been reported stolen before it is withdrawn;
- (5) When a notice has not been paid, owner details are requested from the Department of Transport. Where the vehicle has been unregistered for some time, it is common for no owner to be supplied and it is, therefore, impossible to identify the offender. Occasionally, the make or type of vehicle shown on the Ranger's report does not match that supplied by the Department of Transport and it is therefore impossible to prove the case in a Court. In both the above circumstances, the notice is withdrawn;
- (6) Where the driver of a vehicle is identified as being from another State or another Country, it is often impractical to pursue the matter. Usually a letter is sent to the address provided but, if it is not paid, the notice is withdrawn;
- (7) Where a driver complains of inadequate or damaged signage, the area is checked and if there can be any doubt cast on the adequacy of the signs, the notice is withdrawn;
- (8) A technician checks ticket machines daily and any faults are recorded. Where a driver complains of a Faulty Machine, the Technician's report is checked and if found to be substantiated, the notice is withdrawn;
- (9) Where a resident or visitor parking in a street and did not display the appropriate permit, upon proof of residency, the notice is usually withdrawn. It is envisaged the number of infringements withdrawn in this category will be reduced over the next 12 months, as the City's withdrawal policy in respect of Residential and Visitor Parking Permits will be enforced; and
- (10) Infringements which have been lodged with the Fines Enforcement Registry and it has not been possible to locate the offender. In some cases, the offender has died, or moved interstate/overseas.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Section 5.42 of the *Local Government Act 1995* gives power to a Council to delegate to the Chief Executive Officer the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a Chief Executive Officer to further delegate to an employee of the City; and states that the Chief Executive Officer is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

Policy No. 3.9.2 – Parking Enforcement and Review/Appeal of Infringement Notices outlines the enforcement of the City's parking and traffic requirements, provides a process for the handling and determination of requests for review/appeal of parking Infringement Notices and/or withdrawal.

RISK MANAGEMENT IMPLICATIONS:

Low: It is a statutory requirement to report matters approved under Delegation Authority to Council.

STRATEGIC IMPLICATIONS:

The above is in accordance with the City's *Strategic Plan 2013-2023* where Objective 4.1.2 (a) states:

"4.1.2(a) Continue to adopt best practise 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:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

There is always going to be a proportion of offences that will require withdrawal and this will affect overall parking revenue. During this reporting period (July to October 2015) the total value of Infringements issued for the report period was \$599,715. The 678 Infringements withdrawn (totalling \$57,760) represents approximately 10% of all infringements issued. This is generally the same for each quarterly delegation period, although this will fluctuate slightly depending on seasonal and other factors.

COMMENTS:

This Report indicates from available statistics, that the level of repeat offending is not significant in terms of the overall number of infringements issued by the City. Furthermore, it is noted that there are valid reasons for the withdrawal of Parking Infringements Notices and that the current steps undertaken by the City in dealing with appeals and withdrawal of Infringements Notices is effective and administered in accordance with the Council's Policy No. 3.9.2 relating to Parking Enforcement and Review/Appeal of Infringement Notices.

9.5 CHIEF EXECUTIVE OFFICER

9.5.1 Use of the Council's Common Seal

Ward:	-	Date:	20 November 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 November 2015.

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
9/11/2015	Withdrawal of Caveat	5	City of Vincent and Kott Gunning of 140 St Georges Terrace, Perth WA 6000 re: Nos. 53-65 (Lot 13) Wasley Street, North Perth – <i>To satisfy Clause (ii) of Conditional Approval granted at the ordinary meeting of Council held on 8 April 2003 relating to Amalgamation of the Subject Lots</i>
9/11/2015	Deed of Covenant	3	City of Vincent and Iles Investments Pty Ltd of Bryant Church, Centerpoint Tower, Level 1, 123B Colin Street, West Perth and Aegis Aged Care Group Pty Ltd of 90 Goodwood Parade, Burswood re: Nos. 53-65 Wasley Street, North Perth and 90 Forrest Street, North Perth <i>To satisfy Clause (ii) of Conditional Approval granted at the ordinary meeting of Council held on 8 April 2003 relating to Amalgamation of the Subject Lots</i>
9/11/2015	Section 70A Notification	1	Brewer Street Pty Ltd of Level 3, 11/50 Oxford Close, West Leederville Re: Nos. 65-67 Brewer Street, Perth – Partial Demolition of an Existing Building and the construction of a Six Storey Development comprising of 16 One-Bedroom Multiple Dwellings, 18 Two-Bedroom Multiple Dwellings and Associated Car Parking – <i>To satisfy Clause 5.9 of Conditional Approval of the Development Assessment Panels (DAP) dated 17 September 2013</i>

9.5.2 Council Recess Period 2015-2016 Allowing Delegated Authority to the Chief Executive Officer

Ward:	-	Date:	20 November 2015
Precinct:	-	File Ref:	ADM0018
Attachments:	Nil		
Tabled Items:	-		
Reporting Officer:	Jerilee Highfield, Executive Assistant		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council **APPROVES BY ABSOLUTE MAJORITY**, pursuant to Section 5.42 of the *Local Government Act 1995* to delegate authority to the Chief Executive Officer to deal with any items of business that may arise from 16 December 2015 to 29 January 2016, and which are not otherwise the subject of delegated authority already granted by Council, subject to:

1. Reports being issued to all Elected Members for a period of three (3) business days prior to the delegated decision being made and no requests for 'call-in' of the matter being received from Elected Members;
2. Reports being displayed on the City's website for a period of three (3) business days prior to the delegated decision being made;
3. A report summarising the items of business dealt with under delegated authority being submitted for information to the Council at its Ordinary meeting to be held on 9 February 2016; and
4. A Register of Items Approved under Delegated Authority being kept and made available for public inspection on the City's website during the period that the delegation applies.

PURPOSE OF REPORT:

To obtain the Council's approval for Delegated Authority to deal with matters during the Council recess period 2015-2016.

BACKGROUND:

The Council will be in recess from 9 December 2015 to 1 February 2016. Therefore, it will be necessary to make arrangements to enable items of business that may arise during that period to be dealt with.

CONSULTATION/ADVERTISING:

Whilst there is no statutory requirement to do so, items being processed under delegated authority will be referred to Elected Members for comment and 'call-in' for a period of three (3) days prior to the delegated decision being made.

LEGAL/POLICY:

Under Section 5.42 of the Local Government Act, Council may (by absolute majority) delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Act (other than those referred to in section 5.43).

RISK MANAGEMENT IMPLICATIONS:

Medium High: If the Council does not approve of the Delegated Authority for the festive season and January, it would result in the delay of issuing approvals to some development approvals, thereby disadvantaging these applicants.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan 2013-2017 - Objective 4 – *“Leadership, Governance & Management and 4.1.2 – Manage the organisation in a responsible, efficient and accountable manner”*.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Council is in recess from 16 December 2015 to 29 January 2016. A Council resolution is required for the Chief Executive Officer to make a decision on matters which may arise under delegated authority (other than those matters which require an Absolute Majority decision, or in cases where delegated authority already exists).

Reports regarding proposed delegated decisions will be issued to all Elected members for review and comment for a period of three (3) business days. This will allow Elected members to either comment on the proposed decision (and for those comments to be considered prior to any decision being made) or to 'call-in' the matter, thus preventing the delegation being exercised; in which case the matter would be referred to the February 2016 Council Meeting.

9.5.3 Tablet Computers for Council Members

Ward:	All	Date:	20 December 2015
Precinct:	Both	File Ref:	SC1689
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	J Paton, Director Corporate Services		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council:

- 1. APPROVES the provision of up to nine (9) tablet devices for official use by Council Members in accordance with clause 3.1(e) of Policy No. 4.2.7 'Council Members – Allowances, Fees and Reimbursement of Expenses'; and**
- 2. APPROVES BY ABSOLUTE MAJORITY, in accordance with Section 6.8(1) of the Local Government Act 1995, the purchase of nine iPad Pro 32GB (Wi-Fi only) devices with keyboard case at an estimated cost of \$12,105 to be funded from the Electronic Equipment Reserve.**

PURPOSE OF REPORT:

To consider the purchase of new iPad tablet devices for Council Members to meet business requirements and enable the Council Members to fulfil their official role.

BACKGROUND:

At the Ordinary Meeting of Council on 28 June 2011, the following Notice of Motion submitted by Cr Topelberg was adopted.

"That the Council REQUESTS:

- (i) the Chief Executive Officer to investigate the purchase of tablet computers for Executive Officers, Development Services (shared) and Elected Members to provide an alternative to hard copy documentation, meeting agendas, and minutes. The investigation should include but not be limited to:*
 - (a) examining the advantages and disadvantages associated with this technology;*
 - (b) analysis of the potential impact on paper, printing and photocopying costs;*
 - (c) examining adoption of similar technologies in other local governments;*
 - (d) cost of purchase, configuration and maintenance; and*
- (ii) a report be submitted to the Council no later than September 2011, with a view to implementing the program immediately after the October election if approved."*

Following investigation, a report was presented to the Ordinary Meeting of Council on 27 September 2011. The report outlined potential benefits from the use of tablet devices associated with the printing and distribution of Council Agendas and Minutes. It was noted at the time that the number of Agendas and Minutes required to be produced in hardcopy would reduce from 31 and 15 to 18 and 6 respectively.

As a result, the following direct benefits were anticipated from the reduction:

- Cost savings (toner, paper, Administration)
- Reduced administration (photocopying time)
- Green sustainability implications (Reduced paper usage)
- Remove the requirement to deliver the Council Agenda to Council Members

Following consideration, Council resolved:

“That the Council;

1. *RECEIVES the report on the investigation into the use of tablet computers for Council Meeting Agendas and Minutes;*
2. *APPROVES IN PRINCIPLE the implementation of the tablet computers for Council Meeting Agendas and Minutes for a trial period of six (6) months commencing in early 2012;*
3. *APPROVES BY AN ABSOLUTE MAJORITY to AUTHORISE the Chief Executive Officer to purchase thirteen (13) tablet computers, at the appropriate time, which are to be funded from the Electronic Equipment Reserve; and*
4. *REQUESTS the Chief Executive Officer to:*
 - 4.1 *further investigate the training and implementation aspects of the electronic version of the Council Meeting system, with the aim to commence from the first Council Meeting in 2012; and*
 - 4.2 *provide a further report to the Council at the end of the trial period.”*

DETAILS:

The City's Elected Members, Chief Executive Officer and Directors have been using 'iPad' tablet devices for Council meeting agendas and minutes since February 2012. In conjunction with the iPads, the City introduced 'Docs On Tap', which is a web application to manage the distribution of agendas, minutes and other documents to tablet devices of authorised users, with an automated synchronisation process.

The initial supply of 3G enabled iPads were purchased by the City and issued to Council Members, essentially whilst the functionality was being trialled. Following the 2013 local government elections, the newly elected Council Members purchased their own tablet devices.

The use of iPads appears to meet the business requirements of Council and therefore, with the most recent local government elections resulting in three new Councillors and given the age of the original iPads, it is appropriate to standardise the provision of iPads for all Council Members.

Council Policy No. 4.2.7 'Council Members – Allowances, Fees and Reimbursement of Expenses' includes clause 3, which generally deals with the provision of an Information and Communication Technology (ICT) allowance, which is a prescribed allowance under the Local Government Act 1995 and includes the following provision:

- (e) *This Allowance is in addition to any laptop, tablet and/or printer which is approved by the Council to enable the Council Member to fulfil their role. Any equipment (including software) provided by the City will be repaired, serviced, maintained and/or replaced by the City. Consumables for this equipment, such as paper and ink cartridges will also be paid by the City. The City will retain ownership of any equipment provided under this clause.*

As the iPads have been introduced to meet a specific business requirement, it is appropriate for the devices to be provided and maintained by the City. This will ensure consistency of technology and appropriate security arrangements are maintained. In terms of the standard required to meet the City's business requirements, the following model/specification is proposed:

- iPad Air-2 Pro Wi-Fi 32GB

The City's business needs can be met adequately with a Wi-Fi device, recognising that Council Members are provided an ICT allowance that covers the provision of their personal/home internet connection. In addition, Wi-Fi connection is available at the Civic Centre and within the Council Chambers to support Council Members.

It is noted that Apple has announced the release of the new iPad Pro. Whilst there are performance improvements over the earlier iPad Air, the most significant difference in the iPad Pro is in the screen size of the unit, which is a 12.9 inch compared to 9.7 inch for the iPad Air. Whilst the unit is heavier (723 grams compared to 444 grams) the additional screen size is considered to be a distinct advantage in viewing the types of attachments and plans that are regularly included in Council agenda papers. It is also proposed that the IPADS be provided with a keyboard case, to improve use and protection.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

Policy No. 1.2.9 Sustainable Use of Paper, Printing and Office Products

The use of iPads is consistent with clause 1.1 of the Policy Statement, which states:

1. The City of Vincent shall incorporate sustainable practices in its procurement, use and disposal of all paper, printing and office products and consumables. Sustainable practices include, but are not limited to:
 - 1.1 reducing paper consumption;

Policy No. 4.2.7 Council Members – Allowances, Fees and Reimbursement of Expenses

3. INFORMATION AND COMMUNICATION TECHNOLOGY ALLOWANCE ("ICT")

3.1 "ICT expenses" means –

- "(a) rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the LG Regulations; or*
-

- (b) *any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the LG Regulations;”*
- (a) The Council will pay all Council Members an annual Information and Communications Technology Allowance to the maximum amount within the prescribed legislated limit of the *Local Government (Administration) Regulations 1996* – Regulation 31 (1) (a) and 32 (1). This ICT Allowance is an Allowance in lieu of reimbursement of expenses. This Allowance covers the expenses incurred by Council Members in performing a function under the express authority of the Council or in performing a function in the Council Members official capacity.
- (b) The annual ICT Allowance is for all costs relating to:
1. telephone usage (including purchase, rental, plans/contracts and/or payments);
 2. line rental;
 3. call and service charges;
 4. costs for installation of an additional line (if required by the Council Member);
 5. purchase of facsimile machines;
 6. purchase of mobile phones, (and any replacements) and extra telephone lines or call costs;
 7. maintenance, servicing and replacement of any telecommunication equipment; and
 8. all consumables associated with Telecommunication equipment/facilities use whilst performing the functions as a Council Member.
 9. computers, laptops and associated printers (purchase or lease);
 10. internet connection, hardware (purchase or lease), associated service charges, costs of usage including downloads relating to Council business;
 11. maintenance, servicing and replacement of any information technology equipment;
 12. any additional software; and
 13. all consumables associated with Information Technology equipment/facilities use whilst performing the functions as a Council Member, including but not limited to paper and ink cartridges.
- (c) In recognition of possible capital costs associated with ICT expenses, payment will be made as follows:
- 50% to be paid in the month of October; and
 - 50% to be paid in the month of April.
- (d) Any claims by Council Members for expenses incurred over the maximum annual ICT Allowance detailed in clause (a) above are to be submitted on the Reimbursement of Expenses Form. Additional claims above the maximum limit must be supported by receipted invoices for the maximum limit and the additional amounts claimed. Where a Council Member reaches the limit, all claims for reimbursement shall be referred to the Council for approval.
- (e) This Allowance is in addition to any laptop, tablet and/or printer which is approved by the Council to enable the Council Member to fulfil their role. Any equipment (including software) provided by the City will be repaired, serviced, maintained and/or replaced by the City. Consumables for this equipment, such as paper and ink cartridges will also be paid by the City. The City will retain ownership of any equipment provided under this clause.
-

The level of Allowances is determined by the Salaries and Allowances Tribunal, in accordance with the *Salaries and Allowances Act 1975* section 7B. In June 2015, the Tribunal released its determination, which included:

“For the purposes of section 5.99A(b) of the LG Act, the minimum annual allowance for ICT expenses is \$500 and the maximum annual allowance for ICT expenses is \$3,500.”

RISK MANAGEMENT IMPLICATIONS:

Low: The iPads will be listed on the City’s asset register and will be equipped with sufficient security measures to minimise any risks.

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2023 includes the following objectives:

“1.1.3 Take action to reduce the City’s environmental impacts and provide leadership on environmental matters.

(a) Regularly review, update and implement the Sustainable Environment Strategy 2011-2016 and ensure the City acts in an environmentally sustainable manner in all of its operations.

4.3.1 Enhance knowledge management and promote technology opportunities to improve the City’s business communications, security and sustainability”

SUSTAINABILITY IMPLICATIONS:

As referenced earlier in relation to Policy No. 1.2.9

FINANCIAL/BUDGET IMPLICATIONS:

The distribution of Council Agenda/Minutes via electronic means has previously been estimated to provide potential cost savings in the order of \$6,000 annually.

The estimated cost for the purchase of the iPads is as follows:

- \$1,345 x 9 = \$12,105 (GST Excluded)

IPAD	\$1136
Keyboard/Case	\$209
9 units	\$1,345 (GST Excluded)
	\$12,105 (GST Excluded)

There are no funds listed on the 2015/16 Budget for the purchase of the iPads, however funds are available in the Electronic Equipment Reserve to cover this expense.

COMMENTS:

The use of iPads is an efficient method of distributing Council agendas, minutes and other official documents to Council Members. Given the iPads meet a business requirement, it is appropriate for them to be supplied and maintained by the City.

9.5.4 Strategic Plan 2013-2023 – Progress Report for the Period 1 August 2015 – 31 October 2015

Ward:	-	Date:	20 November 2015
Precinct:	-	File Ref:	-
Attachments:	1 – Strategic Plan Quarterly Progress Report		
Tabled Items:	-		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

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

PURPOSE OF REPORT:

To consider a quarterly report of progress of strategies in the Corporate Business Plan 2013-2017 (CBP) for the period 1 August 2015 to 31 October 2015, which align to objectives in the SCP.

BACKGROUND:

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

“That the Council;

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

DETAILS:

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

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

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

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

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

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

9.5.5 Proposed Revocation and Replacement of Policy No. 4.1.10 'Use of Common Seal'

Ward:	-	Date:	20 November 2015
Precinct:	-	File Ref:	SC406
Attachments:	1 – Policy No 4.1.10 – Use of Common Seal (current) 2 – Revised Policy No. 4.1.10 – Execution of Documents (draft)		
Tabled Items:	Nil.		
Reporting Officer:	R Hall, Project Manager – Business Improvement		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council:

1. **REVOKES Policy No. 4.1.10 – Use of Common Seal (Attachment 1) and ADOPTS in its place Revised Policy No. 4.1.10 – Execution of Documents (Attachment 2); and**
2. **DETERMINES that it is not necessary to carry out public consultation on the revocation of existing Policy No. 4.1.10 and replacement with revised Policy No. 4.1.10, included as Attachments 1 and 2 respectively, as the proposed changes relate exclusively to the City’s administrative process for execution of documents and comply with the provisions of the *Local Government Act 1995*.**

PURPOSE OF REPORT:

To consider revoking the current Policy No. 4.1.10 included as **Attachment 1** relation to (use of the common seal and signing of documents) and replacing it with the revised policy included as **Attachment 2**.

BACKGROUND:

Council at its Meeting of 4 November 2003 adopted its “Use of Common Seal” Policy No. 4.1.10 which was last reviewed on 26 February 2013. The Policy requires that all legal documents are signed and sealed by both the Mayor and Chief Executive Officer.

DETAILS:

The Seal is used as the Council’s ‘signature’ and affixing of the Seal of Council represents the authentic expression of the mind of the Council. In general it has been the practice that certain documents were executed under the common seal, however amendments to the *Local Government Act 1995* (the Act) in 2009 overcame the common law view that the seal must be used in all circumstances. The amendment also introduced the provisions that Council may, by resolution, authorise officers to sign documents on its behalf.

Accordingly, provided the appropriate authority is given by Council for an officer or agent to execute a document on its behalf, then that document can be executed by the authorised officer or agent rather than under the Seal of Council.

If the seal is to be used, then the Act requires that it is not to be affixed unless authorised by the Local Government and must be affixed in the presence of the Mayor and the Chief Executive Officer (or a senior employee authorised by the Chief Executive Officer to do so), each of whom is to sign the documents to attest that the common seal was so affixed.

Administration has prepared a Draft Policy that clearly defines the documents that are to be executed either under the Seal or under the signature of a person authorised to do so. The Revised Policy identifies the 'authorised officers' who would be provided with the power to execute documents, as set out in **Attachment 2**.

The Draft Policy was presented to Council at the Council Forum held on 29 September 2015.

CONSULTATION/ADVERTISING:

Advertising of the Draft Policy is not considered necessary in accordance with Policy No. 4.1.5 Community Consultation as the decision concerns "day-to-day" matters and invokes a provision available under the Act, which will contribute to business improvement of the City's internal practices and provide clear authority and accountability regarding the execution of corporate documents.

LEGAL/POLICY:

The Revised Policy has been prepared consistent with the *Local Government Act 1995* (as amended).

RISK MANAGEMENT IMPLICATIONS:

Adoption of the Execution of Documents Policy will ensure that the way in which the City executes a document that will bind it is well-known, simple and rational.

STRATEGIC IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Revised Policy shown in **Attachment 2** clearly defines the documents that can be executed either under the Seal or under the signature of a person authorised to do so. The Revised Policy will streamline administrative processes and contribute to improving business efficiency and accountability.

9.5.6 Audit Committee Minutes and Annual Financial Report 2014/2015

Ward:		Date:	24 November 2015
Precinct:		File Ref:	SC243
Attachments:	1 – Audit Committee Minutes 2 – Annual Financial Report 2014/2015		
Tabled Items:	Nil		
Reporting Officer:	Len Kosova, Chief Executive Officer		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council:

1. **RECEIVES** the unconfirmed Minutes of the Audit Committee Meeting held on 24 November 2015, as shown in Attachment 1;
2. **BY ABSOLUTE MAJORITY ACCEPTS** the Annual Financial Report of the City of Vincent for the financial year ending 30 June 2015 and associated Auditor’s Report, as shown in Attachment 2, noting that it differs from the version presented to the Audit Committee in respect to the following adjustments:
 - An amendment to the Rate Setting Statement (page 11 & 12) to include an additional line item “Aged Persons and Senior Citizens Funds Adjustment” of (\$875,631) under the heading ‘Adjustment for Cash Budget Requirements’, together with the consequential adjustments to totals and resulting amendment to the ‘Less Surplus/(Deficit) for 30 June 2015 C/Fwd’ to reduce it to \$1,007,891;
 - Amendment to the Surplus listed on Note 3(c) (page 33) to reduce it to \$1,007,891;
 - Amendment to Note 12 (page 42) to reduce ‘Unrestricted’ by \$875,631 to \$5,905,820 and increase ‘Restricted’ by \$875,631 to \$8,547,436;
 - Amendment to Note 37 (page 78) to reduce the Current Ratio from 1.12 to 1.04;and
3. **APPOINTS BY AN ABSOLUTE MAJORITY** Mr Anthony Macri of Macri Partners as the City of Vincent Auditor for the one year period, 2015/16 financial year, pursuant to section 7.3 of Division 2 of Part 7 of the *Local Government Act 1995*.

PURPOSE OF REPORT:

For Council to receive the unconfirmed Minutes of the Audit Committee Meeting held on 24 November 2015 and to consider the recommendations from the Audit Committee, including the adoption of the Annual Financial Report 2014/2015.

BACKGROUND:

A meeting of the City’s Audit Committee was held on 24 November 2015, with a copy of the Minutes included as **Attachment 1**. The Minutes of the meeting include two items that the Audit Committee have recommended for approval by Council.

DETAILS:

Annual Financial Statement for the Year Ended 30 June 2015

Item 5.2 considered by the Audit Committee dealt with the Audit of the 2014/15 Annual Financial Statements.

In accordance with Section 6.4 of the *Local Government Act 1995* (the Act), the 2014/2015 Annual Financial Report has been prepared and the annual accounts audited by the City's Auditors, Macri Partners. The Audit Committee considered the Annual Financial Report for the year ended 30 June 2015 and Audit Completion Report and resolved as follows:

"That the Audit Committee:

1. *RECEIVES the City Auditor's Report on the Interim Audit Visit for the year ending 30 June 2015 as detailed in Attachment 1; NOTES the City's Management Comments included and NOTES the outstanding items will be listed on an Audit Log and reported to subsequent Audit Committee Meetings for review and monitoring;*
2. *RECEIVES the Audit Completion Report for the year ended 30 June 2015 from the City's Auditors, as detailed in Attachment 2, NOTING the recommendations included in section 5; and*
3. *RECEIVES the Annual Financial Report for the year ending 30 June 2015 as shown in Attachment 3 and RECOMMENDS to Council its adoption."*

A copy of the Annual Financial Report for the year ended 30 June 2015, as presented to the Audit Committee is included as **Attachment 2**.

The Annual Financial Report needs to be considered and accepted by Council in order to hold an Annual General Meeting of Electors, at which the City's Annual Report containing the financial report (or at a minimum the abridged version) will be considered.

Once accepted by Council, a copy of the Annual Financial Report must also be submitted to the Director General of the Department of Local Government.

The Audit Completion Report provided by Macri Partners, included the following statement in respect to the Audit Opinion:

*"We have completed the audit of the City of Vincent's accounts in line with current Australian Auditing Standards and will give an **Unqualified Opinion** [subject to subsequent events procedures] that the financial report of the City of Vincent:*

- a) *Gives a true and fair view of the financial position of the City of Vincent as at 30 June 2015 and of its financial performance for the year ended on that date; and*
- b) *Complies with the Local Government Act 1995 (as amended), the Local Government (Financial Management) Regulations 1996 (as amended) and the Australian Accounting Standards."*

Post Audit Committee Meeting

In response to the request from the City's Auditor, regarding whether there are any other subsequent events that should be recognised in the 2014/15 Financial Report, Administration provided the City's Auditor with relevant information and advice in respect to the Aged Persons and Senior Citizens Reserve (the Reserve), which is dealt with in item 5.3.2 on the current Briefing Agenda. This issue involved the Council's decision to transfer \$745,352 from the Reserve during 2014/15 to deal with the

At the Special Meeting of Council on 3 September 2014, as part of the City's strategy to deal with the potential significant Budget deficit, Council approved by absolute majority, pursuant to section 6.11(2)(b) of the *Local Government Act 1995* (the Act), to give one month local public notice of the proposed use of the past five years of accumulated interest earned from the Reserve, calculated at \$745,352. The transfer was subsequently approved by Council on 18 November 2014.

The Reserve had a closing balance on 30 June 2015 of \$3,238,209. If the transfer from this Reserve had not occurred, and interest earnings had been credited to this Reserve, the balance of the Reserve at 30 June 2015 would have been increased by \$875,631, being the original transfer of \$745,352 and interest for the year on the full balance of the Reserve, calculated to be \$130,279.

In view of the circumstances involved and legal advice received, the City's Auditor deemed that the matter warranted being recognised in the Financial Report for the year ending 30 June 2015 and proposed an appropriate accounting treatment. Effectively, the treatment will have the effect of recognising the movement of \$875,631 from 'Unrestricted' Cash to 'Restricted' Cash, which in turn will reduce the closing balance from \$1,883,522 (as reported to the Audit Committee) to \$1,007,891.

As a result, the Annual Financial Report 2014/15 as detailed in Attachment 2 has been amended and differs from that reviewed by the Audit Committee in the following specific areas:

Page 11: **Rate Setting Statement**

Under *Adjustments for Cash Budget Requirements: Non-Cash Expenditure and Revenue*

- new line-item inserted for "Aged Persons and Senior Citizens Funds" (\$875,631)
- Total changed from (\$17,355,032) to (\$18,230,663)

Page 12: **Rate Setting Statement**

- The total *Demand from Resources* increased by (\$875,631) from (\$20,835,796) to (\$21,711,427).
- *Less Surplus/(Deficit) 30 June 2015 C/Fwd* reduced by \$875,631 from \$1,883,522 to \$1,007,891

Page 33: **Note 3 (c). Information on Surplus Deficit Brought Forward**

- At the top of the page *Surplus/(Deficit) brought forward* reduces from \$1,883,522 to \$1,007,891
- After the subtotal for *Net Current Assets*, in the section headed *Less:*, insert new line-item for "Restricted - Aged Persons and Senior Citizens Funds" for (\$875,631)
- Reduce *Surplus/(Deficit) total* by \$875,631 to \$1,007,891

Page 42: **Note 12. Cash and Restricted Assets**

- Reduce "Unrestricted" by \$875,631 to \$5,905,820
- Increase "Restricted" by \$875,631 to \$8,547,436
- Total of \$14,453,256 does not change
- In the listing of restrictions, insert new line-item for "Aged Persons and Senior Citizens Funds*" for \$875,631
- Insert footer to this note stating "* Restricted by a Trust obligation"

Page 78: **Note 37. Financial Ratios**

- *Current Ratio* reduces from 1.12 to 1.04.
-

It is noted that the Opening balance for 2015/16 was estimated at \$576,865, however the annual audit for 2014/15, including the amendment for 'subsequent events' has identified that the actual closing balance for 2014/15 is \$1,007,891, an improvement of \$431,026.

Appointment of City Auditor

Item 5.4 considered by the Audit Committee dealt with the extension of the internal and external auditor contracts and appointment of the City's auditor. As a result the following resolution was adopted:

"That the Audit Committee:

1. *ENDORSES the proposal to exercise the one year option period to Macri Partners for the provision of External Audit Services to the City for the 2015/16 financial year;*
2. *ENDORSES the proposal to exercise the one year option period to Moore Stephens for the provision of Internal Audit Services to the City for the 2015/16 financial year;*
3. *NOTES the Chief Executive Officer will approve the contract extensions in 1 and 2 above under Delegation of Authority 2.1; and*
4. *RECOMMENDS to Council the appointment of Mr Anthony Macri of Macri Partners as the City of Vincent auditor for the one year period 2015/16 financial year, pursuant to section 7.3 of Division 2 of Part 7 of the Local Government Act 1995.*
5. *REQUESTS that the CEO provide a report to the Audit Committee prior to the expiry of the contracts in 1 and 2 above to seek the appointment of new auditors for the subsequent 4 year period."*

CONSULTATION/ADVERTISING:

There is no legislative requirement to consult on the preparation of the Annual Financial Report. The Act requires an Annual General Meeting of Electors to be held and the City's Annual Report incorporating the financial report (or at a minimum, the abridged version) to be made available publicly. The full Annual Financial Report will also be publicly available.

As in previous years, it is intended to make the Annual Financial Report available on the City's website, with only a limited number of printed, bound colour copies being made available for viewing at the Library and Local History Centre and the City's Customer Service Centre.

LEGAL/POLICY:

Local Government (Financial Management) Regulation 51(2) states:

"A copy of the annual financial report of a local government is to be submitted to the Executive Director within 30 days of the receipt by the CEO of the Auditor's Report on that financial report."

Section 5.53 of the *Local Government Act 1995* states:

"5.53 Annual Reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
 - (f). *the financial report for the financial year;"*

Section 6.4 of the *Local Government Act* states:

“6.4 Financial Report

- (1) *A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- (2) *The financial report is to –*
 - (a) *Be prepared and presented in the manner and form prescribed; and*
 - (b) *Contain the prescribed information.*
- (3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its Auditor –*
 - (a) *The accounts of the local government, balanced up to the last day of the preceding financial year; and*
 - (b) *The annual financial report of the local government for the preceding financial year.”*

In accordance with section 7.3 of the *Local Government Act 1995*, the Council is required to appoint a person on the recommendation of the City’s Audit Committee to be its Auditor.

RISK MANAGEMENT IMPLICATIONS:

High: Not adopting the 2014/2015 Annual Financial Report would result in non-compliance with the *Local Government Act 1995*.

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

Not Applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The Annual Financial Report identifies a final end of year surplus position of \$1,007,891 compared to a deficit of \$4,758,710 the previous year. The surplus is an improvement of \$431,026 on the opening balance forecast in the 2015/16 Budget (\$576,865), which actually related to the 50% advance payment of the Australian Government Financial Assistance Grant, which was required to be recognised in 2014/15 but reflected in the balance carried forward into 2015/16.

The difference between the forecast opening balance from the 2015/16 Budget and the actual surplus is predominately due to spend in materials and contracts and capital infrastructure coming-in below the calculated estimates used in the budget.

Given the ‘subsequent event’ adjustments to the Annual Financial Report, importantly, the improved outcome has been achieved without the need for the previously agreed transfer from the Aged Persons and Senior Citizens Reserve. The Opening Surplus will positively contribute towards the Municipal funding required for the carry forward projects into 2015/16, which totalled \$2,065,879.

COMMENTS:

The process involved in finalising the Annual Financial Report demonstrates an open and transparent process and compliance with appropriate standards of accounting. The changes proposed have been developed in full cooperation with the City's Auditor, however they are still deemed relatively minor compared to the version presented to and recommended for approval by the Audit Committee.

In order for the City to meet its legislative requirements, it is recommended that Council accepts the Annual Financial Report for the financial year ending 30 June 2015 as amended and detailed in Attachment 2 and appoints Anthony Macri as the City's Auditor for 2015/16.

9.5.7 Information Bulletin

Ward:	-	Date:	1 December 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 1 December 2015 as distributed with the Agenda.

DETAILS:

The items included in the Information Bulletin dated 1 December 2015 are as follows:

ITEM	DESCRIPTION
IB01	Ranger Services Statistics for July, August, September 2015
IB02	Tamala Park Regional Council Special Meeting of Council Minutes held on 5 November 2015
IB03	Mindarie Regional Council Ordinary Council Meeting Minutes held on 5 November 2015
IB04	Delegations of Authority exercised for the period 1 August 2015 to 31 October 2015
IB05	Register of Petitions – Progress Report – December 2015
IB06	Register of Notices of Motion – Progress Report – December 2015
IB07	Register of Reports to be Actioned – Progress Report – December 2015
IB08	Register of Legal Action (Confidential – Council Members Only) – Monthly Report as at 19 November 2015
IB09	Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 19 November 2015
IB10	Register of Applications Referred to the Design Advisory Committee – 2015
IB11	Register of Applications Referred to the MetroWest Development Assessment Panel – Current

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 NOTICE OF MOTION: Mayor John Carey – Review of Outdoor Eating Area Rules

That Council REQUESTS the Chief Executive Officer to review the City's rules and requirements relating to outdoor eating areas, to investigate the possibility of removing the need for the City's approval of those areas, and report back to Council by May 2016.

REASON:

Outdoor eating areas contribute greatly to the atmosphere and appeal of our town centres, but the rules for establishing an outdoor eating area are not always simple or straightforward – this appears to be consistent across local government. If these rules were reviewed and revised to reduce or eliminate the need for City approval of outdoor eating areas, then it would be quicker, easier and cheaper for a business to establish an outdoor eating area – in turn incentivising outdoor eating areas in Vincent.

At present, outdoor eating areas can only be established and maintained if the proposed eating area complies with the City's requirements and the City has issued a permit after the applicant has paid the required fee (annual application fee of \$73 and a permit fee based on \$88 per square metre of outdoor eating area).

It is requested that Administration review the current rules relating to outdoor eating areas and submit a report back to Council by May 2016 to determine a way forward.

ADMINISTRATION COMMENT:

Outdoor eating areas are regulated by the City's Trading in Public Places Local Law 2008 and Policy No. 3.8.1 – Outdoor Eating Areas (Alfresco Dining). There are approximately 100 outdoor eating areas in the City of Vincent. The annual renewal process for outdoor eating area permits was reviewed in 2014 and resulted in a reduction in the time taken for the City to assess and issue permits.

Administration is already investigating the options and implications of further reducing administrative control over outdoor eating areas and streamlining the process for allowing the establishment and ongoing operation of those areas. Primarily this will require a review of the relevant provisions of the abovementioned Local Laws and Policy.

Administration supports the proposed Motion and, based on established resources, priorities and workload commitments, is satisfied that a report on this matter could be presented to Council by May 2016.

10.2 NOTICE OF MOTION: Cr Joshua Topelberg – Purchase of Mayoral Electric Bike

That Council:

1. **APPROVES the purchase of an electric bike and associated equipment estimated at \$4,000 for the Mayor, to be used in the course of undertaking his official council functions; and**
2. **APPROVES BY ABSOLUTE MAJORITY in accordance with S6.8(1) of the *Local Government Act 1995* the unbudgeted expenditure in 1 above to be funded from the City's Plant and Equipment Reserve.**

REASON:

The City of Vincent Council does not provide a motor vehicle for use by the Mayor. As a result, the Mayor uses his own private vehicle to attend official meetings and functions across Vincent and beyond.

Given the City of Vincent's relatively small size and excellent network of bicycle routes, it is considered opportune for Council to provide an electric bike for the Mayor's use on City business. This will support the City's TravelSmart initiatives, demonstrate leadership by example among local government, promote alternative modes of transport and reduce carbon dioxide emissions.

ADMINISTRATION COMMENT:

Administration supports the proposed motion.

The *Local Government Act 1995* provides for the reimbursement of Elected Members expenses, including the cost of travel which is paid on a per KM basis. In view of this, the provision of an electric bike will reduce the requirement for the Mayor to use his own vehicle, which in turn has the potential to reduce the reimbursement expenses.

Clause 2.2 of Council's Policy No. 4.2.7 – Council Members – Allowances, fees and Reimbursement of Expenses states that the Mayor will not be provided with a vehicle as Council has increased the Mayoral Allowance to the maximum permissible amount. Notwithstanding, an electric bike is not considered to be a "vehicle" having regard to the intent of the Policy.

The City already owns two electric bikes for use by staff on City business. On occasion, the Mayor has also loaned one of these bikes to attend meetings and functions across the City, but often the bikes are unavailable for this purpose due to their high usage rates.

The estimated amount would cover the purchase of the bike, additional equipment (e.g. helmet, bike lock), annual maintenance plan and an additional electric charge connection in the City's garage.

10.3 NOTICE OF MOTION: Cr Joshua Topelberg – Nuisance or Dangerous Trees on Private Property

That Council REQUESTS the Chief Executive Officer to provide a report to Council by April 2016 to consider introducing Local Law and/or Policy provisions relating to the management or removal of nuisance or dangerous trees on private property.

REASON:

I have occasionally received complaints from residents about the intrusive impact of non-endemic trees on neighbouring private properties by way of dropping limbs, invasive root systems, fire hazard caused by shedding bark, seed pods, leaf litter and the like accumulating in gutters, and damage to fencing or buildings.

At present, these concerns are a civil matter to be addressed between neighbours, with the City of Vincent having little to no ability to encourage or enforce a particular outcome – whether that be tree pruning, tree removal, fire hazard reduction or the like.

This Motion requests Administration to investigate and report back to Council on the options and consequences of introducing new powers for Council to become more involved in the management or removal of nuisance or dangerous trees on private property. This investigation and further report will then assist Council in making an informed decision on whether or how to proceed further.

ADMINISTRATION COMMENT:

Administration has no objection to the proposed motion.

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: Design Advisory Committee (DAC) – Appointment of Panel Members

Ward:	All	Date:	20 November 2015
Precinct:	All	File Ref:	SC338
Attachments:	Confidential – List of DAC Panel of Members for 2011 – 2013 Confidential – List of DAC Panel of Members for 2013 – 2015 Confidential – List of nominees for panel membership for the period to October 2017 Confidential – Questionnaire completed by Nominees Confidential – Outcome of Assessment		
Tabled Items:	Nil		
Reporting Officer:	G Poezyn, Director Development Services		
Responsible Officer:	G Poezyn, Director Development Services		

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning the personal affairs of any person.

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, Council may wish to make some details available to the public.

14.2 CONFIDENTIAL REPORT: Leederville Hotel, 742 Newcastle Street, Leederville - Removal of First Hour Free Parking and Renegotiate Terms of Agreement for Care, Control and Management of Car Park

Ward:	South	Date:	20 November 2015
Precinct:		File Ref:	PR24034; SC1480
Attachments:	1 – Confidential Aerial Plan of Leederville Hotel and Plan of Car Park 2 – Leederville Hotel Car Park Revenue June 2012 – June 2015		
Tabled Items:	Nil		
Reporting Officer:	S Butler, Manager Ranger and Community Safety Services		
Responsible Officer:	R Hall, Acting Director Community Services		

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning:

Local Government Act 1995 - Section 5.23(2):

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

LEGAL:

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.

14.3 CONFIDENTIAL REPORT: Lease for Perth Soccer Club – Lease of Premises 3 Lawley Street, West Perth

Ward:	South	Date:	10 November 2015
Precinct:	Hyde Park Precinct - 12	File Ref:	SC529
Attachments:	1 – CONFIDENTIAL ATTACHMENT: Map of proposed leased area		
Tabled Items:	-		
Reporting Officer:	J Paton, Director Corporate Services		
Responsible Officer:	J Paton, Director Corporate Services		

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning:

- (e) *a matter that, if disclosed, would reveal;*
- (i) *a trade secret;*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person;*

where the trade secret or information is held by, or is about, a person other than the local government;

LEGAL:

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

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

"2.14 Confidential business

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

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

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

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

15. CLOSURE
