



CITY OF VINCENT

ORDINARY COUNCIL MEETING 23 September 2014

NOTICE OF MEETING AND AGENDA

Notice is hereby given that an Ordinary Meeting of Council of the City of Vincent will be held at the Administration and Civic Centre, 244 Vincent Street (corner Loftus Street), Leederville, on **Tuesday 23 September 2014** at 6.00pm.

A handwritten signature in blue ink, appearing to read 'Len Kosova', is positioned above the typed name.

Len Kosova
CHIEF EXECUTIVE OFFICER
17 September 2014

ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY

This document is available in alternative formats upon request.

“Enhancing and celebrating our diverse community”

PURPOSE - The purpose defines the *business we are in*. It describes our reason for being, and the services and products we provide. Our purpose is:

“To provide and facilitate services for a safe, healthy and sustainable community.”

VISION – The vision statement is *what we are striving to become*, what we will look like in the future. Based on accomplishing key strategic challenges and the outcomes of Vincent Vision 2024, the City’s vision is:

“A sustainable and caring community built with vibrancy and diversity.”

GUIDING VALUES (*Describes what values are important to us*)

- **Excellence and Service**
We aim to pursue and deliver the highest possible standard of service and professionalism to the Vincent community.
- **Honesty and Integrity**
We are honest, fair, consistent, accountable, open and transparent in our dealings with each other and are committed to building trust and mutual respect.
- **Innovation and Diversity**
We encourage creativity, innovation and initiative to realise the vibrancy and diversity of our vision.
- **Caring and Empathy**
We are committed to the wellbeing and needs of our employees and community and value each others views and contributions.
- **Teamwork and Commitment**
Effective teamwork is vital to our organisation and we encourage co-operation, teamwork and commitment within and between our employees and our business partners and community.

DISCLAIMER

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

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

Copyright

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

PROCEDURE FOR PUBLIC SPEAKING TIME

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

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

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

RECORDING OF COUNCIL MEETINGS

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

ORDER OF BUSINESS

1. (a) Declaration of Opening

(b) Acknowledgement of Country Statement

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

2. Apologies/Members on Approved Leave of Absence

2.1 Cr Emma Cole on approved leave of absence from 10 September 2014 – 10 October 2014.

2.2 Mayor John Carey on approved leave of absence from 12 September 2014 – 4 October 2014.

2.3 Cr James Peart on approved leave of absence for 23 September 2014.

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

(b) Response to Previous Public Questions Taken On Notice

[3.1](#) Letter to Ms D Saunders relating to her various questions taken on notice at the Ordinary Meeting of Council held on 9 September 2014.

4. Applications for Leave of Absence

Nil.

5. The Receiving of Petitions, Deputations and Presentations

5.1 Petition received from Mr and Mrs Campbell of Kalgoorlie Street, Mount Hawthorn, along with 24 signatures, requesting that the Council reject the application to rezone Nos. 115-117 Kalgoorlie Street, Mount Hawthorn from R30 to RC80 for reasons including, but not limited to:

- The street and its immediate surrounds are not a commercial precinct;
- Residential/Commercial zoning potentially permits commercial operations that are disruptive and incongruous with the residential environment; and
- 3 storey buildings and high density housing is incongruous with the "prevailing residential character of the street".

5.2 Deputation received from Jason and Gary Marocchi in support of the Perth Soccer Club's CSRFF submission regarding the Perth Community Playing Fields (Item 9.4.1).

6. Confirmation of Minutes

6.1 Special Meeting of Council held on 3 September 2014.

6.2 Ordinary Meeting of Council held on 9 September 2014.

7. Announcements by the Presiding Member (Without Discussion)

Nil.

8. Declarations of Interest

Nil.

9. Reports

As listed in the Index.

10. Motions of which Previous Notice has been given

- 10.1 NOTICE OF MOTION: Cr Joshua Topelberg – Review of Policy 7.5.11 - Exercise of Discretion for Development Variations

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

Nil.

12. Representation on Committees and Public Bodies

Nil.

13. Urgent Business

Nil.

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

- 14.1 CONFIDENTIAL REPORT: No. 24 (Lot: 12; D/P: 6152) Lynton Street, Corner of Ambleside Avenue, Mount Hawthorn – Proposed Multiple Dwelling Development – Reconsideration under s31 of the State Administrative Tribunal (SAT) Act 2004 (DR 219 of 2014)

- 14.2 CONFIDENTIAL ITEM: Nos. 60, 62 and 62A (Lot: 141 D/P: 32175, and Strata Lots 1 and 2 on Strata Plan 44480) Cheriton Street, Perth – Demolition of Grouped Dwelling – Reconsideration under s31 of the State Administrative Tribunal (SAT) Act (DR 95 of 2014)

15. Closure

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9.1 PLANNING SERVICES

9.1.1 No. 1F (Lot: 6 D/P: 24434) Robinson Avenue, Perth – Proposed Change of Use from Office to Pharmaceutical Compounding Dispensary (unlisted use) including Signage

Ward:	South	Date:	17 September 2014
Precinct:	Beaufort; P13	File Ref:	PRO6352; 5.2014.199.1
Attachments:	001 – Property Information Report 002 – Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	C Sullivan, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES BY ABSOLUTE MAJORITY** the application submitted by D Sheth on behalf of the owner TCM Enterprises Pty Ltd for the proposed Change of Use from Office to Pharmaceutical Compounding Dispensary (unlisted use) including signage, at No. 1F (Lot: 6 D/P: 24434) Robinson Avenue, Perth and as shown on plans date-stamped 10 February 2014, included as Attachment 002, subject to the following conditions:

1. **Interactive Frontage**

- 1.1 The windows, doors and adjacent floor area facing Robinson Avenue shall maintain an active and interactive frontage to this street with clear glazing provided; and
- 1.2 No roller shutters shall be installed on any of the openings of the structure;

2. **Building Appearance**

- 2.1 Any new street/front wall, fence and gate within the Robinson Avenue setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences; and
- 2.2 All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Robinson Avenue;

3. **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:**

3.1 **Cash-in-lieu**

Pay a cash-in-lieu contribution of \$208 for the equivalent value of 0.04 car parking spaces, based on the cost of \$5,200 per bay as set out in the City's 2014/2015 Budget;

4. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT, the following shall be submitted to and approved by the City;**

4.1 **Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 7.5.22 relating to Sound Attenuation shall be prepared and submitted. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;

5. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be submitted to and approved by the City:**

5.1 **Car Parking Layout**

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

5.2 **Bicycle Bays**

One (1) class three and one (1) class one or two bicycle facilities shall be provided at a location to be agreed by the City. Details of the design and layout of bicycle parking facilities shall be submitted to and approved by the City prior to the installation of such facility; and

ADVICE NOTES:

1. In relation to Condition 3.2, the applicant alternatively may lodge an appropriate assurance bond/bank guarantee of a value of \$208 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

1.1 To the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or

1.2 To the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or

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

2. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Permit application, being submitted to and approved by the City prior to the erection of the signage.
-

PURPOSE OF REPORT:

The proposal is referred to Council for determination given that the development comprises an “unlisted” use and more than five (5) objections have been received. Clause 39 of the Town Planning Scheme No. 1 requires approval by an absolute majority for an unlisted use.

BACKGROUND:

Nil.

DETAILS:

Landowner:	TCM Enterprises Pty Ltd
Applicant:	D Sheth
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential/Commercial RC80
Existing Land Use:	Office
Use Class:	'Unlisted Use' – Pharmaceutical Compounding Dispensary
Use Classification:	“SA”
Lot Area:	66.38 square metres
Right of Way:	N/A

The proposal seeks approval for a change of use from 'Office' to 'Pharmaceutical Compounding Dispensary' at No. 1F Robinson Avenue.

The proposed operation is to provide specialist dermatology prescriptions to customers who are referred by external practitioners. There would be a maximum of two staff on site at any one time, with one of the employees being a pharmacist. The hours of operation are Monday to Friday 9am to 5pm only. The proposal is located adjacent to a dermatology clinic, enabling customers of the adjoining clinic to benefit from the services proposed by the pharmacy. The two uses will operate independently of each other.

The proposal will not operate as a retail style pharmacy and will not stock the usual pharmacy type products which walk in customers might require. The operation only relates to specialist dermatology treatments, some of which would be made on site using one of two small specialist pieces of equipment to create the cream formulation required, and some would be related dermatology prescriptions sold alongside the specially created formulations. The type of products that are sold will be restricted by the Australian Pharmacy Council and the Pharmaceutical Society of Western Australia regulations. The equipment proposed to be used (ointment mill and cream/ointment mixer) would not cause any excessive noise. The equipment will not be used continuously, and will not be any louder than a small domestic kitchen appliance. There will be no products used which would require specialist hazardous waste removal or cause toxic fumes.

The pharmacy will have minimal clientele, with the majority of the prescriptions being sent out by mail to patients who have pre-ordered via email, fax, telephone or mail. These parcels would be taken to the Post Office at the end of each day by staff. Deliveries of pharmaceutical products to the premises would be occasional, and would be by couriers in small vehicles. As the business does not require bulky delivery the use will not attract large delivery trucks.

ASSESSMENT:

Town Planning Scheme/R Codes/Residential Design Element's Initial Assessment

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

Planning Element	Complies	Requires the Exercise of Discretion
Use		✓
Bicycles		✓
Access & Parking		✓
Signage	✓	

Town Planning Scheme/R Codes/Residential Design Element's Detailed Assessment

Use

The site is located within the Residential/Commercial (RC80) Zone of the Beaufort Precinct. The proposal is an unlisted use within the City. There are a variety of uses surrounding the proposed development including: consulting rooms (medical and non-medical), offices and residential. The proposed "Pharmaceutical Compounding Pharmacy" use is an 'Unlisted Use' under TPS1.

Clause 15 of the Town Planning Scheme No. 1 states that Council may determine that the proposed unlisted use is consistent with the objectives and purpose of the zone and thereafter follow the 'SA' advertising procedures of Clause 37 in considering an application for planning approval. The proposed change of use application was advertised for 21 days from 7 July to 28 July 2014 in accordance with the 'SA' advertising procedure.

The Beaufort Precinct Policy No. 7.1.13 states that a variety of compatible commercial uses is to be encouraged. Commercial activities should mostly serve the city centre and the research and development, education and community services of the adjacent Metropolitan Redevelopment Area. The proposal generally accords with the above criteria.

The unit that is the subject of the application is small in size (total of 60 square metres across the two floors). The proposed use would accommodate a maximum of two staff members at any one time and would open normal office hours (9am to 5pm Monday to Friday). The proposal would not operate based on passing traffic, instead would rely on patrons knowing of its existence prior to visiting. The applicant does not envisage a scenario where a large number of customers would attend at the same time, rather on an occasional basis, sometimes by appointment. A portion of the trade is also proposed to be postal.

Car Parking

As the proposed use is unlisted, the car and bicycle parking calculations have been assessed using the requirements for retail which would represent the worst case scenario in terms of requirements. The car parking calculation is assessed under the current Parking and Access Policy as follows:

Existing Office

Car bays	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> Office 60 square metres NLA 1 bay per 50 square metres TOTAL car bays required = 1.2 	1 car bay
Adjustment factors <ul style="list-style-type: none"> 0.80 (within 400m of bus route) 0.85 (within 400m of a car park with more than 75 bays – Brisbane Street) 	(0.68)
Minus the car parking provided on-site	2
Minus the existing on-site car parking shortfall	N/A
Resultant Surplus	1.32 car bays

Proposed Pharmaceutical Compounding Dispensary

Car bays	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> Retail 60 square metres NLA 1 bay per 20 square metres NLA TOTAL car bays required = 3.0 	3 car bays
Adjustment factors <ul style="list-style-type: none"> 0.80 (within 400m of bus route) 0.85 (within 400m of a car park with more than 75 bays – Brisbane Street) 	(0.68)
Minus the car parking provided on-site	2
Minus the existing on-site car parking shortfall	Nil
Resultant Shortfall	0.04 car bays

The site can accommodate two car parking bays, however these are not marked out on site. A condition requiring the bays to be marked out prior to the use being operational should be imposed on any approval granted. The proposed use anticipates two employees. The property can provide for two car parking bays and two bicycle bays for customer/employee use, which is largely in accordance with the City's Parking and Access Policy.

The pressures for on-street car parking and traffic impact are expected to occur largely during the day. It would not coincide with the highest demand from residential properties in the area outside of work hours, and is unlikely to result in any detrimental impact to the surrounding residential area.

The shortfall of car parking is 0.04 car bays. The City's Parking and Access Policy requires a cash-in-lieu payment for this shortfall based on \$5200 per bay for the year 2014/15, which in this instance equates to \$208. A recommended condition of approval has been added for cash-in-lieu to be paid. It is at Council's discretion to vary this requirement.

Bicycle Parking

The bicycle parking calculation is assessed under the current Parking and Access Policy as follows:

Bicycle Bays	
Bicycle bay requirement (nearest whole number)	
<ul style="list-style-type: none"> • Retail 60 square metres 1 per 40 square metres NLA TOTAL bays required = 1.5 bicycle bays 	1.5
Minus the cycle bays provided on-site	Nil
Resultant Shortfall	1.5 bicycle bays (2)

Whilst the proposal currently does not show any bicycle parking provision, there is sufficient space on site for two bicycle bays to be accommodated. A condition requiring the provision of two bicycle bays should be added if planning approval is granted.

Signage

The proposed signage would read "Perth Compounding and Dispensary Centre" in single stainless steel letters attached to the building above the front window and door. Each letter would have a maximum height of 200mm. The Signs and Advertising Policy No. 7.5.2 allows a maximum of two signs on any wall for each tenancy within a building, and the total area of all signs on any one wall should not exceed 10% in area of the wall. The proposal is one sign, which covers an area of approximately 3%. No illumination is proposed.

The proposed signage is therefore compliant with the City's Signage Policy. No other external changes to the appearance of the building are proposed.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period	7 July 2014 to 28 July 2014		
Comments Received	Seven (7) objections, Two (2) letters with concerns and One (1) support		

Summary of Comments Received:	Officers Technical Comment:
<p><u>Parking/Traffic/Public Safety</u></p> <p>Concern regarding the existing car parking issues in Robinson Avenue due to restrictions on number and time limited car parking bays on the street.</p> <p>Concern regarding increased pressure for parking from the proposal given existing pressures from the Medical Centre at 5-7 Robinson Ave and the residential properties on the northern side of the street and the limited number of spaces available.</p> <p>Robinson Avenue is an increasingly busy one way street with limited car parking and increased traffic will exacerbate these issues</p> <p>Concern regarding delivery trucks attending the property on a one way street with limited stopping areas</p>	<p>The application site can provide for two car bays within the site. The car parking requirement for the proposed use is a maximum of 2.04 bays, therefore there is a shortfall of only 0.04 car bays.</p> <p>The proposed use is not expected to exacerbate the traffic issues already existing as there would be a limited number of customers expected to attend the site, usually at pre-arranged times.</p> <p>The applicant has advised that daily deliveries will not occur, and any deliveries that do will be by small courier van</p>

Summary of Comments Received:	Officers Technical Comment:
<p><u>Signage</u></p> <p>Unnecessary additional signage is out of character with an existing residential area Proposed signage is too large</p>	<p>The site is located within a Residential/Commercial Zone. The proposed signage is small scale, non illuminated and complies with the City's Signage Policy</p>
<p><u>Use</u></p> <p>There are already two pharmacies in the immediate area, there is no need for additional pharmacies Concern regarding increased opening hours and increased noise and disruption to existing residents</p> <p>Concern that a pharmacy use will encourage increased crime to the area and therefore the need for increased security in the area</p> <p>Units 1A-F have previously been occupied as a small scale office/studio/live-work type uses which do not encourage a large number of customers to attend the property or noise issues to surrounding properties</p>	<p>The proposal is not a retail style pharmacy as the two existing pharmacies in the area are and would not operate in the same manner. The use is an unlisted use within the City, but the proposed use accords with the intention of the Precinct Policy.</p> <p>As opening hours are restricted to 9am to 5pm Monday to Friday this use operates in the same manner as any office use would.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

Summary of Design Advisory Committee Comments:

Not applicable.

LEGAL/POLICY:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Beaufort Precinct Policy No. 7.1.13;
- Parking and Access Policy No. 7.7.1;
- Signs and Advertising Policy No. 7.5.2;
- Development Guidelines for Commercial and Mixed Use Developments Policy No. 7.5.12.

RISK MANAGEMENT IMPLICATIONS:

Should Council refuse the application for development approval, the applicant may have the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

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

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

ENVIRONMENTAL
The adaptive re-use of the existing space has a lower environmental impact compared to constructing a new building for this purpose.
SOCIAL
The proposal provides for access to a wider range of services to the local community.
ECONOMIC
The development will provide increased employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Building Services

- Occupancy Permit required for change of class.
- Private certification required.

Health Services

- No comments.

Technical Services

- No additional comments.
- Standard conditions provided.

CONCLUSION:

It is considered that the proposed Pharmaceutical Compounding Dispensary is an appropriate use in this location, and the small scale of the operation proposed would generally meet the criteria of the zoning and policies as described above. The proposed use will have limited visual impact or loss of amenity to surrounding properties given the restricted hours and expected customer levels.

It is therefore recommended that the proposal is approved.

9.1.2 No. 16 (Lot: 2 D/P: 59505) Astone Lane, Perth – Proposed Construction of a Two-Storey Grouped Dwelling with a Roof Top Terrace

Ward:	South	Date:	17 September 2014
Precinct:	Hyde Park; P12	File Ref:	PRO6089; 5.2014.70.1
Attachments:	001 – Property Information Report 002 – Development Application Plans 003 – Applicant Justification Submission		
Tabled Items:	Nil		
Reporting Officer:	S Laming, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and Metropolitan Region Scheme, **APPROVES** the application submitted by Home Builders Advantage on behalf of the owners, S Neave and B Hauber, for the Proposed Construction of a Two-Storey Grouped Dwelling with a Roof Top Terrace at No. 16 (Lot: 2 D/P: 59505) Astone Lane, Perth as shown on amended plans date stamped 5 September 2014, included as Attachment 002, 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. 13 Baker Avenue, Perth, and No. 16A Astone Lane, Perth, in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork to the City's satisfaction;

2. **PRIOR TO THE ISSUE OF A BUILDING PERMIT, the following shall be submitted to and approved by the City:**

2.1 **Construction Management Plan**

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

2.2 **Landscaping and Reticulation Plan**

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

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

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

All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

3. Building Appearance

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

4. Verge Trees

No street verge tree(s) on Baker Avenue shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning.

ADVICE NOTES:

1. With regard to condition No. 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; and
2. With regard to condition No. 2.2, the City encourages landscaping methods and species selection which do not rely on reticulation.

PURPOSE OF REPORT:

On 28 June 2011 Council at its Ordinary Meeting approved an application for Two (2) Two-Storey Grouped Dwellings with Roof Top Terraces to Existing Single House in the same location, which was then known as No. 15 Baker Avenue, Perth, prior the creation of the subject strata lot. This approval has now lapsed. As the previous approval was determined by Council, the current proposal is referred to Council for determination.

BACKGROUND:

This report should be read in conjunction with the proposal for No. 16A Astone Lane, Perth, which is also reported in this agenda. Both proposals comprise major variations to boundary wall length and height on the shared common boundary. By reading both proposals together the impact of the boundary wall variations are more apparent.

The initial plans provided for the current application proposed major variations to maximum wall height at 9.05 metres, which was significantly higher than the approval granted in 2011 with a maximum wall height of 7.0 metres. During the assessment process the City consulted the applicant to achieve a proposal that was more compliant. The amended plans date stamped 5 September 2014 is the final result of the consultation process and more closely reflects the planning approval previously granted, with a maximum wall height of 7.28 metres.

DETAILS:

Landowner:	S Neave and B Hauber
Applicant:	Home Builders Advantage
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R80
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	131 square metres
Right of Way:	North-western, 4.2 metre width (+ 1 metre easement), City owned.

The proposed development comprises the construction of a two (2) storey grouped dwelling with a roof top terrace, three (3) bedrooms, two (2) bathrooms and double garage with vehicle access from the right-of-way.

ASSESSMENT:

Town Planning Scheme/R Codes/Residential Design Element's Initial Assessment

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

Design Element	Complies 'Acceptable Development' or TPS Clause	'Performance Criteria' Assessment or TPS Discretionary Clause
Density	✓	
Streetscape	N/A	
Front Fence	N/A	
Street Setback	N/A	
Setbacks from Rights-of-Way		✓
Lot Boundary Setbacks		✓
Building Height & Storeys		✓
Roof Forms		✓
Safety and Security		✓
Open Space	✓	
Outdoor Living Areas	✓	
Bicycles	N/A	
Access & Parking	✓	
Privacy	✓	
Solar Access	✓	
Site Works	✓	
Essential Facilities	✓	
Overshadowing	✓	

Town Planning Scheme/R Codes/Residential Design Element's Detailed Assessment

Issue/Design Element:	Setbacks from Rights-of-Way
Requirement:	<p>Residential Design Elements Policy SADC 9. Setbacks from Rights-of-Way</p> <p>Building feature minimum setback from right-of-way:</p> <ul style="list-style-type: none"> • Building Walls on Upper Floors - 1 metre behind each portion of the ground floor setback.
Applicant's Proposal:	<p>Building feature minimum setback from right-of-way:</p> <ul style="list-style-type: none"> • Walls on First Floor - 0.36 metres in front of ground floor (garage) wall (proposed variation of 1.64 metres)
Design Principles:	<p>Residential Design Elements Policy SPC 9. Setbacks from Rights-of-Way</p> <ul style="list-style-type: none"> • The setback is to be compatible and consistent with the established pattern of setbacks presenting to the right-of-way. • 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 City that are less than 6 metres wide. Where this is the case, the minimum manoeuvring distance of 6 metres still needs to be met.

Issue/Design Element:	Setbacks from Rights-of-Way
Applicant justification summary:	<p>The applicant provided justification that can be summarised as follows:</p> <ul style="list-style-type: none"> • <i>There are no existing dwellings fronting onto Astone Lane and as such there are no laneway setbacks to conform to.</i>
Officer technical comment:	<p>The proposed development is considered to be acceptable as it aligns with the design principles as there is currently no comparable setback pattern of established development fronting onto Astone Lane. However, the proposal is compatible and consistent with the setbacks of the proposed development at the adjoining property at No. 16A Astone Lane, Perth.</p>

Issue/Design Element:	Lot Boundary Setbacks and Boundary Walls
Requirement:	<p>Residential Design Codes Clause 5.1.3 (C3.1)</p> <p><u>First Floor:</u> East – 1.0 metres</p> <p><u>First Floor:</u> South – 2.0 metres</p> <p><u>Roof Top Terrace:</u> East – 3.5 metres South – 3.9 metres</p> <p><u>Boundary wall:</u> Building built up to one lot boundary only Building built on boundary up to two thirds of the total length of the boundary – 12.32 metres</p>
Applicant's Proposal:	<p><u>Ground Floor:</u> East – 1.2 metres (proposed variation of 0.3 metres)</p> <p><u>First Floor:</u> South – 1.2-1.9 metres (proposed variation of 1.94 metres)</p> <p><u>Roof Top Terrace:</u> East – 1.56 metres (proposed variation of 1.94 metres) South – 1.2-1.9 metres (proposed variation of 2.7-2.0 metres)</p> <p><u>Boundary wall:</u> Building built up to two lot boundaries (north and south) Building on northern boundary – 15.94 metres (proposed variation of 3.62 metres)</p>
Design Principles:	<p>Residential Design Codes Clause 5.1.3 (P3.1)</p> <p>P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties.

Issue/Design Element:	Lot Boundary Setbacks and Boundary Walls
	<p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1’; • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and • positively contributes to the prevailing development context and streetscape.
Applicant justification summary:	<p>The applicant provided justification that can be summarised as follows:</p> <ul style="list-style-type: none"> • The north boundary wall is compliant as it is directly adjacent the proposed boundary wall at No. 16A Astone Lane; • The proposed variations to the south boundary setback requirements are minor and allow for more effective use of the site; and • Overshadowing is compliant with the Residential Design Codes 2013.
Officer technical comment:	<p>The proposed development is considered to be acceptable as it aligns with the design principles as:</p> <ul style="list-style-type: none"> • The proposed setback variations to the ground floor level plans are minor. These variations are not considered to have an impact on the provision of light and ventilation to the adjoining properties. The northern elevation is well articulated to break up its appearance. • The proposed parapet wall on the northern boundary will permit the use of the site more effectively. The boundary wall will be located adjacent to the proposed dwelling at No. 16A Astone Lane, limiting any undue impact on the availability of sun and ventilation into that property and its associated outdoor living areas. As per Clause 5.1.3 C3.2(i) of the Residential Design Codes, if a wall abuts an existing or simultaneously constructed wall of similar or greater dimension then it is not considered a variation, regardless of height and length. • Given the narrow width of the lot at 7.07 metres, the second parapet wall on the southern boundary further enhances effective use of the site. • As the adjoining property to the south at No. 13 Baker Avenue, Perth is zoned Residential R80, the subject site is permitted to cast overshadowing up to 50% of the total site area of the neighbouring site. However, only 20.56% overshadowing is proposed. • Furthermore, the parapet wall affects the rear garden of No. 13 Baker Avenue but does not impact on any structures. • In addition, the orientation and layout of the development considers the living environment for other adjoining landowners in terms of overshadowing and visual intrusiveness.

Issue/Design Element:	Building Height & Storeys
Requirement:	<p>Residential Design Elements Policy BDADC 5. Building Height Maximum height: Top of external wall (pitched roof above) – 6.0 metres Top of external wall (flat roof above) - 7.0 metres Top of pitched roof – 9.0 metres</p>
Applicant's Proposal:	<p>Maximum height Top of external wall (flat roof above) – 7.28 metres (proposed variation of 0.28 metre)</p>
Design Principles:	<p>Residential Design Elements Policy BDPC 5. Building Height (i) Building height is to be considered to:</p> <ul style="list-style-type: none"> • Limit the height of dwellings so that no individual dwelling dominates the streetscape; • Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and • Maintain the character and integrity of the existing streetscape.
Applicant justification summary:	<p>The applicant provided justification that can be summarised as follows:</p> <ul style="list-style-type: none"> • The building height is considered to comply with the maximum permitted height of 7.0 metres based on the average natural ground level.
Officer technical comment:	<p>The proposed development is considered to be acceptable as it aligns with the design principles as:</p> <ul style="list-style-type: none"> • The proposed dwelling is located on a strata lot directly behind an existing dwelling at No. 15 Baker Avenue, Perth and is setback approximately 27.1 metres from the street. As such the proposed dwelling is not considered to have an impact on the existing streetscape. • The maximum proposed wall height of 7.28 metres is well within the permitted height of 9.0 metres for a two-storey pitched roof design.

Issue/Design Element:	Roof Forms
Requirement:	<p>Residential Design Elements Policy BDADC 3. Roof Forms 30-45 degrees</p>
Applicant's Proposal:	<p>Roof top terrace and portion of first floor roof with 5 degree pitch.</p>
Design Principles:	<p>Residential Design Elements Policy BDPC 3. Roof Forms The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.

Issue/Design Element:	Roof Forms
Applicant justification summary:	<p>The applicant provided justification that can be summarised as follows:</p> <ul style="list-style-type: none"> • The roof top terrace doesn't add to the overall bulk of the building; • The 7 metre maximum wall height has been toned down with the use of obscure glazing; • Even with 1.6 metre high privacy screening city skyline views are still achieved; • There are no existing home sites that adjoin Astone Lane at this stage so no streetscape character has been established for the requirement of a higher roof pitch; and • Raising the roof pitch to the required pitch will increase the bulk of the home & affect the character of the design & shadow the roof terrace.
Officer technical comment:	The proposed roof form is deemed acceptable because it contributes to reducing the bulk of the building.

Issue/Design Element:	Safety and Security
Requirement:	<p>Residential Design Elements Policy SADC 12. Safety and Security At least one major opening window to a habitable room facing the street and right-of-way (where practical), on the ground and upper floors.</p>
Applicant's Proposal:	No major openings on the ground floor.
Design Principles:	<p>Residential Design Elements Policy SPC 12. Safety and Security Development to be designed to enhance the safety and security of the surrounding area.</p>
Applicant justification summary:	<p>The applicant provided justification that can be summarised as follows:</p> <ul style="list-style-type: none"> • There is a lack of surveillance into the laneway as the majority of housing stock is single storey and do not front onto the laneway; • As there is insufficient parking to the laneway & adjoining Baker Street, providing a double garage rather than a single garage and adjoining habitable room with major opening aids the parking issues of the area; and • The upper floor maximises the visual surveillance with large windows to the main living area.
Officer technical comment:	<p>The proposed development is considered to be acceptable as it aligns with the design principles as:</p> <ul style="list-style-type: none"> • The narrow width of the lot at 6.99 metres and the proposed ground floor double garage with a width of 5.01 metres makes it difficult to provide a habitable space with a major opening at the ground floor level. • A 4 metre wide living room window on the first floor ensures surveillance of the laneway.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comment Period:	15 April 2014 to 2 May 2014.
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Comments Received:	Two (2) submissions received objecting to the development.
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Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Heritage</u></p> <p>Baker Avenue is a heritage listed street and the proposed redevelopment is out of character.</p>	<p>Not supported. Whilst it is noted that the majority of properties on Baker Avenue are heritage listed, the proposed dwelling is located at the rear of No. 15 Baker Avenue, Perth, thereby maintaining the existing character of the street. As such the proposed dwelling is not considered to have an impact on the existing streetscape.</p>
<p><u>Issue: Visual Privacy</u></p> <p>Concern over loss of privacy in adjoining properties as a result from overlooking.</p>	<p>Not supported. The amended plans date stamped 5 September 2014 comply with the Residential Design Codes 2013 Clause 5.4.1 relating to Visual Privacy. Where major openings of habitable spaces are not setback adequately, permanent screening is used to prevent overlooking into adjoining properties.</p>
<p><u>Issue: Overshadowing</u></p> <p>Overshadowing of the back garden of adjacent property to the south.</p>	<p>Not supported. The proposal complies with Residential Design Codes 2013 Clause 5.4.2 relating to Solar access for adjoining sites. As the adjoining property to the south at No. 13 Baker Avenue, Perth is zoned Residential R80, the subject site is permitted to cast overshadowing up to 50% of the total site area. However, only 20.56% overshadowing is proposed.</p>
<p><u>Issue: Ventilation</u></p> <p>Concern over heat reflection and loss of breezes as a result of the proposed development.</p>	<p>Noted. The proposed setback variations to the ground floor level plans are minor. These variations are not considered to have an impact on the provision of light and ventilation to the adjoining properties.</p>
<p><u>Issue: Traffic</u></p> <p>Astone Lane is narrow and the proposed redevelopment will increase traffic.</p>	<p>Noted. Astone Lane is currently 4.2 metres in width. During the previously approved subdivision, an easement was created on the subject strata lot to allow for 1 metre right-of-way widening on the southern side of Astone Lane. It is considered that the proposed dwelling will result in a minor increase of local traffic only.</p>
<p><u>Issue: Parking</u></p> <p>The proposed redevelopment will exacerbate existing parking issues on Baker Avenue.</p>	<p>Noted. As per Residential Design Codes 2013 Clause 5.3.3 relating to Parking, the proposed dwelling is required to provide one (1) on-site car parking bay. However, two (2) on-site car parking bays are proposed.</p>
<p><u>Issue: Security</u></p> <p>Concern over security of adjacent property during construction due to the removal of the dividing fence.</p>	<p>Noted. During construction the applicant/owner will be required to install a temporary dividing fence.</p>

Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Building Height</u></p> <p>Object to 9.05 metre maximum wall height shown on plans date stamped 10 February 2014.</p>	<p>Supported. Following the Community Consultation process, the applicant submitted amended plans substantially reducing the maximum height of the parapet wall on the southern boundary and achieving a maximum wall height of 7.28 metres, as shown on amended plans date stamped 5 September 2014.</p>
<p><u>Issue: Setbacks</u></p> <p>There is no reason for the balcony to not be a minimum of 1 metre setback behind the ground floor walls.</p>	<p>Supported. Amended plans date stamped 5 September 2014 show the roof top terrace to be setback a minimum of 5.95 metres behind the ground floor walls.</p>

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

Design Advisory Committee:

The application was not required to be referred to the Design Advisory Committee.

LEGAL/POLICY:

City of Vincent Town Planning Scheme No. 1 and associated Policies.

RISK MANAGEMENT IMPLICATIONS:

Should Council refuse the application for development approval, the applicant may have the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

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

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

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

SOCIAL	
Issue	Comment
Provides housing choice.	

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Heritage Services

As the application proposes to build on a vacant lot Heritage Services does not have any comments.

Technical Services

The City's Technical Services notes that the application is generally compliant and as such does not have any comments.

Planning

Astone Lane is currently in a state of dilapidation with broken fencing, litter and graffiti creating an environment that feels unsafe and is not aesthetically pleasing. The proposal has the potential to positively contribute to Astone Lane by being a catalyst for future development on neighbouring lots fronting onto the right-of-way.

It should be noted that Clause 20(4)(e)(ii) of the City's Town Planning Scheme No. 1 affords Council the opportunity to consider any variation to the Residential Design Codes where it is necessary to maintain the prevailing historic character of the precinct, particularly with regard to the redevelopment of small lots.

Due to the proposal being located directly adjacent and within close proximity to a number of heritage listed dwellings on Baker Avenue, it is recommended that condition be imposed on any approval issued, requiring submission of a Construction Management Plan.

It is considered that the proposed variations to building height and setbacks would not adversely impact the existing prevailing historic character of the area.

CONCLUSION:

The proposed construction of a two (2) storey building with roof top terrace is supported for the reasons outlined in this report. It is recommended that the proposal is approved subject to relevant conditions and advice notes.

9.1.3 No. 16A (Lot: 3 D/P: 59505) Astone Lane, Perth – Proposed Construction of a Two-Storey Grouped Dwelling with a Roof Top Terrace

Ward:	South	Date:	17 September 2014
Precinct:	Hyde Park; P12	File Ref:	PRO6116; 5.2013.595.1
Attachments:	001 – Property Information Report 002 - Development Application Plans 003 – Applicant Justification Submission		
Tabled Items:	Nil		
Reporting Officer:	S Laming, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and Metropolitan Region Scheme, **APPROVES** the application submitted by Home Builders Advantage on behalf of the owners, B & P Nodari-Stewart, for the Proposed Construction of a Two-Storey Grouped Dwelling with a Roof Top Terrace at No. 16A (Lot: 3 D/P: 59505) Astone Lane, Perth as shown on amended plans date stamped 5 September 2014, included as Attachment 002, 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. 17 Baker Avenue, Perth, and No. 16 Astone Lane, Perth, in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork to the City's satisfaction;

2. **PRIOR TO THE ISSUE OF A BUILDING PERMIT, the following shall be submitted to and approved by the City:**

2.1 **Construction Management Plan**

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

2.2 **Landscaping and Reticulation Plan**

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

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

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

All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

3. Building Appearance

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

4. Verge Trees

No street verge tree(s) on Baker Avenue shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning.

ADVICE NOTES:

1. With regard to Condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls; and
2. With regard to Condition 2.2, the City encourages landscaping methods and species selection which do not rely on reticulation.

PURPOSE OF REPORT:

On 28 June 2011 Council at its Ordinary Meeting approved an application for Two (2) Two-Storey Grouped Dwellings with Roof Top Terraces to Existing Single House in the same location, which was then known as No. 15 Baker Avenue, Perth, prior the creation of the subject strata lot. This approval has now lapsed. As the previous approval was determined by Council, the current proposal is referred to Council for determination.

BACKGROUND:

This report should be read in conjunction with the proposal for No. 16 Astone Lane, Perth, which is also reported in this agenda. Both proposals comprise major variations to boundary wall length and height on the shared common boundary. By reading both proposals together the impact of the boundary wall variations are more apparent.

The initial plans provided for the current application proposed major variations to maximum wall height at 9.05 metres, which was significantly higher than the approval granted in 2011 with a maximum wall height of 7.0 metres. During the assessment process the City consulted the applicant to achieve a proposal that was more compliant. The amended plans date stamped 5 September 2014 is the final result of the consultation process and more closely reflects the planning approval previously granted, with a maximum wall height of 7.28 metres.

DETAILS:

Landowner:	B & P Nodari-Stewart
Applicant:	Home Builders Advantage
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R80
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	124 square metres
Right-of-Way:	North-western, 4.2 metre width (+ 1 metre easement), City owned.

The proposed development comprises the construction of a two (2) storey grouped dwelling with a roof top terrace, three (3) bedrooms, two (2) bathrooms and double garage with vehicle access from the right-of-way.

Assessment:

Town Planning Scheme/R Codes/Residential Design Element's Initial Assessment

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

Design Element	Complies 'Acceptable Development' or TPS Clause	'Performance Criteria' Assessment or TPS Discretionary Clause
Density	✓	
Streetscape	N/A	
Front Fence	N/A	
Street Setback	N/A	
Setbacks from Rights-of-Way		✓
Lot Boundary Setbacks		✓
Building Height & Storeys		✓
Roof Forms		✓
Safety and Security		✓
Open Space	✓	
Outdoor Living Areas	✓	
Bicycles	N/A	
Access & Parking	✓	
Privacy	✓	
Solar Access	✓	
Site Works	✓	
Essential Facilities	✓	
Overshadowing	✓	

Town Planning Scheme/R Codes/Residential Design Element's Detailed Assessment

Issue/Design Element:	Setbacks from Rights-of-Way
Requirement:	<p>Residential Design Elements Policy SADC 9. Setbacks from Rights-of-Way</p> <p>Building feature minimum setback from right-of-way:</p> <ul style="list-style-type: none"> • Building Walls on Upper Floors - 1 metre behind each portion of the ground floor setback.
Applicant's Proposal:	<p>Building feature minimum setback from right-of-way:</p> <ul style="list-style-type: none"> • Walls on First Floor - 0.4 metre in front of ground floor (garage) wall (proposed variation of 1.6 metres)
Design Principles:	<p>Residential Design Elements Policy SPC 9. Setbacks from Rights-of-Way</p> <ul style="list-style-type: none"> • The setback is to be compatible and consistent with the established pattern of setbacks presenting to the right-of-way. • 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 City that are less than 6 metres wide. Where this is the case, the minimum manoeuvring distance of 6 metres still needs to be met.

Issue/Design Element:	Setbacks from Rights-of-Way
Applicant justification summary:	<p>The applicant provided justification that can be summarised as follows:</p> <ul style="list-style-type: none"> • There are no existing dwellings fronting onto Astone Lane and as such there are no laneway setbacks to conform to.
Officer technical comment:	<p>The proposed development is considered to be acceptable as it aligns with the design principles as there is currently no comparable setback pattern of established development fronting onto Astone Lane. However, the proposal is compatible and consistent with the setbacks of the proposed development at the adjoining property at No. 16A Astone Lane, Perth.</p>

Issue/Design Element:	Lot Boundary Setbacks and Boundary Walls
Requirement:	<p>Residential Design Codes Clause 5.1.3 (C3.1)</p> <p><u>First Floor:</u> North – 1.9 metres</p> <p><u>Roof Top Terrace:</u> North – 3.5 metres East – 3.5 metres</p> <p><u>Boundary wall:</u> Building built up to one lot boundary only Building built on boundary up to two thirds of the total length of the boundary – 10.98 metres</p>
Applicant's Proposal:	<p><u>First Floor:</u> North – 1.2-1.8 metres (proposed variation of 0.1-0.7 metres)</p> <p><u>Roof Top Terrace:</u> North – 1.2 metres (proposed variation of 2.3 metres) East – 1.4 metres (proposed variation of 2.1 metres)</p> <p><u>Boundary wall:</u> Building built up to two lot boundaries (north and south) Building on southern boundary – 15.6 metres (proposed variation of 4.62 metres)</p>
Design Principles:	<p>Residential Design Codes Clause 5.1.3 (P3.1)</p> <p>P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties. <p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1'; • does not have any adverse impact on the amenity of the adjoining property;

Issue/Design Element:	Lot Boundary Setbacks and Boundary Walls
	<ul style="list-style-type: none"> ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and positively contributes to the prevailing development context and streetscape.
Applicant justification summary:	<p>The applicant provided justification that can be summarised as follows:</p> <ul style="list-style-type: none"> The north boundary wall is compliant as it is directly adjacent the proposed boundary wall at No. 16 Astone Lane; The proposed variations to the south boundary setback requirements are minor and allow for more effective use of the site; and Overshadowing is compliant with the Residential Design Codes 2013.
Officer technical comment:	<p>The proposed development is considered to be acceptable as it aligns with the design principles as:</p> <ul style="list-style-type: none"> The proposed setback variations to the ground floor level plans are minor. These variations are not considered to have an impact on the provision of light and ventilation to the adjoining properties. The northern elevation is well articulated to break up its appearance. The proposed parapet wall on the southern boundary will permit the use of the site more effectively. The boundary wall will be located adjacent to the proposed dwelling at No. 16 Astone Lane, limiting any undue impact on the availability of sun and ventilation into that property and its associated outdoor living areas. As per Clause 5.1.3 C3.2(i) of the Residential Design Codes, if a wall abuts an existing or simultaneously constructed wall of similar or greater dimension then it is not considered a variation, regardless of height and length. Given the narrow width of the lot at 7.08 metres, the second parapet wall on the northern boundary further enhances effective use of the site. In addition, the orientation and layout of the development considers the living environment for adjoining landowners in terms of overshadowing and visual intrusiveness.

Issue/Design Element:	Building Height & Storeys
Requirement:	<p>Residential Design Elements Policy BDADC 5. Building Height Maximum height: Top of external wall (pitched roof above) – 6.0 metres Top of external wall (flat roof above) - 7.0 metres Top of pitched roof – 9.0 metres</p>
Applicant's Proposal:	<p>Maximum height Top of external wall (flat roof above) - 7.28 metres (proposed variation of 0.28 metre)</p>

Issue/Design Element:	Building Height & Storeys
Design Principles:	<p>Residential Design Elements Policy BDPC 5. Building Height</p> <p>(i) Building height is to be considered to:</p> <ul style="list-style-type: none"> • Limit the height of dwellings so that no individual dwelling dominates the streetscape; • Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and • Maintain the character and integrity of the existing streetscape.
Applicant justification summary:	<p>The applicant provided justification that can be summarised as follows:</p> <ul style="list-style-type: none"> • The building height is considered to comply with the maximum permitted height of 7.0 metres based on the average natural ground level.
Officer technical comment:	<p>The proposed development is considered to be acceptable as it aligns with the design principles as:</p> <ul style="list-style-type: none"> • The proposed dwelling is located on a strata lot directly behind an existing dwelling at No. 15 Baker Avenue, Perth and is setback approximately 28.84 metres from the street. As such the proposed dwelling is not considered to have an impact on the existing streetscape. • The maximum proposed height of 7.28 metres (top of external wall) is well within the permitted height of 9.0 metres for a two-storey pitched roof design.

Issue/Design Element:	Roof Forms
Requirement:	<p>Residential Design Elements Policy BDADC 3. Roof Forms</p> <p>30-45 degrees</p>
Applicant's Proposal:	<p>Roof top terrace and portion of first floor roof with 5 degree pitch.</p>
Design Principles:	<p>Residential Design Elements Policy BDPC 3. Roof Forms</p> <p>The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Applicant justification summary:	<p>The applicant provided justification that can be summarised as follows:</p> <ul style="list-style-type: none"> • The roof top terrace doesn't add to the overall bulk of the building; • The 7 metre maximum wall height has been toned down with the use of obscure glazing; • Even with 1.6 metre high privacy screening city skyline views are still achieved; • There are no existing home sites that adjoin Astone Lane at this stage so no streetscape character has been established for the requirement of a higher roof pitch; and • Raising the roof pitch to the required pitch will increase the bulk of the home & affect the character of the design & shadow the roof terrace.

Issue/Design Element:	Roof Forms
Officer technical comment:	The proposed roof form is deemed acceptable because it contributes to reducing the bulk of the building.

Issue/Design Element:	Safety and Security
Requirement:	Residential Design Elements Policy SADC 12. Safety and Security At least one major opening window to a habitable room facing the street and right-of-way (where practical), on the ground and upper floors.
Applicant's Proposal:	No major openings on the ground floor.
Design Principles:	Residential Design Elements Policy SPC 12. Safety and Security Development to be designed to enhance the safety and security of the surrounding area.
<i>Applicant justification summary:</i>	The applicant provided justification that can be summarised as follows: <ul style="list-style-type: none"> • There is a lack of surveillance into the laneway as the majority of housing stock is single storey and do not front onto the laneway; • As there is insufficient parking to the laneway & adjoining Baker Street, providing a double garage rather than a single garage and adjoining habitable room with major opening aids the parking issues of the area; and • The upper floor maximises the visual surveillance with large windows to the main living area.
Officer technical comment:	The proposed development is considered to be acceptable as it aligns with the design principles as such: <ul style="list-style-type: none"> • The narrow width of the lot at 7.08 metres and the proposed ground floor double garage with a width of 5.01 metres makes it difficult to provide a habitable space with a major opening at the ground floor level. • A 3 metre wide living room window on the first floor ensures surveillance of the laneway.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
Comment Period:	6 March 2014 to 20 March 2014		
Comments Received:	No submissions received.		

Design Advisory Committee:

The application was not required to be referred to the Design Advisory Committee.

LEGAL/POLICY

City of Vincent Town Planning Scheme No. 1 and associated Policies.

RISK MANAGEMENT IMPLICATIONS:

Should Council refuse the application for development approval, the applicant may have the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

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

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

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

SOCIAL	
Issue	Comment
Provides housing choice.	

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Heritage Services

As the application proposes to build on a vacant lot Heritage Services does not have any comments.

Technical Services

The City's Technical Services notes that the application is generally compliant and as such does not have any comments.

Planning

Astone Lane is currently in a state of dilapidation with broken fencing, litter and graffiti creating an environment that feels unsafe and is not aesthetically pleasing. The proposal has the potential to positively contribute to Astone Lane by being a catalyst for future development on neighbouring lots fronting onto the right-of-way.

It should be noted that Clause 20(4)(e)(ii) of the City's Town Planning Scheme No. 1 affords Council the opportunity to consider any variation to the Residential Design Codes where it is necessary to maintain the prevailing historic character of the precinct, particularly with regard to the redevelopment of small lots.

Due to the proposal being located directly adjacent and within close proximity to a number of heritage listed dwellings on Baker Avenue, it is recommended that condition be imposed on any approval issued, requiring submission of a Construction Management Plan.

It is considered that the proposed variations to building height and setbacks would not adversely impact the existing prevailing historic character of the area.

CONCLUSION:

The proposed construction of a two (2) storey building with roof top terrace is supported for the reasons outlined in this report. It is recommended that the proposal is approved subject to relevant conditions and advice notes.

9.1.4 No. 78B (Lot: 1 STR: 66198) Carr Street, West Perth – Proposed Construction of a Three-Storey Grouped Dwelling

Ward:	South	Date:	17 September 2014
Precinct:	Cleaver; P5	File Ref:	PRO6374; 5.2014.251.1
Attachments:	001 – Property Information Report 002 – Development Application Plans 003 – Applicant Submission dated 12 August 2014		
Tabled Items:	Nil		
Reporting Officer:	P Stuart, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, APPROVES the application submitted by Rare Constructions Pty Ltd on behalf of the owner, J Slater, for the Proposed Construction of a Three-Storey Grouped Dwelling at No. 78B (Lot: 1 STR: 66198) Carr Street, West Perth as shown on plans stamp dated 7 May 2014, included as Attachment 002, 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. 78A Carr Street, West Perth, in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork;

2. **PRIOR TO THE ISSUE OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:**

2.1 **Privacy Screening**

The second floor window to the southern elevation encompassing the retreat room shall be screened to a minimum of 1.6 metres above the finished first floor level with permanent obscure material and be non-openable; and

2.2 **Driveway**

The driveway truncation at the entry point of the garage is to be relocated to the property boundary to allow vehicles to turn and manoeuvre, as marked in handwriting on the attached plans;

3. **Building Appearance**

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

4. **Stormwater**

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

5. Verge Treatment

- 5.1 No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning; and
- 5.2 The applicant shall liaise with the City to have existing signage relocated and the street car parking bays signage to be moved to allow a crossover entrance.

ADVICE NOTES:

1. With regard to condition No. 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. In reference to Condition 2.1, a permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR be made to comply with the privacy provisions of the R-Codes;
3. All new crossovers to lots are subject to a separate application to be approved by the City's Technical Services Directorate; and
4. With reference to Condition 4, no further consideration shall be given to the disposal of stormwater 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.

PURPOSE OF REPORT:

Applications relating to three storey developments must be referred to Council for determination. The application furthermore has more than five objections.

BACKGROUND:

History:

Nil.

Previous Reports to Council

Nil.

DETAILS:

Landowner:	J Slater
Applicant:	Rare Constructions
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R80
Existing Land Use:	Vacant Land
Use Class:	Single House
Use Classification:	"P"
Lot Area:	196 square metres
Right of Way:	Not Applicable

The proposed development comprises the Construction of a Three (3) Storey grouped dwelling development consisting of three (3) bedrooms, three (3) bathrooms, one (1) games room, and grade level car parking.

ASSESSMENT:

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

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density	✓		
Streetscape	✓		
Front Fence	✓		
Street Setback	✓		
Lot Boundary Setbacks			✓
Building Height & Storeys			✓
Roof forms			✓
Open Space	✓		
Outdoor Living Areas	✓		
Bicycles	✓		
Access & Parking	✓		
Privacy			✓
Solar Access	✓		
Site Works	✓		
Essential Facilities	✓		
Surveillance	✓		

Issue/Design Element:	Lot Boundary Setback
Requirement:	<p>Residential Design Codes Clause 5.1.3 (C3.1)</p> <p><u>First Floor:</u> East – 1.8 metres</p> <p><u>Second Floor:</u> West – 5 metres East – 2.4 metres</p> <p><u>Boundary wall:</u> Maximum height – 3.5 metres Average height – 3.0 metres To one side only</p>
Applicant's Proposal:	<p><u>First Floor:</u> East – 1.54 metres (proposed variation of 0.26 metres)</p> <p><u>Second Floor:</u> West – 4 metres (proposed variation of 1.0 metre) East – 1.54 metres (proposed variation of 0.86 metres)</p> <p><u>Boundary wall</u> Maximum height and average height – 2.7 metres to east; 5.5m on south boundary (max) located on two boundaries</p>

Issue/Design Element:	Lot Boundary Setback
Design Principles:	<p>Residential Design Codes Clause 5.1.3 (P3.1)</p> <p>P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties. <p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1' • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and • positively contributes to the prevailing development context and streetscape.
Applicant justification summary:	<p><i>'The eastern side wall is proposed to abut the neighbouring boundary walls. Furthermore the site's limitations make for more effective use of space'.</i></p>
Officer technical comment:	<ul style="list-style-type: none"> • The proposed setback variations to the east abut walls which are constructed to similar heights and dimensions and will not result in any undue impact on the existing homes. The southern side boundary wall abuts a vacant lot, however is proposed with a raised courtyard, which retains light and ventilation through the driveway portion of the subject lot. The home itself is proposed to be located approximately 8.7 metres from the boundary. The maximum height of the southern side boundary wall will ensure that a high level of privacy and security is provided. • The proposed setback variations will not pose a significant detriment to the provision of light and ventilation to the adjoining properties. With the exception of the previously discussed, above, the upper floors have been setback from the ground floors to break up its appearance, limiting the appearance of building bulk. • There is minor concern regarding overshadowing onto the southern adjoining allotment, however the degree of shadow is compliant, and the affected owners have designed their home with this in mind. Furthermore, the setbacks proposed will still afford the adjoining properties significant access to light and ventilation. The location of the proposed pool will not be affected in terms of shadow.

Issue/Design Element:	Building Height & Storeys
Requirement:	Residential Design Elements Policy BDADC 5. Building Height Top of external wall (concealed roof) – 7.0 metres Two storeys max
Applicant's Proposal:	Top of external wall (concealed roof) – 9.281 metres Three storeys
Design Principles:	Residential Design Elements Policy BDPC 5. Building Height (i) Building height is to be considered to: <ul style="list-style-type: none"> • Limit the height of dwellings so that no individual dwelling dominates the streetscape; • Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and • Maintain the character and integrity of the existing streetscape.
Applicant justification summary:	<p><i>“The design of the proposed development is dictated to a large degree by existing development constraints and the configuration of the subject site. The subject site has a relatively square shape rather than a more conventional rectangular shape, and site planning is heavily influenced by an existing sewer main and associated easement towards the rear of the site. The developable site area remaining requires an innovative approach to the dwelling design in order to meet the requirements of the landowner and to protect the amenity of neighbouring properties. Fortunately, the degree of isolation of the subject site from surrounding streetscapes offers the landowner the potential for flexible development configurations that ordinarily would not be suitable in other locations more proximal to the traditional streetscapes in the locality”.</i></p>
Officer technical comment:	<ul style="list-style-type: none"> • The proposed three storey dwelling directly abuts residential properties at No. 76 Carr Street with height at two storeys with lofts. The overall height of the neighbouring properties is at an equivalent scale to the subject property. The subject property is likely to be restricted in view from Carr Street due to the location being set at the rear corner of the streetscape, thus is essentially hidden from view. Furthermore, the likely development of the home in front at No. 78A Carr Street – in which the pitched roof is at a similar overall height – will hide the majority of the building from the street. • The context of the property is characterised by two storey homes with lofts fronting the north side of Carr Street and single storey grouped residential development along the south side of Carr Street. To the west of the development is a large two storey development with a full length two storey boundary wall ('space invaders wall'); and the corner properties vacant. • The development makes efficient use of vacant land in close proximity to a highly sought after living area. The design provides sufficient usable open space for the property whilst limiting any undue impacts on the adjoining residential properties through overshadowing.

Issue/Design Element:	Roof Forms
Requirement:	Residential Design Elements Policy BDADC 3. Roof Forms 30- 45 degrees
Applicant's Proposal:	10 degrees
Design Principles:	Residential Design Elements Policy BDPC 3. Roof Forms The roof of a building is to be designed so that: <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Applicant justification summary:	<i>'A skillion roof is preferred to a pitched roof with a lobby in order to make for more effective use of space.'</i>
Officer technical comment:	<ul style="list-style-type: none"> • The reduced roof pitch will not unduly increase the bulk of the building and will not alter the existing streetscape character along Carr Street. • In addition, the three storey development directly adjacent presents a flat roof with skillion style aspects when viewed from the street level.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Comment Period:	06 June 2014 –26 June 2014
Comments Received:	Nine (9) comments were received objecting to the development. Three letters of support supplied by the applicant were included as part of the initial application submission.

Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Privacy</u></p> <p>The diagrams presented indicate major openings on walls directly facing adjacent properties 76C Carr Street, 6 Florence St, 48 Florence Street and 4A Florence Street and do not give any details of proposed screening. The proposed development on 78B Carr Street severely impacts and reduces visual privacy on directly adjacent properties a 76C Carr Street, a 6 Florence St a 48 Florence Street and a 4A Florence Street The proposed does not demonstrate compliance with this Clause and will establish an undesirable precedent for 78A Strata Lot 2 and other future developments in the area and will deliver subsequently deliver negative planning and design outcomes</p>	<p>Noted. The proposal generally indicates screening to all windows facing those properties cited. Screening refers to fixed obscure glazing to a minimum height of 1.6 metres. Therefore each of these openings are compliant with the requirements of the Residential Design Codes (R-Codes) in relation to privacy.</p> <p>There is one opening to the south however that is not screened to the minimum required height. This opening is contained on the second floor retreat window and overlooks No. 78A Carr Street. In reference to the submitted plans for approval, the retreat window has the propensity to overlook the rear outdoor living area and swimming pool. This does not comply with the requirements of the R-Codes. Accordingly a condition for screening is placed upon the approval.</p>

Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Building Bulk</u></p> <p>The City of Vincent requires residential development comply with Residential Design Codes 2013 Clause 5,13 Lot Boundary setbacks. The proposed development on 78 Carr Street:</p> <p>a) Does not reduce the impact of building bulk on adjoining Properties 6 Florence St, 4B Florence Street, 4A Florence St and 76 Carr Street.</p> <p>b) Does not minimize the extent of overlooking and resultant loss of privacy on adjoining Properties 6 Florence St, 4B Florence Street, Any Florence St and 76c Carr Street.</p> <p>c) Provides an unacceptable 9 metre high massing only 3 metres from the boundary of 6 Florence Street. A 3 storey massing so close to an existing single storey property is unacceptable as it results in highly obtrusive building bulk whereby the surrounding scale of compliant properties are single or double storey.</p> <p>d) The proposed development does not demonstrate compliance with this clause and will establish an undesirable precedent for 78A Strata Lot 2 and other future developments in the area and subsequently deliver negative planning design outcomes.</p>	<p>Not supported. The proposed side setbacks to the eastern, western and southern boundaries have been effectively articulated to respond to the characteristics of this boundary. The portions of wall contain minimal openings and generous setbacks thereby reducing bulk to the boundary. This is especially considerate of the northern boundary, which is set sufficiently back from this boundary.</p> <p>The R-Codes require each portion of wall to be assessed on its own merits and in each individual case. Therefore precedent is not a consideration.</p>
<p><u>Issue: Building Setbacks</u></p> <p>The City of Vincent requires residential development comply with Residential Design nodes 2013 Clause 5,13 Lot Boundary setbacks -Table 2a and 2b.</p>	<p>Noted. The setbacks have been assessed in accordance with tables 2a and 2b. Those portions of wall not meeting the deemed-to-comply standards within the tables are required to be assessed in accordance with the design principles as outlined previously in this report.</p>
<p><u>Issue: Building Height/Overshadowing</u></p> <p>The proposed development has a building height that creates an adverse impact on adjoining properties. For example "the proposal wishes to install a 3 storey building just over a metre away from the boundary of No. 6 Florence Street which is an existing single storey. The proposed additional third storey will reduce eastern sun penetration in properties west of 78B Carr Street.</p> <p>Properties 4A and 4 Florence Street are already compromised for northern sun penetration due to the excessive parapet height of 4B Florence Street.</p> <p>Proposed top of wall heights and roof heights do not comply with the R Codes design principles and deemed to comply criteria.</p>	<p>Not supported. The building is located at a minimum 1.5 metres from the northern boundary, which extends out to approximately 5.5 metres, thus limiting the amount of building bulk. Being entirely on the southern side of the existing single storey homes on Florence Street, no overshadowing will occur at any time of day onto these properties.</p> <p>In this instance, the R-Codes are overridden by the City's policy Residential Design Elements are further discussed in detail in this report.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Refer R Codes Table 3 Because of the extremely close proximity of total number of six dwellings to be built on this land (block) area, the proposed building will certainly not reduce the building bulk on adjoining properties, rather it will assist in creating a visible image to the surrounding area of multi-dwelling development.</p>	
<p><u>Issue: Number of Storeys</u></p> <p>The proposed development does not comply with the City of Vincent regulations in regard to the number of storeys permitted and is not accepted. The original subdivision to the blocks situated on the corner of Florence Street and Carr Street that was approved by the City of Vincent stipulated only a 2 storey development was accepted Refer attached Sketch 6 and 7.</p> <p>Three storeys would create an undesirable precedent.</p>	<p>Not Supported. The maximum number of storeys for a single home can be varied upon satisfactorily demonstrating compliance with the performance elements as contained within Policy No. 7.2.1 "Residential Design Elements". Based on available records, this is the only stipulation relating to building height applicable to this property. Subdivisions are approved by the Western Australian Planning Commission and do not include conditions that prescribe development. The Certificate of Title supplied does not refer to a height covenant.</p>
<p><u>Issue: Heritage/Aesthetics</u></p> <p>The proposed development on 78B Carr Street includes the following negative design outcomes:</p> <p>a) The proposed 8 degree pitch does not match the adjacent pitches on Properties 76C Carr Street, 6 Florence St and existing properties along Carr Street, Refer Sketch 4.</p> <p>b) Roof Overhangs that provide little or no overhang to glazing and therefore do not contribute to sustainable and energy efficient design.</p> <p>c) Proposed windows have no sun protection and thus do not contribute to sustainable and energy efficient design.</p> <p>d) The alignment and resultant interface between the first storey, second storey and third storey massing result in unsatisfactory design articulation of massing.</p> <p>e) The major openings on the north and west direct look into adjacent properties. Providing obscure glass to mitigate the problem will result in poor aesthetics and design functionality (internally and externally).</p>	<p>Not supported. The roof forms are not required to match with the existing surrounding area provided the proposal satisfies the performance elements as contained within Policy No. 7.2.1 Residential Design Elements.</p> <p>There are overhangs to provide protection for summer sun conditions.</p> <p>With the exception of those setbacks discussed above, the lot boundary setbacks comply with the deemed-to-comply standards and thus are unable to be refused by the City. Those portions requiring discretion are considered acceptable.</p> <p>The openings to the north and west are compliant with the Residential Design Codes.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>The proposed development does not facilitate a design concept that harmonizes with the existing streetscape and does not complement the character of the locality;</p> <ul style="list-style-type: none"> • It does not promote a housing design of the highest possible quality; • It fails to manage residential development in a way that recognizes the needs of innovative design and contemporary lifestyles; • It does not create consistent and desired residential development outcomes for all stakeholders; 	<p>The design itself is at the discretion of the property owner. The argument of failing to be a well designed building is an aesthetic one which the City cannot uphold. According to the Applicant's, the site limitations require innovative design solutions. In order to maximise available space the dwelling is design at three storeys. In order to minimise the impacts to existing amenity to surrounding property owners, the dwelling has been design with a skillion roof.</p>
<p><u>Issue: Environmental Sustainability</u></p> <ul style="list-style-type: none"> • The proposal fails to encourage building design that incorporates sustainable and energy efficient design that befits the local climate and provides comfortable living conditions; • The proposal does not establish a well designed quality building. 	<p>Not Supported. There are no applicable planning polices for single homes which require sustainability measures beyond the Building Codes of Australia.</p>
<p><u>Issue: Lot Size</u></p> <p>It is self evident the location of the proposed strata boundary is positioned to allow future grouped dwelling development. It is imperative that proposed design does not set a precedent that allows the lack of quality design outcomes to continue.</p> <ul style="list-style-type: none"> • Does the 78B Strata lot 1 area of approx 280sqm comply with R Codes Table 1 minimum lot area [380sqm]? • Does the R Codes allow the proposed building area of approx 286sqm to be set on a strata lot area of 151sqm plus an adjudicated area of access way of approx area 118sqm? • Is not 30% open area required by the R Codes Table 1 for each strata lot? 	<p>Not Supported.</p> <p>The subdivision reference of 380sqm relates to freehold battleaxe lots. In this instance the allotments share a portion of common property, used as driveway access though not forming a part of the effective lot area for strata lot 1. Therefore the definition of battleaxe does not apply. Accordingly the minimum site area becomes 100sqm for a single or grouped dwelling for this density. The open space requirement is measured from the building footprint, not the overall building area. To this end the building foot print has been measured at 88sqm. This equates to 41.7% of open space and complies.</p>
<p><u>Issue: Character Retention</u></p> <p>This is nearly a single storey streetscape which Council is in process of proposing to have declared a "character retention" streetscape.</p>	<p>Noted. Any anticipated character retention policies are not seriously entertained at the time of writing this report and cannot be considered as a reason to prevent the development.</p>

Development Advisory Committee

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the Proposed Three (3) Storey grouped dwelling development:

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

RISK MANAGEMENT IMPLICATIONS:

Should Council refuse the application for development approval, the applicant may have the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

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

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

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

SOCIAL	
Issue	Comment
Nil.	

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

Comments:

Heritage Services

As the application proposes to build on a vacant lot, Heritage Services do not have any comment.

Technical Services

The City's Technical Services note that the application is generally compliant with the exception of minor detailing in relation to the verge treatment, which have been conditioned.

Planning

The subject planning application, particularly the design, has given particular attention to the surrounding diverse mix of developments adjacent to the site, particularly the unique built form and character being established on the corner of Florence Street and Carr Street. The proposed development is located at the rear of a battleaxe subdivision, limiting the impacts of building height on the street, whilst giving respect to the daylight, solar access and ventilation available to the surrounding properties.

The site constraints associated with the subdivision pattern result in a small area able to be developed. This has resulted in the applicant requesting approval for a three storey development to ensure a high standard of internal and external amenity is achieved. The contemporary design ensures that the building height is compatible with the surrounding two storey pitched roof homes, enabling a sensitive transition between the new and the old.

The proposal satisfies the Design Principles of the City's Policy No. 7.2.1 relating to Residential Design Elements Policy and the Residential Design Codes of WA 2013. The height and design of the property is considerate of the adjoining properties and the impact of overshadowing is limited and accordingly factored by the owners of No. 78A Carr Street in their design for a new home on their allotment.

Conclusion:

It is considered that the proposed building height, street setbacks and scale of the proposed dwelling would not adversely impact the existing streetscape due to the location of the proposed dwelling at the rear.

On the above basis, the proposed construction of a three (3) storey building is supported in this instance. It is recommended that the proposal is approved subject to relevant conditions and advice notes.

9.1.5 No. 124 (Lot 57; D/P 1034) Richmond Street, Leederville – Proposed Demolition of an Existing Single House and Construction of A Two Storey Building Comprising of Four (4) Multiple Dwellings and Associated Car Parking

Ward:	South	Date:	17 September 2014
Precinct:	Leederville, P3	File Ref:	PRO6236; 5.2014.102.1
Attachments:	001 – Property Information Report 002 – Development Application Plans 003 – Applicant Context Report		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Senior Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Perth Residential Developments on behalf of owner, T Vlahos for the proposed Demolition of an Existing Single House and construction of a Two Storey Building comprising of four (4) Multiple Dwellings and associated car parking at No. 124 (Lot 57; D/P 1034) Richmond Street, Leederville, as shown on amended plans date-stamped 26 August 2014, included as Attachment 002, 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. 122 Richmond Street, West Leederville, in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork to the satisfaction of the City;

2. **Verge Treatment**

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

3. **Car Parking and Accessways**

- 3.1 A minimum of three (3) residential car bays and one (1) visitor bay, are to be provided on site for the development;
- 3.2 The car park shall be used only by residents and visitors directly associated with the development; and
- 3.3 The car park area for visitors shall be shown as common property on any strata plan;

4. **Building Appearance**

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

5. **Demolition**

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

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

6.1 The owner or the applicant on behalf of the owner shall provide the City with amended plans to address the following:

6.1.1 Sewer Line

The City's drainage infrastructure located along the western boundary of the development lot is required to be surveyed by a licensed surveyor and a design for its protection submitted and approved by the City;

6.1.2 Privacy Screening

The balcony of Unit 2 on the east facing elevation, and kitchen/dining window of Unit 2 on the north facing elevation being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level, any point within the cone of vision less than 6 metres and 4.5 metres respectively from a neighbouring boundary;

All the privacy screening shown on the floor and elevations plans shall comply with the requirements of the Residential Design Codes WA 2013;

6.1.3 Residential Bicycle Bays

A minimum of two (2) residential bicycle bays and one (1) visitor bay 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;

6.1.4 Bin Store

A bin store is to be provided to the satisfaction of the City; and

6.1.5 Pedestrian Access/Vehicle driveway

All pedestrian access and vehicle driveway/crossover levels shall match into existing verge, footpath and Right of Way levels to the satisfaction of the City's Technical Services Directorate;

6.2 Landscape and Reticulation Plan

A detailed landscape and reticulation plan in accordance with the requirements of the Multiple Dwelling Policy No. 7.4.8 for the development site and adjoining road verge shall be submitted to the City for assessment and approval;

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

- 6.2.1 The location and type of existing and proposed trees and plants;
 - 6.2.2 All vegetation including lawns;
 - 6.2.3 Areas to be irrigated or reticulated;
 - 6.2.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
 - 6.2.5 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used);
-

6.3 Acoustic Report

An Acoustic Report in accordance with the City's Policy No. 7.5.21 relating to Sound Attenuation shall be prepared and submitted. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken shall be provided prior to the first occupation of the development;

6.4 Construction Management Plan

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

6.5 Storm Water

All storm water produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City's Technical Services Directorate. No further consideration shall be given to the disposal of storm water 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of storm water 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed storm water disposal shall be lodged together with the building permit application working drawings; and

7. PRIOR TO THE SUBMISSION OF AN OCCUPANCY PERMIT, 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 to be incorporated into the development in accordance with the City's Policy No. 7.4.8 relating to Development Guidelines for Multiple Dwellings and the Residential Design Codes of WA 2013;

7.2 Car Parking

The car parking area 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 Management Plan-Vehicular Entry Gates

Any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or a plan detailing management measures for the operation of the vehicular entry gates, to ensure access is readily available for residents to the residential units at all times, shall be submitted to and approved by the City;

7.4 Landscaping

With regard to landscaping, all works shall be undertaken in accordance with the approved plans prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

7.5 Section 70A Notification under the Transfer of Land Act

A notification shall be lodged on the Certificate(s) of Title under Section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:

7.5.1 the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and

7.5.2 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units. The on-site car parking accords with the requirements of the Residential Design Codes of WA 2013; and

7.6 Easement

An easement in favour of the City shall be granted free of cost, for the protection of the City's drainage infrastructure along the western boundary of the property to the satisfaction of the City;

ADVICE NOTES:

1. With regard to condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls.
2. With regard to condition 6.1.3, Class three bicycle facilities are facilities to which the bicycle frame and wheels can be locked. Generally in the form of an upside down 'U' shaped bar.
3. With regard to condition 6.2, Council encourages landscaping methods and species selection which do not rely on reticulation.
4. A Road and Verge security bond for the sum of \$2500 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.

PURPOSE OF REPORT:

The proposal is referred to Council for determination as it is for four multiple dwellings.

BACKGROUND:

Nil.

History:

Nil.

Previous Reports to Council

Nil.

DETAILS:

Landowner:	Tom Vlahos
Applicant:	Perth Residential Developments
Zoning:	Residential R60
Existing Land Use:	Single House
Use Class:	"P"
Use Classification:	Multiple Dwellings
Lot Area:	443 square metres
Right of Way:	Not applicable

The proposed application is for the Demolition of an Existing Single House and the Construction of Two (2) Storey Multiple Dwelling Development Comprising Four (4) Multiple Dwellings and Associated Car parking.

ASSESSMENT:

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

Design Element	Complies 'Acceptable Development' or TPS Clause	'Performance Criteria' Assessment or TPS Discretionary Clause
Plot Ratio	✓	
Street Setback		✓
Lot Boundary Setbacks		✓
Number of Storeys	✓	
Landscaping	✓	
Open Space	✓	
Roof Forms		✓
Bicycles		✓
Access & Parking	✓	
Privacy		✓
Solar Access	✓	
Site Works	✓	
Utilities & Facilities		✓
Surveillance		✓

Issue/Design Element:	Street Setbacks
Requirement:	Residential Design Elements Policy No. 7.2.1 Clause 6.4.2 Richmond Street Ground Floor= 5 metres Upper floors: Wall = 2 metres behind each portion of the ground floor setback (7 metres) Balcony = 1 metre behind the ground floor setback (6 metres)
Applicant's Proposal:	Ground Floor = 3.872 metres to 4.3 metres (Variation of 1.128 metres to 0.7 metres) Upper Floor = 4.3 metres (variation of 2.7 metres) Balcony-First Floor=4 metres (variation of 2 metres)

Issue/Design Element:	Street Setbacks
Design Principles	<p>Residential Design Elements Policy No. 7.2.1 Clause 6.4.2 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 Deemed-to-Comply 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>
Applicant justification summary:	<p><i>“Street setbacks address the street frontage and improve the streetscape through complementary architectural design.”</i></p>
Officer technical comment:	<p>Supported for the following reasons:</p> <ul style="list-style-type: none"> • The proposed development provides for a staggering of front setbacks on both the lower and upper storeys, which not only reduces bulk and scale to the existing streetscape but provides an attractive street frontage which is in keeping with the existing varied Richmond Street streetscape. • The proposed set out of the development across the site allows for significant light, ventilation to the adjoining properties. The presence of large open areas along the western façade reduces bulk and in addition to the first floor not occupying the whole site along the eastern façade, provides for an opening up of the development to the surrounding properties. • The landscaping provided will contribute to the streetscape and the amenity of the residents. • With regard to solar access as outlined in the design principles above, the proposed development complies with the overshadowing provisions of the Residential Design Codes due to the north south orientation of the site. This will allow the adjoining properties to have adequate daylight and direct sun throughout significant portions of the day.

Issue/Design Element:	Street Setbacks
	<ul style="list-style-type: none"> • The proposed street setbacks are considered to maintain the existing streetscape. There are a number of dwellings along Richmond Street that incorporate a variety of street setbacks including with a number of newer dwellings on both sides of the street which provide a similar or lower floor front setback to that proposed for the subject property. • The proposed lower floor also includes a staggering of setbacks across the front of the property. The vehicle entry point further reduces the impact of a setback variation of the lower floor on the street. The proposed upper floor includes a variety of setbacks. It provides for an open balcony and includes a variation of finishes such as featured brickwork, wall cladding and metal balustrading which help to minimise impact of the street setback variation. • Council at its Ordinary Meeting held on 26 August 2014 conditionally approved lesser street setbacks for No. 123 Richmond Street, Leederville.

Issue/Design Element:	Building Setbacks
Requirement:	<p>Residential Design Codes Clause 6.1.4</p> <p>Ground Floor Western boundary Patio to unit 3 = 1 metre First Floor Eastern boundary Unit 2= 2.5 metres</p>
Applicant's Proposal:	<p>Ground Floor Western boundary Patio to unit 3 = 0.8 metre (variation of 0.2 metre)</p> <p>First Floor Eastern boundary Unit 2= 1.2 metres to 1.5 metres (variation of 1.3 metres to 1 metre)</p>
Design Principles	<p>Residential Design Codes Clause 6.1.4 P4.1 Buildings setback 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 protection of privacy between adjoining properties.
Applicant justification summary:	<p><i>"Minor setback variations compliant with design principles."</i></p>

Issue/Design Element:	Building Setbacks
Officer technical comment:	<p>Supported due to the following reasons:</p> <ul style="list-style-type: none"> • The presence of windows on both of the eastern and western elevations, together with the first floor not occupying the whole site allow for the provision of adequate daylight, direct sun and ventilation to the proposed dwellings on both the ground and upper floor. • The layout of the development across the site on both the lower and upper floor allow for significant areas of space that permit sunlight to penetrate the adjoining properties and allows for sufficient ventilation on the adjoining properties. • On the ground floor the development complies with the required setbacks except the patio to Unit 2. The variation to the patio setback will not have any undue impact on the adjoining property in terms of sunlight and ventilation. • For the upper floor, the development complies with the required setbacks except Unit 4 to the eastern boundary. The variation to the eastern boundary will not have any impact in terms of overshadowing, privacy and visual impact.

Issue/Design Element:	Bicycle
Requirement:	<p>Residential Design Codes Clause 6.3.3 C3.2</p> <p>Residential component (as per the R-Codes- 1 bicycle space to each 3 dwellings for residents (4 dwellings – 2 bays required) and 1 bicycle space to each 10 dwellings for visitors (4 dwellings – 0.4 or 1 bicycle bay required):</p>
Applicant's Proposal:	<p>Residents= 2 bicycle bays Visitors= Nil</p>
Design Principles	<p>Residential Design Codes Clause 6.3.3 P3.1</p> <p>Adequate car parking and bicycle parking provided on-site in accordance with projected need related to:</p> <ul style="list-style-type: none"> • The type, number and size of dwellings; • The availability of on-street and other off-site parking; and (i) The proximity of the proposed development in relation to public transport and other facilities.
Applicant justification summary:	Nil
Officer technical comment:	Not supported. It is recommended that a condition to comply with the bicycle requirements is imposed on the approval.

Issue/Design Element:	Roof Forms
Requirement:	<p>Residential Design Elements Policy 7.2.1 Clause 7.4.3 BDADC 3</p> <p>The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged.</p>
Applicant's Proposal:	10 degrees to 15 degrees

Issue/Design Element:	Roof Forms
Design Principles	<p>Residential Design Elements Policy No. 7.2.1 Clause 7.4.3 BDAPC 3</p> <p>The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Applicant justification summary:	<p><i>"Roof pitch is designed to reduce perceived bulk, complement the streetscape and not cause overshadowing and is therefore consistent with the design requirements of the Policy."</i></p>
Officer technical comment:	<p>Supported for the following reasons:</p> <ul style="list-style-type: none"> • The design of the proposed roofing is contemporary. The height and bulk of the structure of a skillion roof is less bulky and of a lesser height than what would be allowed if the roof was pitched. • It is also noted that a pitched roof would result in more overshadowing of the adjoining property rather than skillion roof format. • The Richmond Street streetscape contains a mixture of roof pitch types ranging with some flat roofed dwellings to sharply pitched roofs. Therefore the proposed roof will not have any negative impact on the streetscape.

Issue/Design Element:	Visual Privacy
Requirement:	<p>Residential Design Codes 6.4.1</p> <p>Balcony= 6 metres to the boundary Kitchen/Dining=4.5 metres to the boundary</p>
Applicant's Proposal:	<p>Balcony to unit 2 on the eastern elevation= 1.2 metres to eastern boundary (variation of 4.8 metres) Kitchen/Dining to unit 2 on the northern elevation= 4.2 metres to eastern boundary (variation of 0.3 metre)</p>
Design Principles	<p>Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> • building layout, location; • design of major openings; • landscape screening of outdoor active habitable spaces; and/or • location of screening devices. <p>P1. Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> • offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • building to the boundary where appropriate; • setting back the first floor from the side boundary; • providing higher or opaque and fixed windows; and/or • screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).

Issue/Design Element:	Visual Privacy
Applicant justification summary:	"Assessment through use of design principles. Request condition of approval for provision of additional screening to Unit 2 and Unit 4 variations if further screening recommended."
Officer technical comment:	Not Supported. It is recommended that a condition to provide screening to the balcony and kitchen/dining room window is imposed on the approval.

Issue/Design Element:	Utilities and facilities
Requirement:	Residential Design Codes Clause 6.4.6 Store with a minimum area of 4 square metres and minimum dimension of 1.5 metres
Applicant's Proposal:	Width= 1.2 metre (Stores 2 and 4)
Design Principles	External location of storeroom, rubbish collection/bin areas, and clothes drying areas where these are: <ul style="list-style-type: none"> • convenient for residents; • rubbish collection areas which can be accessed by service vehicles; • screened from view; and • able to be secured and managed.
Applicant justification summary	Nil.
Comment	Supported. Given the width of the lot and manoeuvring width required for the vehicles entering/exit the car parking the store width of 1.5 metres cannot be achieved when facing the car park. However, the stores 2 and 4 comply with the minimum area of 4 square metres and also the other width dimension is 3.35 metres. In this instance the variation is supported as it is considered the store dimension of 1.2 metres is workable.

Issue/Design Element:	Surveillance of Street
Requirement:	Development Guidelines for Multiple Dwellings Policy No. 7.4.8 Clause 3.1 The ground floor at the front of the development is occupied by a dwelling without any parking between the dwelling and the front boundary.
Applicant's Proposal:	Visitor vehicle parking in front of the dwelling.
Design Principles	Development Guidelines for Multiple Dwellings Policy No. 7.4.8 Clause 3.1 P3.1 Multiple Dwelling developments shall be designed to integrate with the street through providing a clear and identifiable entry from the street and to the development and ensuring garages and car parks do not dominate the streetscape.
Applicant justification summary:	<i>"It is considered that one visitor bay does not dominate the streetscape and is consistent with the City's Multiple Dwelling Policy in this regard."</i>
Officer technical comment:	Supported. Landscaping in front of the visitor car park will ensure that the visitor car park does not dominate the streetscape. The proposed development has a clear and identifiable entry from the street. One visitor bay in this location is not expected to have any negative impact on the streetscape, especially if it is considered that a carport could have been provided in front of the existing dwelling under the City's Policy Residential Design Elements Policy No. 7.2.1.

Proposed Car Parking

Residential Car Parking	
Small Dwelling (<75 square metres or 1 bedroom)-0.75 spaces per dwelling (4 dwellings)= 3 car bays	
Visitors= 0.25 per dwelling (4 dwellings) = 1 car bay	
Total Required = 4 car bays (3 Residential/1 Visitor)	5 Car Bays Proposed (4 Residential/1 Visitor)
Surplus	1 car bay

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Comment Period:	16 July 2014 –30 July 2014
Comments Received:	Four (4) Submissions received with Two (2) Objections and Two (2) neither Support or Object but have concerns

Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Number of dwellings</u></p> <p>The number of dwellings for the lot is too high given the immediate area. Concern over size of the dwellings and their potential impact to the street.</p>	<p>The proposal complies with the plot ratio as required by the Residential Design Codes 2013.</p>
<p><u>Issue: Open Space</u></p> <p>The proposed open space appears to be inadequate for the site given the building footprint proposed.</p>	<p>The proposal complies with the open space as required by the Residential Design Codes 2013.</p>
<p><u>Issue: Landscaping</u></p> <p>There is minimal greenery present. Concern in relation to removal of trees onsite. No mature landscaping to take place.</p>	<p>The proposal complies with the landscaping requirements.</p>
<p><u>Issue: Air-conditioners</u></p> <p>Concern in relation to air condition units due to noise and location close to habitable rooms.</p>	<p>Any proposed air-conditioning units will be required to comply with the requirements of the Residential Design Codes 2013.</p>
<p><u>Issue: Character of the Area</u></p> <p>The loss of character homes in the area with this development.</p>	<p>There are already new buildings being constructed along Richmond Street and therefore the character of the area is evolving.</p>
<p><u>Issue: Sewerage Line</u></p> <p>Impact to sewerage line from the development and its impact on adjoining properties.</p>	<p>The details of the proposed protection method for the sewerage line can be engineered. Details are required to be submitted and approved by the City, prior to application for a Building Permit.</p>
<p><u>Issue: Privacy</u></p> <p>Concerns about overlooking on the adjoining properties.</p>	<p>The developer will be required to screen balcony and kitchen/dining of Unit 2 as per the requirements of the R-Codes.</p>

Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Sub Lease</u></p> <p>The proposed units provide space for additional persons to inhabit the units. This will create greater demand for the facilities in the units with the potential to sub lease the rooms.</p>	<p>As per R-Codes a dwelling is a building which can be used by no more than six persons who do comprise a single family.</p>
<p><u>Issue: Car Parking</u></p> <p>The proposed car parking is not adequate for the development. The overflow of Parking will impact on Richmond Street which already has parking issues.</p>	<p>The proposed development complies with the parking requirements as per the requirements of R-Codes.</p>
<p><u>Issue: Boundary Walls</u></p> <p>Request parapet walls along the eastern boundary to be double brick and be continuous from rear to front with a minimum height of 2.85 metres.</p>	<p>The City cannot prescribe the construction materials of a boundary wall or require it to be continuous along the eastern boundary. It is confirmed that the boundary wall proposed will be of minimum height of 2.85 metres.</p>
<p><u>Issue Stormwater</u></p> <p>That the carports to the eastern boundary fall westward due to stormwater issues previously encountered.</p>	<p>Stormwater is to be retained on site.</p>
<p><u>Issue: Fencing</u></p> <p>If during the construction the dividing fences get damaged what is the course of action?</p>	<p>Damage to a dividing fence is a civil matter between neighbours which can be addressed through Department of Commerce – Building Commission.</p>
<p><u>Issue: Occupiers of these units</u></p> <p>Families will not occupy these units which will attract transient people in the area.</p>	<p>Occupancy of these units is not a planning consideration.</p>
<p><u>Issue: Devaluation</u></p> <p>This proposed development will detract from the type of housing currently in the area and will devalue the surrounding properties.</p>	<p>Devaluation of properties is not a planning consideration.</p>

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

Design Advisory Committee

The proposal was referred to the City's DAC meeting on the 5 June 2013. The minutes of the meeting are as follows:

“Discussion:

- *A few missed opportunities to capitalize on orientation, northern solar access etc.*
- *The kitchen and living room position in Unit 3 on the ground floor could be flipped to get more north light and privacy.*
- *Consider moving the stores to allow north light into Unit 1.*
- *Consider accessibility to bins between the cars when car park is full.*
- *Entry lobbies/porticos could be more generous.*
- *Unit 4 – Roofline is currently split to get the west sun in through clerestory. Reconfigure to achieve north solar access. This will improve day lighting and reduce impact on the neighbours.*

- *Unit 2 – Kitchen/dining – Could relocate kitchen to sidewall and flip living room to the north to allow light in.*
- *Courtyard in the front instead of a visitors bay would be preferable.*
- *There is no landscaping proposed.*
- *Try to locate the visitor's parking other than in the front setback. This area would be better allocated as a ground floor street front courtyard to provide better street activation, presentation, passive surveillance etc. A better precedent.*
- *Balconies are facing south.*

Mandatory:

- *Improve opportunities for northern solar access to balconies and living areas. This could be achieved in Unit 3 by flipping the kitchen and living areas to allow north light into living area. Improve privacy and amenity generally.*
- *Unit 4 currently utilises the roof form to let increased daylight into the top floor. –Currently this split allows west sun in through clerestory. Reorientate the roof form to achieve better north solar access with the use of a clerestory window. This will improve day lighting and reduce impact on the neighbours by reducing roof bulk.*
- *Improve northern solar access to Unit 2 – Kitchen/dining –This could be achieved by relocating kitchen to sidewall and flip living room to the north to allow north light in. Reconfigure kitchen to allow for a larger window to the north.*
- *Provide a landscaping proposal.*
- *Investigate options to locate the visitor's parking other than in the front setback. It is highly recommended that this area is utilised as a ground floor street front courtyard to provide better street activation, presentation, passive surveillance etc.*
- *Relocate stores to the north of Unit 1 to allow improved solar access.*

Design Considerations:

- *Redesign lobbies/porticos to be more generous.*

Technical:

- *Check with the City of Vincent whether there can be a variation to the visitor's bay, perhaps relocating it within the main car park."*

The applicant has incorporated the DAC comments in the revised plans stamp-dated 26 August 2014 and provided the following response:

- *Improve northern solar access to Unit 3*

The plans have been amended as required by the DAC by reversing the kitchen and living area position within the floorplan of Unit 3.

- *Improve northern solar access to Unit 4*

As required by the DAC, the roof form of Unit 4 has been reoriented to achieve north facing clerestory windows and reduce roof bulk. Clerestory window sizes have also been increased.

- *Improve northern solar access to Unit 2*

As required by the DAC, a large north facing window to the living area has been provided. The kitchen/living room layout has been retained to maintain the current strong link between internal and external living areas whilst also providing passive surveillance of the street. Clerestory window sizes have also been increased.

- *Landscaping plan to be submitted with development application*

A formal plan is attached to this formal development application as required.

- *Consideration of visitor parking bay location*

The visitor parking bay has been retained as proposed, consistent with the City's various policy provisions on parking and access including Residential Design Elements Policy 7.2.1 and the Residential Design Codes Provision 6.3.4.

In addition to incorporating the visitor bay into the landscape design, with appropriate front boundary screening to reduce any visual impacts on the public domain, it is considered that an informal off-site visitor bay or the removal of a visitor bay (both of which would be consistent with the Residential Design Codes based on the verge width and proximity to public transport) would be impractical and inappropriate design outcome. It is therefore important that the visitor bay is located formally on-site as proposed.

- *Storage provision*

The relocation of the stores to the eastern boundary adjacent to the proposed carports was considered, however the reduced internal width of 1 m achievable does not meet the R-Code requirement. The current store location allows Unit 1 to achieve a north facing open space of greater area than required, and has direct access from the living room."

Planning Comment: Given the proposal is a two (2) storey development, no design excellence is required in this instance. In view of the above amendments, the proposed development has responded to the matters raised at the meeting of DAC. By satisfying the DAC requirements, a better outcome for the proposed development has been achieved.

LEGAL/POLICY:

The following legislation and policies apply to the Proposed Demolition of Single Dwelling and Construction of Two (2) Storey Multiple Dwelling Development Comprising Four (4) Multiple Dwellings and Associated Car parking.

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1
- Residential Design Codes of Western Australia 2013;
- Residential Design Elements Policy No. 7.2.1;
- Development Guidelines for Multiple Dwelling Policy No. 7.4.8; and
- Leederville Precinct Policy No. 7.1.3.

RISK MANAGEMENT IMPLICATIONS:

Should Council refuse the application for development approval, the applicant may have the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

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

ENVIRONMENTAL

The design of the building allows for adequate light and ventilation.

SOCIAL

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

ECONOMIC

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

Comments:

Heritage Services

The subject dwelling at No. 124 Richmond Street, Leederville was constructed after 1949 in the Post-war Conventional Suburban Style Bungalow. The subject place does not appear in the WA Post Office Directories which has ceased its publication in 1949.

The single storey brick and tile house has a main hipped roof over the house and an extended hipped roof over the eastern front protruding room. The front façade have two aluminium framed windows with no significance architectural features.

A preliminary heritage assessment, including an external inspection undertaken on 21 March 2014, indicates that the place has little aesthetic, historic, scientific or social heritage significance and the place is not rare and does not represent any aspect of cultural heritage of the City of Vincent that may be endangered. In accordance with the City's Policy No. 3.6.2 relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the City's Municipal Heritage Inventory. As such, the place is considered to require no further investigation and that a full Heritage Assessment is not warranted in this instance.

In light of the above, it is considered that approval should be granted for demolition subject to the standard condition.

Technical Services

The City has a significant drain along the full length of the western boundary of the lot, which is required to be protected as per guidelines provided by the Water Corporation.

Details of the proposed protection method are to be submitted and approved by the City, prior to application for a Building Permit. A detailed survey will be required for the purpose of the design, and an easement prepared and provided over the drain, by the developer, prior to first occupation of the development.

Planning

The development complies with the plot ratio, the number of storeys and landscaping required for this site. The proposed design treatments (articulation, materials and colour) to the front facades will mitigate any impact on the streetscape. The development complies with the overshadowing requirement and such variations to the building setbacks will not impact on the adjoining properties in terms of solar access. Also the layout of the proposed development with the first floor not occupying the whole site and the proposed setbacks will ensure adequate sunlight and ventilation to the adjoining properties and to the proposed development. The visitor car park will be screened by the landscaping and therefore there will be no impact on the streetscape.

It is considered that within the Leederville locality, given the site's close proximity to public transport nodes and the Leederville Town Centre, a development of four (4) multiple dwellings will allow for greater intensity of land use than what is presently provided on site. In addition it is considered the contemporary appearance of the dwelling will suit the recently constructed and under construction developments along Richmond Street.

Conclusion:

The proposal is considered generally acceptable and is not expected to have any negative impact on the amenity of the surrounding area and the streetscape. This development will contribute positively to the future streetscape of Richmond Street and redevelopment of the area. The variations to street and building setbacks, visitors parking, will not have an impact on the surrounding area and in this instance the application is recommended for approval subject to standard and appropriate conditions.

9.1.6 Amendment No. 126 to Planning and Building Policies – New Policy No. 7.5.9 – ‘Home Business, Home Occupation and Home Office’

Ward:	Both Wards	Date:	12 September 2014
Precinct:	All Precincts	File Ref:	SC1316
Attachments:	001 – Policy No. 7.5.9 – ‘Home Business, Home Occupation and Home Office’ 002 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	M Tarca, Planning Officer (Strategic)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council;

- ADOPTS** the final amended version of Policy No. 7.5.9 relating to Home Business, Home Occupation and Home Office as shown in Attachment 001;
- AUTHORISES** the Chief Executive Officer to advertise the final amended version of Policy No. 7.5.9 relating to Home Business, Home Occupation and Home Office in accordance with Clause 47(6) of the City of Vincent Town Planning Scheme No. 1;
- INITIATES** an amendment to Policy No. 7.5.1 relating to minor nature development to delete the provisions relating to ‘Home Occupation’ and include ‘Home Office’ as being exempt from planning approval; and
- AUTHORISES** the Chief Executive Officer to advertise the amended policy in accordance with Clause 47(6) of the City of Vincent Town Planning Scheme No. 1.

PURPOSE OF REPORT:

For Council to adopt Planning and Building Policy No. 7.5.9 which relates to the assessment, approval and management of Home Businesses, Home Occupations and Home Offices in the City of Vincent and to initiate an amendment to the City’s Minor Nature Development Policy to remove an inconsistency created by this new policy.

BACKGROUND:

The City’s Draft Town Planning Scheme No. 2 (TPS2) defines four categories of home based businesses. The definitions have been provided by the state government and have originated from the model scheme text. The types of business include:

- Home Business;
- Home Occupation;
- Home Office; and
- Home Store.

The inclusion of these definitions into the scheme was part of a number of changes the City was required to make to the new scheme by the Minister prior to it being advertised.

This requires a change in the manner in which the City deals with home based businesses as the City’s current Town Planning Scheme No. 1 only defines ‘Home Occupations’ as a type of home business (Refer Schedule 1 – Definitions) which is currently exempt from requiring planning approval under the City’s Minor Nature Development Policy No. 7.5.1.

With the completion of advertising of draft TPS2 on 27 June 2014, the City now requires a local planning policy that will address these new definitions contained in the proposed scheme.

History:

Date	Comment
27 May 2014	Council at its Ordinary Meeting initiated Amendment No. 126 to consider a new Policy No. 7.5.9 relating to Home Business, Home Occupation, Home Office and Home Store
10 June 2014	The advertising period for Amendment No. 126 commenced
8 July 2014	The advertising period for Amendment No. 126 concluded.

Previous Reports to Council:

This matter was previously reported to Council on 27 May 2014.

The Minutes of Item 9.1.1 from the Ordinary Meeting of Council held on 27 May 2014 relating to this report are available on the City's website.

DETAILS:

A key strategy of the City's Draft Local Planning Strategy is to *Promote and diversify economic development in the City...* To support this, one of the 'actions' is to *allow for further opportunity to work from home through policy provisions to support sustainable work practices.*

To this end, and in conjunction with the proposed new provisions / definitions contained within draft TPS2, a draft planning policy was prepared to provide more clarity to those who wish to operate a business from home, while aiming to protect the amenity of the surrounding area.

The draft policy that was advertised following the Council decision of 27 May 2014 identified procedural issues, such as approvals required and fees whilst also containing the provisions of draft TPS2 in such a way that applicants can identify which 'type' of business they are and which provisions relate to their operations.

The following table summarises the policy provisions which were advertised between 10 June 2014 and 8 July 2014.

	Planning Approval Required	Advertising to Neighbours	Car Parking	Employees	Customers	External Signage	Floor Area
Home Office	No	No	No	<u>No</u>	No customers allowed to attend property	No	None specified
Home Occupation	No	No	No	No	No customers allowed to attend property	Not to exceed 0.2m ²	Not to exceed 20m ²
Home Business	<u>Yes</u>	<u>2 weeks</u>	<u>2 parking bays provided on-site</u>	No more than 2 external staff	<u>No more than 2 at any one time</u>	<u>Not to exceed 0.5m²</u>	Not to exceed 50m ²
Home Store	<u>Yes</u>	<u>2 weeks</u>	<u>2 parking bays provided on-site</u>	<u>No more than 2 external staff</u>	<u>No more than 2 at any one time</u>	<u>Not to exceed 0.5m²</u>	Not to exceed 100m ²

The requirements listed for each of the home based businesses above are a hybrid of both the definitions contained in draft TPS2 and additional requirements which will help ensure these activities can operate without impacting the locality. The additional requirements underlined in the table above are not defined by the current scheme.

Following the public consultation process it is recommended that the provisions relating to 'Home Store' are removed from the proposed policy for the following reasons.

1. The Administration is aware of general concern relating to the maximum floor area allowed for a home store. The City's draft scheme and model scheme text has set this definition and it was required to be included in the scheme prior to advertising.
2. It is the intention of the Administration to recommend to Council and ultimately the Minister to support having this definition amended to a more suitable floor space calculation which may change depending on the size of the dwelling.

It is proposed to re-define the maximum floor space allowed by a home store to a maximum of 25% of the total dwelling floor space. This will provide a sliding scale of the permitted floor space depending on the total dwelling size. This change however requires the support of the Minister.

Once the outcome of this request is made known, Council can amend this policy with to include the relevant 'home store' provisions, as well as any other requirements that are considered appropriate.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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The amended Policy was advertised in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1.

Consultation Period: 28 days, 10 June 2014 to 8 July 2014.

Consultation Type: Four adverts in a local paper, notice on the City's website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre, letters to Western Australian Planning Commission, and other appropriate government agencies as determined by the City of Vincent.

A total of five (5) submissions were received during the four week consultation period, four (4) of which were received from authorities and organisations which provided no comments. One (1) community submission was received and is outlined in the table below.

Summary of Comments Received

Issue	Comment
<p>Formatting and Grammatical Errors</p> <p><i>Based on comments received by the City's Coordinator of Planning Services, the policy exhibited some minor formatting and grammatical errors. The content of Policy 7.5.9 has not been altered.</i></p>	<p>Noted, the policy has been updated as per the feedback received.</p>

Issue	Comment
<p>Inconsistency and Repetitiveness of Clauses</p> <p><i>Policy should be rewritten as it is too long, repetitive and poorly structured. Introduction of the Home Store is fraught with danger, people need to apply for a local shop with 100sqm of floor space so they are not subject to 1 car park per 20sqm of shop.</i></p> <p><i>1. Definitions in clause 1 are repetitive as they are repeated in Clauses 2 & 6. Results in inconsistent approaches.</i></p> <p><i>2. Policy does not technically say that a Home Office is a subset of a Home Occupation, it is too easy to miss the point. Clause 3 makes no reference makes no reference to the fact that they cannot employ anybody outside of the household.</i></p> <p><i>3. Definitions for Home Business and Home Occupation say they will not cause injury to the neighbourhood, Home Store does not contain this definition.</i></p> <p><i>4. Clause 2 numbering is strange, needs to include a 2.2.</i></p> <p><i>5. Clause 2.1.2 states that traffic and parking are the same issue, not the case and should be treated separately.</i></p> <p><i>6. Clause 2.1.5 states no deliveries or customers outside normal business hours, forgets to specify Monday to Friday.</i></p> <p><i>7. Not clear why 2.1.6 prohibits skin penetration</i></p> <p><i>8. Clause 3.1 says "the City encourages" this is a wish washy word, why impose an extra burden when the use is invisible. No planning approval is required for Home Occupation under 4.1 but does not mention notification for the City.</i></p> <p><i>9. Why impose a 20sqm limit on a Home Office when it does not involve anybody outside the household as an employee or customer?</i></p> <p><i>10. Clause 3.4 is unclear, it appears that if they do not meet the requirements in 3.2 then they need a different type of home use.</i></p>	<p>Noted, amendments have been made to the policy as per the recommendations of the submission where considered appropriate.</p> <p>1. Noted, definitions have been deleted due to the fact that draft TPS2 has not yet been adopted and to reduce confliction or inconsistency.</p> <p>2. Supported, a clause has been added to Home Office which does not allow the employment of anybody outside of the household.</p> <p>3. Definitions in the policy are as per draft TPS 2 and the Model Scheme Text. These definitions have been deleted until draft TPS 2 is adopted.</p> <p>4. Supported, numbering of Clause 2 has been updated.</p> <p>5. Supported, "traffic" has been replaced with "on street parking" for consistency with the clause.</p> <p>6. Supported, clause has been amended to specifically state "Monday to Friday".</p> <p>7. The use is more appropriate in Town Centres and D Zones and as a result of health requirements.</p> <p>8. Supported, Clause 3.1 & 4.1 have been amended to both establish the "requirement" for appropriate notification to be given to the City and to be consistent with one another.</p> <p>9. No square metre limit is imposed for a Home Office, the submission may be referring to Home Office by mistake.</p> <p>10. Supported. Clause 3.4 has been deleted as it is clear that if not conformed, Home Office does not apply.</p>

Issue	Comment
11. <i>Clause 3.5 makes reference to Clause 3(a)(ii) which does not exist, also if it doesn't require planning approval then it should require advertising.</i>	11. Supported. Clause 3.5 has been deleted from the policy as per the deletion of Clause 3.4 which does not require planning approval nor advertising.
12. <i>Clause 4.2.2 repeats 2.2.1 (no Clause 2.2.1 in the policy, is referring to Clause 2.1.1)</i>	12. Noted, Clause 4.2.2 has been deleted as it is stated in the general definitions under 2.1.1.
13. <i>Clause 4.5 states that neighbours will be notified after approval is given, and further consultation, how can there be further consultation when there hasn't been any consultation to being with?</i>	13. Supported, Clause 4.5 has been removed from the policy as per the comments made.
14. <i>Clause 4.4 requires planning approval for Home Occupation which doesn't comply, most likely to become a Home Business or Home Store.</i>	14. Supported, Clause 4.4 has been deleted.
15. <i>Clause 5.1.3 requires extra on site parking. What if they intend to employ 1 person and is a visiting customers type business.</i>	15. Noted, Clause 5.1.3 has been amended and the term "An additional" has been removed as per the comment.
16. <i>Clause 5.2.7 is unclear, is the intention that no more than 2 customers or employees who are not members of the household are allowed at one time? Or is it customers only?</i>	16. Noted, the clause relates only to customers. Clause 5.2.7 has been amended to clarify the fact that this clause only relates to customers.
17. <i>Clause 5.4.1, what is the intention of further consultation, if a condition is breached action will be taken.</i>	17. Supported, Clause 5.4.1 has been removed from the policy as further consultation is not required.
18. <i>Clause 6.2.6. is similar to 5.2.7, unclear on the customers or Employees.</i>	18. Noted, the clause relates only to customers. Clause 6.2.6 has been amended to clarify.
19. <i>A shop with 100sqm should be limited to two customers? Toilets and eating facilities would be housed elsewhere and would not be included in the 100sqm. How are store keeps expected to control number of customers?</i>	19. Noted, the responsibility of restricting the limit of 2 customers at any one time would be up to the shop/store keeper to manage.

A further summary of the submission received is outlined in Attachment 002.

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1 and associated Policies.
- City of Vincent Policy No. 4.1.5 Community Consultation; and
- Town Planning Regulations 1967

RISK MANAGEMENT IMPLICATIONS:

Low: The City already has the ability to consider Home Occupations under the provisions of the City's policy framework but with the introduction of draft TPS2 shortly, this policy will provide a clearer framework consistent with the definitions found in that document and ensure that future applications are considered consistently.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Community Plan 2011-2021* Objectives 1.1.1:

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

SUSTAINABILITY IMPLICATIONS:

The Policy Amendment has no direct sustainability implications relating to the City's Sustainable Environment Strategy 2013-2018.

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

ENVIRONMENTAL
Nil

SOCIAL
This Policy will provide a clear framework for considering applications for Home Business, Home Occupation and Home Office which will give appropriate notification to the neighbouring properties when these applications are considered

ECONOMIC
This Policy will provide a clear framework for those who wish to conduct business at home and ensure that the process for preparing an application, if needed, is more efficient.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for this matter will be paid from the operating budget: Town Planning Scheme Amendment Policies.

COMMENTS & CONCLUSION:

The intent of this policy is to provide clarity and guidance for residents who wish to contribute to the diversity of the economic landscape within the City, while ensuring that any home based business does not adversely impact residential streetscapes and neighbourhoods. The standards listed in the policy, have been designed to assist in protecting the community from any adverse activity occurring.

Following on from advertising, it is recommended to delete the provisions relating to a 'Home Store' whilst the Administration will work with the Department of Planning to obtain more clarity on the definition with a view to have modifications made in the future town planning scheme.

In addition, it is proposed to recommend that in the draft town planning scheme, the use 'Home Store' will be listed as an SA use in residential zones, thus requiring any application to be advertised and ultimately approved by Council.

The City's policy relating to minor nature development has 'Home Occupation' listed as being exempt from planning approval subject to compliance with a range of requirements defined by the policy.

With the introduction of this policy, the provisions of the minor nature development policy will be required to be amended to for consistency as follows:

1. The inclusion of 'Home Office' will be required to be included in the policy; and
2. The 'development standards' relating to Home Occupations will be required to be deleted.

In light of the above, it is recommended that Council adopt the officers recommendation and adopt Policy No. 7.5.9 relating to home based businesses.

9.1.7 Amendment No. 128 to Planning and Building Policies – Rescission of Policy No. 7.4.7 – Single Bedroom Dwellings

Ward:	Both Wards	Date:	12 September 2014
Precinct:	All Precincts	File Ref:	SC1520
Attachments:	001 – Policy No. 7.4.7 – Single Bedroom Dwellings 002 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	T Elliott, Planning Officer		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council;

- RESCINDS Policy No. 7.4.7 – Single Bedroom Dwellings as shown in Attachment 001; and**
- AUTHORISES the Chief Executive Officer to advertise the final rescission of Policy No. 7.4.7 – Single Bedroom Dwellings in accordance with Clause 47(6) of the City of Vincent Town Planning Scheme No. 1.**

PURPOSE OF REPORT:

The purpose of this report is to present to Council the outcomes of the formal advertising period for the rescission of Policy No. 7.4.7 – Single Bedroom Dwellings.

BACKGROUND:

The Residential Design Codes (R Codes) underwent a review by the Western Australian Planning Commission in 2013. At that time a broader range of provisions for single bedroom dwellings than previously existed, were introduced, making the City’s Policy No. 7.4.7 relating to single bedroom dwellings redundant.

History:

Date	Comment
22 April 2008	Council at its Ordinary Meeting resolved to adopt Policy No. 7.4.7 relating to Single Bedroom Dwellings.
5 August 2014	Formal advertising of the rescission of the Policy commenced.
2 September 2014	Formal advertising of the rescission of the Policy concluded.

Previous Reports to Council:

This matter was previously reported to Council on 22 July 2014.

The Minutes of Item 9.1.2 from the Ordinary Meeting of Council held on 22 July 2014 relating to this report are available on the City’s website.

DETAILS:

While the R Codes permit that a Local Government can create Local Planning Policies in relation to certain elements, the ability does not exist for single bedroom dwellings. In view of this restriction and since the R Codes now adequately deal with provisions for single bedroom dwellings the City’s Policy should be rescinded.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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The amended Policy was advertised in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1.

Consultation Period: 28 days, 5 August 2014 to 2 September 2014.

Consultation Type: Four adverts in the local paper, notice on the City's website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre and letters to the Western Australian Planning Commission.

One (1) submission was received during the four week consultation period and is summarised as follows:

Issue	Comment
Rescinding provisions relating to smaller stores could impact on the density achieved by development.	Not Supported – The rescission of Policy No. 7.4.7 will not impact on density for the following reason. Residential Density is based on either minimum site area per dwelling, or a plot ratio calculation. In each of these assessments the area of land within a site's boundaries is used to attain the potential number of dwellings which could be proposed on a site. Rescission of Policy No. 7.4.7 will not affect the achievable density of single house or grouped dwelling developments. With regard to Multiple Dwelling developments, a plot ratio calculation excludes any store room areas therefore the size of storerooms has no impact on achievable density. The achievable density is restricted by the prescribed height limitation for a site.
The Policy should not be rescinded until the provisions relating to stores are reflected in other Planning Policies such as the City's Multiple Dwellings Policy.	Not Supported - The Residential Design Codes provides which design elements of the R Codes may be amended or replaced in a Local Planning Policy (Clause 7.3.1). The deemed-to-comply provisions of Clause 5.4.5 <i>Utilities and Facilities</i> which relates to store rooms is not listed in Clause 7.3.1 and therefore cannot be amended or replaced in a Local Planning Policy.
Clause 5 of the current Policy allows for a reduction to the 'deemed to comply' criteria of the Residential Design Codes (R-Codes) for stores of a single bedroom dwelling, allowing a minimum dimension of 1m and an internal area of 2.5m ² , in lieu of the minimum dimension of 1.5m and an internal area of at least 4m ² required under the R-Codes. If stores for smaller units can be reduced to 2.5m ² with a minimum dimension of 1m then these can be located at the end of car parking bays which on sites with limited width significantly increases the efficiency of the basement and therefore allows for greater density and diversity to be realised.	Not Supported – The location of storerooms on a development is not prescribed by either the policy to be rescinded or the R Codes. The prescribed dimensions for a storeroom under the R Codes are considered to be appropriate.

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1 and associated Policies;
- City of Vincent Policy No. 4.1.5 Community Consultation; and
- Town Planning Regulations 1967.

RISK MANAGEMENT IMPLICATIONS:

Medium: The current Policy varies provisions of the Residential Design Codes which are not included in the scope for local governments to amend. Rescinding this policy will ameliorate any concerns of unlawful approval.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Community Plan 2011-2021* Objectives 1.1.1:

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

SUSTAINABILITY IMPLICATIONS:

Due to the provisions of the Residential Design Codes there will be minimal change in the assessment of Single Bedroom Dwellings therefore there are no sustainability implications due to the rescission of this Policy.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for updating the policy will be paid out of the operating budget, *Town Planning Scheme Amendments and Policies*.

COMMENTS & CONCLUSION:

Policy No. 7.4.7 relating to Single Bedroom Dwellings is inconsistent with the Residential Design Codes as it varies provisions which are outside of the scope of local government to amend.

In light of the above, it is recommended that Council adopt the Officer Recommendation.

9.2 TECHNICAL SERVICES

9.2.1 Proposed Renaming of Wade Street Reserve to 'Tự Do Park'

Ward:	South	Date:	12 September 2014
Precinct:	Hyde Park (12)	File Ref:	SC1686
Attachments:	001 - Summary of Submissions		
Tabled Items:	Nil		
Reporting Officers:	J Parker, 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. **CONSIDERS** the submissions received (attached) in relation to the proposed renaming of Wade Street Reserve to 'Tự Do Park';
2. **APPROVES** the name 'Tự Do Park'; and
3. **ADVISES** the Vietnamese Community, the Geographic Naming Committee and all respondents of its decision.

PURPOSE OF REPORT:

The purpose of this report is to provide Council with the results of the recent community consultation and to seek approval to rename Wade Street Reserve to 'Tự Do Park'.

BACKGROUND:

Previous reports have been presented to Council in relation to the recent upgrade of Wade Street Reserve which included the installation of the Vietnamese Boat People Monument of Gratitude.

Ordinary Meeting of Council 14 July 2009 (Item 9.2.2):

Council approved 'In Principle' installation of the Vietnamese monument at Weld Square and 'Noted' that the location of Hyde Park is not supported by the Heritage Council of Western Australia.

Ordinary Meeting of Council 27 July 2010 (Item 9.2.1):

Council approved further investigation in relation to the location of the Vietnamese Monument in either Robertson Park or Wade Street Reserve.

Ordinary Meeting of Council 9 November 2010 (Item 9.2.2):

Council approved 'In Principle' to locate the Vietnamese Boat People Monument of Gratitude in the north east corner of Robertson Park and to consult with the local community surrounding Robertson Park for a period of twenty-one (21) days seeking their views in relation to the proposals and obtain comments from the Heritage Council of Western Australia with respect to the proposal.

Ordinary Meeting of Council 22 March 2011 (Item 9.2.3):

After considering the comments received from the community, Council approved the installation of the Vietnamese Boat People Monument of Gratitude, 'Option 2' within Robertson Park.

Officer Comments:

In June 2011 the former Mayor indicated that, in her view, the Robertson Park site was not the most suitable for the monument being in an urban setting and located in the back corner of a very 'busy' park in terms of features and other memorials on the site.

The President of the Vietnamese Community in Australia subsequently emailed the former Mayor, with a letter indicating 'that the Wade Street site for the Boat People was the final decision of the core Vietnamese Committee Meeting.

Ordinary Meeting of Council 26 June 2012:

Council approved 'In Principle' the installation of the Vietnamese Boat People Monument of Gratitude, within the Wade Street Reserve, subject to undertaking consultation with the Vietnamese community and the adjoining residents.

Ordinary Meeting of Council 4 December 2012:

Council approved 'In Principle' the initial design concept for the monument to be located at Wade Street Reserve and that upon receipt of a more detailed concept plan of the monument, the matter would be further reported to Council.

Ordinary Meeting of Council 18 December 2012:

Council approved 'In Principle' the final design of the monument to be located on Wade Street Reserve and authorised to advertise the design for public comment for twenty-one (21) days from 8th to 29th January 2013.

Ordinary Meeting of Council 26 February 2013:

Council approved the design of the monument and its location on Wade Street Reserve and authorised the work to begin on the monument to be installed and launched during Refugee Week from 16th to 22nd June 2013.

Ordinary Meeting of Council 23 July 2013:

Council approved the redevelopment of Wade Street Reserve at an estimated cost of \$82,000 and noted that the Vietnamese community have requested works commence as soon as possible to enable the works to be completed prior to the monument launch date scheduled for mid October 2013.

Ordinary Meeting of Council 25 February 2014:

Council approved 'In Principle' the renaming of Wade Street Reserve to either 'Boat People Park' or 'Tư Do Park' subject to consulting with the community and gaining approval from the Geographic Naming Committee.

DETAILS:

Vietnamese Community:

After the conclusion of the redevelopment works at Wade Street Reserve, the City received a letter from Dr Ahn, on behalf of the Vietnamese community, requesting the City to consider

renaming Wade Street Reserve to 'Tự Do Park', which when translated into English means 'Liberty Park'.

Geographic Naming Committee:

In April 2014, the City received advice from the Geographic Naming Committee that dual naming of parks and reserves (i.e. 'Tự Do Park (Liberty Park)') does not meet the requirements set out by their policies. However, approval was given for the use of 'Tự Do Park' without the English translation being incorporated.

It was however suggested that the English translation may be included on a separate plaque within the park.

Community Consultation:

Community consultation was undertaken where 400 consultation packages were sent out to residents and business owners around Wade Street Reserve. The consultation information and comment form was also available on the City's website on a dedicated community consultation page.

The results of the consultation are summarised below and the comments received are outlined in attachment 9.2.1.

IN FAVOUR:	22 (79% of responses)
AGAINST:	4 (14% of responses)
NEITHER SUPPORT NOR OBJECT:	2 (7% of responses)

TOTAL 28

Officer's comments:

As Wade Street Reserve is named after an adjacent street in the City, a suitable name change for this reserve is supported and encouraged.

With the recent reserve redevelopment, installation of the Vietnamese Boat People Monument of Gratitude and recognition of the location as a place of significance for the Vietnamese community, the name of 'Tự Do Park' is considered a suitable name change for this reserve.

Support for this name change has been received from the Vietnamese community, the Geographic Naming Committee and a large proportion of the local community (79%).

There were four (4) submissions received by the City against the proposal. A central concern reported in these submissions was the appropriateness of the renaming of the park to a Vietnamese name, which strengthens the connection of the park with the Vietnamese community in lieu of any other group.

The City's officers believe that as the reserve is currently named after the adjacent street and poses no real level of significance, and the recent redevelopment of the park has created a place of significance and gratitude for the Vietnamese community, the name change is an appropriate gesture to reflect this newly developed connection.

CONSULTATION/ADVERTISING:

Consultation was undertaken in accordance with the City's Community Consultation Policy No. 4.1.5.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Low: The renaming of Wade Street Reserve has been identified as presenting the City with negligible risk.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

In line with the recent re-development of Wade Street Reserve and installation of the Vietnamese Boat People Monument of Gratitude, the City's officers believe that a significant connection is now present between the Vietnamese Community and Wade Street Reserve.

In light of the support from the Vietnamese community, the Geographic Naming Committee and a large proportion of the local community (79%), it is recommended that Wade Street Reserve is renamed to 'Tự Do Park' accompanied by a plaque giving the English translation located within the park.

9.2.2 Tender No. 487/14 - Appointment of Approved Maintenance Contractors

Ward:	Both	Date:	12 September 2014
Precinct:	All	File Ref:	SC1876
Attachments:	001 – Confidential Attachment		
Tabled Items:	-		
Reporting Officers:	S Mckahey, Property Maintenance Officer J van den Bok, Manager Parks and property Services B Wong, Accountant R Lotznicker; Director Technical Services		
Responsible Officer:	R Lotznicker; Director Technical Services		

OFFICER RECOMMENDATION:

That Council APPOINT the following Maintenance Contractors to undertake specified works throughout the City in accordance with the specifications detailed in Tender No. 487/14 and as contained in the Confidential Attachment 9.2.2;

	TRADE	RECOMMENDED CONTRACTOR
(a)	<u>Plumbing & Gas Fitting</u>	Oasis Plumbing Services Add Plumbing
(b)	<u>Roof Plumbing</u>	Devco Builders CS Industries WA Pty Ltd
(c)	<u>Electrical Services</u>	Boyan Electrical Services Downer Engineering Electrical Pty Ltd MMJ Electrical Pty Ltd
(d)	<u>Painting Services</u>	North Perth Painting Services Workzone Pty Ltd Devco Builders
(e)	<u>Glazing Services</u>	All Suburbs Glass and Glazing Pty Ltd
(f)	<u>Drafting Services</u>	Australian HVAC Services Pty Ltd
(g)	<u>Air-Conditioning</u>	Australian HVAC Services Pty Ltd
(h)	<u>Pest Control</u>	The Pest Guys Pty Ltd
(i)	<u>General Building Maintenance</u>	Devco Builders Add Carpentry CS Industries WA Pty Ltd Walshy All Round Tradesman
(j)	<u>Handyman Services</u>	Devco Builders Sam's Repairs and Maintenance Add Carpentry CS Industries WA Pty Ltd Walshy All Round Tradesman

PURPOSE OF REPORT:

The purpose of this report is to obtain Council's approval to appoint a panel of approved maintenance contractors to undertake specified works in accordance with the specifications detailed in Tender No. 487/14.

BACKGROUND:

Tender 487/14 for Appointment of Approved Maintenance Contractors was advertised in the West Australian on 2 July 2014 and the tender closed at 2.00pm (WST) on 16 July 2014. Twenty eight (28) tenders were received.

DETAILS:

The tenders received were from the following companies:

- Protek Total Facility Management
- Devco Builders
- Workzone Pty Ltd
- Arden Building Maintenance WA Pty Ltd
- Access Without Barriers Pty Ltd
- Walshy All Round Tradesman
- Chemps Pty Ltd
- Sam's Repairs & Maintenance
- CS Industries WA Pty Ltd
- DCFM Australia Pty Ltd
- Australian HVAC Services Pty Ltd
- The Pest Guys Pty Ltd
- KD Aire Mechanical & electrical Service Pty Ltd
- Trilogy Servicing Pty Ltd
- Diamond Plumbing & Gas
- All Suburbs Glass & Glazing Pty Ltd
- Action Glass & Aluminium
- Add Plumbing
- Add Carpentry
- North Perth Painting Service
- Elite Electrical Services WA
- Add Electrical, Add Plumbing, Add Carpentry
- Galaxy Cove Pty Ltd T/A Power On Electrix
- MMJ Electrical Pty Ltd
- Boyan Electrical Services
- Downer Engineering Electrical Pty Ltd
- U. N. Plumbing
- Oasis Plumbing Services

The tenders were assessed by a Tender Evaluation Panel comprised the Director Technical Services, Manager Parks and Property Services, Property Maintenance Officer and Accountant. Each tender was assessed using the selection criteria below in accordance with the tender documentation.

CRITERIA	WEIGHTING
Contract Price (Hourly Rates)	40%
Relevant Experience, Expertise and Project Team	30%
History and Viability of Company	15%
References	15%
Total	100%

The tender prices and assessment is contained in **Confidential Attachment 9.2.2.**

Discussion:

Plumbing and Gas Fitting:

Eight (8) submissions were received for the above service. After a comprehensive assessment by the 'assessment team' it is recommended that Oasis Plumbing and Add Plumbing, be selected for provision of Plumbing and Gas Fitting Services. Overall the quality of tenders received for this service was of a very high standard the above being selected as a result of their proven quality of service provided in the past and/or there competitive pricing.

Roof Plumbing:

Eight (8) submissions were received for the above service. After a comprehensive assessment by the 'assessment team' it is recommended that Devco Builders and CS Industries WA Pty Ltd be selected for the provision of Roof Plumbing Services. Devco have been previously used by the City and have provided excellent service and CS Industries has provided competitive rates and have the experience and capacity to provide the required services. Again the quality of tenders received for this service was of a very high standard the above being selected as a result of their proven quality of service provided in the past and their competitive pricing.

Electrical:

Twelve (12) submissions were received for the above services. After a comprehensive assessment by the 'assessment team' it is recommended that Boyan Electrical Services, Downer Engineering Electrical Pty Ltd and MMJ Electrical Pty Ltd be selected for the provision of Electrical Services.

Boyan Electrical Services has been contracted to the City for a number of years and has provided excellent services at competitive rates. The other two (2) companies while not having provided prior services to the City provided competitive rates and have the experience and capacity to provide the required services. Again the quality of tenders received for this service was of a very high standard the above being selected as a result of their proven quality of service provided in the past and their competitive pricing.

Painting:

Eight (8) submissions were received for the above services. After a comprehensive assessment by the 'assessment team' it is recommended that North Perth Painting Services, Workzone Pty Ltd and Devco Builders be selected for the provision of Painting Services.

Both North Perth Painting Services and Devco Builders have been contracted to the City previously and provided excellent service. Workzone have provided competitive rates and is clearly in the top three (3) best options following the assessment of all submissions.

Again the quality of tenders received for this service was of a very high standard the above being selected as a result of their proven quality of service provided in the past and their competitive pricing.

Glazing:

Five (5) submissions were received for the above services. After a comprehensive assessment by the 'assessment team' it is recommended that All Suburbs Glass and Glazing Pty Ltd who has been previously utilised by the City and provided excellent service be selected for provision of Glazing Services. Due to the quantity of glazing work required to be completed for the City it has been determined that only one (1) contractor is sufficient to cover requirements.

Drafting Services:

Two (2) submissions were received for the above service. It is recommended that Australian HVAC Services Pty Ltd be selected for the provision of Drafting Services due to their more competitive pricing.

Air Conditioning:

Four (4) submissions were received for the above services. After a comprehensive assessment by the 'assessment team' it is recommended that Australian HVAC Services Pty Ltd be selected for provision of general Air Conditioning Services. The quality of tenders

received for this service was of a very high standard the above being selected as a result of their proven quality of service provided in the past and there competitive pricing.

Pest Control

Three (3) submissions were received for the above services. It is recommended that The Pest Guys Pty Ltd be selected for provision of Pest Control Services.

The City has previously utilised the services of The Pest Guys Pty Ltd and they have provided a satisfactory service.

General Building Maintenance

Eleven (11) submissions were received for the above services. After a comprehensive assessment by the 'assessment team' it is recommended that that the following be selected for provision of General Building Maintenance Services to the City:

- Devco Builders
- Add Carpentry
- CS Industries WA P/L
- Walshy All Round Tradesman

Devco Builders have all provided general building maintenance and project contracted services previously to a high standard. Walshy All Round Tradesman has also provided consistent services to the City for a number of years. It is considered that due to the high and varied volume of building maintenance works required that four (4) contractors be included in the panel.

Handyman Services:

Twelve (12) submissions were received for the above services. After a comprehensive assessment by the 'assessment team' it is recommended that that the following be selected for provision of General Building Maintenance Services to the City:

- Devco Builders
- Sam's Repairs and Maintenance
- Add Carpentry
- CS Industries WA P/L
- Walshy All Round Tradesman

Devco Builders and Sam's Repairs and Maintenance have previously provided Handyman Services previously to a high standard. Walshy All Round Tradesman has also provided consistent services to the City for a number of years. It is considered that due to the high and varied volume of works required that five (5) contractors be included in the panel.

CONSULTATION/ADVERTISING

Not applicable

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Medium: The tender is required to be advertised and assessed in accordance with the Local Government Act 1995. Failure to carry out maintenance work will result in a

deterioration of the City's assets and may also result in non-compliance with the Building Code of Australia and relevant Australian Standards.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Having qualified reputable contractors engaged ensures the City's assets are upgraded and maintained in a safe manner, comply with the required standards and that intervention is programmed to ensure maximum serviceable life of the asset.

FINANCIAL/BUDGET IMPLICATIONS:

All costs associated with these works are charged to the respective Building/Specified Maintenance accounts or specific Capital Works projects as approved as part of the City's annual budget.

The various trades and maintenance items have an estimated value of approximately \$400,000 per annum. The breakdown of costs for each component varies for year to year.

COMMENTS:

It is recommended that Council appoint the Maintenance Contractors listed above and as outlined in the Confidential Attachment to undertake specified works throughout the City in accordance with the specifications detailed in Tender No. 487/14.

9.3 CORPORATE SERVICES

9.3.1 Investment Report as at 31 August 2014

Ward:	Both	Date:	12 September 2014
Precinct:	All	File Ref:	SC1530
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	N Makwana, Accounting Officer; B Tan, Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council **NOTES** the Investment Report for the month ended 31 August 2014 as detailed in Attachment 001.

PURPOSE OF REPORT:

The purpose of this report is to advise Council of the level of investment funds available, the distribution of surplus funds in the short term money market and the interest earned to date.

BACKGROUND:

Interest from investments is a significant source of funds for the City, where surplus funds are deposited in the short term money market for various terms. Details are attached in Attachment 001.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.2.4.

DETAILS:

Total Investments for the period ended 31 August 2014 were \$23,111,000 compared with \$11,311,000 at 31 July 2014. At 31 August 2013, \$21,411,000 was invested.

Investment comparison table:

	2013-2014	2014-2015
July	\$9,611,000	\$11,311,000
August	\$21,411,000	\$23,111,000

Total accrued interest earned on Investments as at 31 August 2014:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$292,600	\$32,323	\$31,372	10.72
Reserve	\$292,300	\$41,514	\$44,419	15.20

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Funds are invested in accordance with the City's Investment Policy 1.2.4.

RISK MANAGEMENT IMPLICATIONS:

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

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

COMMENT:

As the City performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes. Key deposits, hall deposits, works bonds, planning bonds and unclaimed money were transferred into Trust Bank account as required by Local Government (Financial Management) Regulations 1996, Section 8 (1b).

Rates revenue has been received during this month which has resulted in surplus monies be available for investment.

The report comprises of:

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

9.3.2 Authorisation of Expenditure for the Period 1 – 31 August 2014

Ward:	Both	Date:	12 September 2014
Precinct:	All	File Ref:	SC347
Attachments:	001 – Creditors Report		
Tabled Items:	-		
Reporting Officers:	O Dedic, Accounts Payable Officer; B Tan, Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council **CONFIRMS** the;

1. **Schedule of Accounts for the period 1 August – 31 August 2014 and the list of payments;**
2. **direct lodgement of payroll payments to the personal bank account of employees;**
3. **direct lodgement of PAYG taxes to the Australian Taxation Office;**
4. **direct lodgement of Child Support to the Australian Taxation Office;**
5. **direct lodgement of creditors payments to the individual bank accounts of creditors; and**
6. **direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;**

paid under Delegated Authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 as shown in Attachment 001.

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil.		

PURPOSE OF REPORT:

To present to Council the expenditure and list of accounts approved by the Chief Executive Officer under Delegated Authority for the period 1 August – 31 August 2014.

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 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 Local Government Act provides for all payments to be approved by the Council. In addition the attached Schedules are submitted in accordance with Regulation 13 of the Local Government (Finance Management) Regulations 1996.

DETAILS:

The Schedule of Accounts to be passed for payment, cover the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	76629 - 76789	\$225,169.66
Cancelled Cheques	76700, 76749 - 76753	
Transfer of Creditors by EFT Batch	1695 – 1698, 1701, 1702	\$3,887,880.68
Transfer of PAYG Tax by EFT	August 2014	\$143,682.03
Transfer of GST by EFT	August 2014	
Transfer of Child Support by EFT	August 2014	\$1,377.08
Transfer of Superannuation by EFT:		
• City of Perth	August 2014	\$26,293.58
• Local Government	August 2014	\$126,503.61
Total		\$4,436,119.38
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$12,283.05
Lease Fees		\$4,807.76
Corporate MasterCards		\$12,768.95
Loan Repayment		\$162,968.63
Rejection fees		\$5.00
Total Bank Charges & Other Direct Debits		\$192,833.39
Less GST effect on Advance Account		0.00
Total Payments		\$4,628,952.77

LEGAL POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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 the Council.

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2017:

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

*4.1.2 Manage the organisation in a responsible, efficient and accountable manner;
(a) Continue to adopt best practice to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced."*

SUSTAINABILITY IMPLICATIONS:

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

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

All expenditure from the municipal fund was included in the Annual Budget adopted by Council.

COMMENT:

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.

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

9.3.3 Estimated Financial Statements as at 30 June 2014

Ward:	Both	Date:	12 September 2014
Precinct:	All	File Ref:	SC357
Attachments:	001 – Financial Reports		
Tabled Items:	002 – Significant Accounting Policies		
Reporting Officers:	N Makwana, Accounting Officer; B Wong, Accountant; B Tan, Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council RECEIVES the Estimated Financial Statements for the month ended 30 June 2014 as shown in Attachment 001.

PURPOSE OF REPORT:

The purpose of this report is to present the Estimated Financial Statements for the period ended 30 June 2014.

It should be noted that this report is not the end of financial year report for 2013/2014, but reflects the June month end unaudited financial position.

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.

As stated above, the financial reports as presented are estimates of the year end position. A number of year end adjustments still need to be made before the year end accounts can be finalised. However, at this point in time, it is estimated that a deficit of approximately \$4.8m will be the final position for the end of the 2013/2014 financial year. \$3.2m of this estimated deficit will be cancelled out by the budget savings plan and adjustments adopted by Council on 26 August 2014 and 3 September 2014. Therefore, the City will need to identify an additional \$1.6m (estimated) in budget savings if it is to achieve a zero end of year balance. Administration is already working towards this outcome and will submit a further report to Council to adopt additional budget adjustments once the audited end of year result for 2013/2014 has been confirmed.

It is anticipated that the final accounts for the year ending 2013/2014 will be available and reported to Council in October 2014.

A financial activity statement 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.

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

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

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 30 June 2014:

Note	Description	Page
1.	Summary of Income and Expenditure by Service Areas	1-30
2.	Statement of Financial Activity by Programme Report	31
3.	Statement of Financial Activity by Nature and Type Report	32
4.	Statement of Financial Position	33
5.	Statement of Changes in Equity	34
6.	Capital Works Schedule	35-41
7.	Restricted Cash Reserves	42
8.	Sundry Debtors Report	43
9.	Rate Debtors Report	44
10.	Beatty Park Leisure Centre Report – Financial Position	45
11.	Major Variance Report	46-57
12.	Monthly Financial Positions Graph	58-60

1. SIGNIFICANT ACCOUNTING POLICIES AND NOTES

The significant accounting policies and notes forming part of the financial report are 'Tabled' and shown in electronic Attachment 002.

Comments on the financial performance are set out below:

2. As per Attachment 001.

3. Statement of Financial Activity by Programme Report

Operating Revenue excluding Rates

YTD Actual	\$25,344,679
YTD Revised Budget	\$29,493,650
YTD Variance	(\$4,148,971)
Full Year Budget	\$28,176,497

Summary Comments:

The total operating revenue is currently 86% of the year to date Budget estimate.

Major contributing variances are to be found in the following programmes:

General Purpose Funding – 16% under budget;

Governance – 236% over budget;

Law, Order, Public Safety – 7% under budget;

Health – 1% under budget;

Education and Welfare – 5% under budget;
Community Amenities – 6% under budget;
Transport – 23% under budget;
Economic Services – 8% over budget;
Other Property and Services – 53% under budget; and
General Administration (Allocated) – 306% over budget.

Operating Expenditure

YTD Actual	\$52,701,392
YTD Revised Budget	\$48,509,760
YTD Variance	(\$4,191,632)
Full Year Budget	\$48,927,550

Summary Comments:

The total operating expenditure is currently 109% of the year to date Budget estimate.

Major contributing variances are to be found in the following programmes:

General Purpose Funding – 3% over budget;
Governance – 8% over budget;
Law, Order, Public Safety – 1% under budget;
Health – 4% under budget;
Education and Welfare – 18% over budget;
Community Amenities – 5% under budget;
Recreation & Culture – 14% over budget;
Transport – 10% over budget;
Economic Services – 4% under budget;
Other Property & Services – 25% over budget; and
General Administration (Allocated) – 362% over budget.

Net Operating and Capital Excluding Rates

The net result is Operating Revenue less Operating Expenditure plus Capital Revenue, Profit/(Loss) of Disposal of Assets and less Capital Expenditure.

YTD Actual	\$25,252,301
YTD Revised Budget	\$27,018,543
Variance	(\$1,766,242)
Full Year Budget	\$29,136,897

4. Statement of Financial Activity by Nature and Type Report

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

5. Statement of Financial Position and

6. Statement of Changes in Equity

The statement shows the current assets of \$13,839,710 and non-current assets of \$251,376,203 for total assets of \$265,215,913.

The current liabilities amount to \$10,642,596 and non-current liabilities of \$17,510,323 for the total liabilities of \$28,152,920.

The net asset of the City or Equity is \$237,062,994.

7. Net Current Funding Position

	30 June 2014 YTD Actual \$
Current Assets	
Cash at Bank	1,834,463
Cash Restricted	8,770,599
Receivables – Rates and Waste	(74,640)
Receivables – Others	3,127,900
Inventories	170,387
	13,828,709
Less: Current Liabilities	
Trade and Other Payables	(6,051,547)
Provisions	(2,699,634)
	(8,751,181)
Less: Restricted Cash Reserves	(8,770,599)
Net Current Funding Position	(3,693,071)

Note: Estimated final position is expected to be (\$4.8). As a result, Administration is already actively reviewing the financial reports and budget to ensure that a balanced financial position is achieved at the end of 2014/2015 financial year.

8. Capital Expenditure Summary

The Capital Expenditure summary details projects included in the 2013/2014 budget and reports the original budget and compares actual expenditure to date against these.

	Budget	Year to date Revised Budget	Actual to Date	%
Furniture & Equipment	\$201,750	\$195,250	\$61,430	31%
Plant & Equipment	\$3,269,666	\$3,385,062	\$945,437	28%
Land & Building	\$1,229,000	\$973,000	\$526,378	54%
Infrastructure	\$12,198,585	\$12,674,878	\$5,877,175	46%
Total	\$16,899,001	\$17,228,190	\$7,410,420	43%

Note: The actual to date value for Plant and Equipment is the net of trade in value of the purchase price.

Note: Detailed analyses are included on page 35 – 41 of Attachment 001.

9. Restricted Cash Reserves

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

The balance as at 30 June 2014 is \$8.7m. The balance as at 30 June 2013 was \$7.7m.

10. Sundry Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$1,074,936 is outstanding at the end of June 2014.

Out of the total debt, \$297,280 (30.5%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangement for more than one year.

The Sundry Debtor Report identifies significant balances that are well overdue.

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

11. Rate Debtors

The notices for rates and charges levied for 2013/14 were issued on the 22 July 2013.

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

First Instalment	26 August 2013
Second Instalment	28 October 2013
Third Instalment	3 January 2014
Fourth Instalment	7 March 2014

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)	\$11.00 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 outstanding as at 30 June 2014 including deferred rates was \$80,304 which represents 0.31% of the outstanding collectable income compared to 0.57% at the same time last year.

12. Beatty Park Leisure Centre – Financial Position Report

As at 30 June 2014 the operating deficit for the Centre was \$497,127 in comparison to the year to date revised budgeted surplus of \$457,525.

The cash position showed a current cash surplus of \$108,256 in comparison year to date revised budget estimate of a cash surplus of \$1,037,565. The cash position is calculated by adding back depreciation to the operating position.

Budget on revenue has been adjusted in various areas during mid year budget review to show a better operating position.

13. Major Variance Report

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

The comments will be for the favourable or unfavourable variance of greater than 10% of the year to date budgeted. The Council has adopted a percentage of 10% which is equal to or greater than the budget to be material. However a value of

\$10,000 may be used as guidance for determining the materiality consideration of an amount rather than a percentage as a minimum value threshold.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

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 the Council.

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2017:

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

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

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

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

9.3.4 Financial Statements as at 31 July 2014

Ward:	Both	Date:	12 September 2014
Precinct:	All	File Ref:	SC357
Attachments:	001 – Financial Reports		
Tabled Items:	002 – Significant Accounting Policies		
Reporting Officers:	N Makwana, Accounting Officer; B Tan, Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council **RECEIVES** the Financial Statements for the month ended 31 July 2014 as shown in Attachment 001.

PURPOSE OF REPORT:

The purpose of this report is to present the Financial Statements for the period ended 31 July 2014.

BACKGROUND:

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

A financial activity statement 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.

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.

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

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 31 July 2014:

Note	Description	Page
1.	Summary of Income and Expenditure by Service Areas	1-30
2.	Statement of Financial Activity by Programme Report	31-32
3.	Statement of Comprehensive Income by Nature and Type Report	33
4.	Statement of Financial Position	34
5.	Statement of Changes in Equity	35
6.	Net Current Funding Position	36
7.	Capital Works Schedule and Funding	37-42
8.	Cash Backed Reserves	43
9.	Receivables	44
10.	Rating Information and Graph	45-46
11.	Beatty Park Leisure Centre Report – Financial Position	47
12.	Explanation of Material Variance	48-53

1. SIGNIFICANT ACCOUNTING POLICIES AND NOTES

The significant accounting policies and notes forming part of the financial report are 'Tabled' and shown in electronic Attachment 002.

Comments on the financial performance are set out below:

2. As per Attachment 001.

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

Operating Revenue excluding Rates

YTD Actual	\$2,064,491
YTD Revised Budget	\$2,226,596
YTD Variance	(\$162,105)
Full Year Budget	\$30,810,822

Summary Comments:

The total operating revenue is currently 93% of the year to date Budget estimate.

Major contributing variances are to be found in the following programmes:

- General Purpose Funding – 14% under budget;
- Governance – 37% under budget;
- Law, Order, Public Safety – 6% under budget;
- Health – 64% under budget;
- Education and Welfare – 19% under budget;
- Community Amenities – 10% over budget;
- Recreation and Culture – 5% over budget;
- Transport – 11% under budget;
- Economic Services – 36% over budget;
- Other Property and Services – 42% under budget; and
- General Administration (Allocated) – 298% over budget.

Operating Expenditure

YTD Actual	\$3,798,640
YTD Revised Budget	\$4,505,934
YTD Variance	(\$707,294)
Full Year Budget	\$51,659,410

Summary Comments:

The total operating expenditure is currently 84% of the year to date Budget estimate.

Major contributing variances are to be found in the following programmes:

- General Purpose Funding – 16% under budget;
- Governance – 30% under budget;
- Law, Order, Public Safety – 19% under budget;
- Health – 38% under budget;
- Education and Welfare – 32% under budget;
- Community Amenities – 25% under budget;
- Recreation & Culture – 9% under budget;
- Transport – 10% under budget;
- Economic Services – 22% under budget;
- Other Property & Services – 25% under budget; and
- General Administration (Allocated) – 225% over budget.

Net Operating and Capital Excluding Rates

The net result is Operating Revenue less Operating Expenditure plus Capital Revenue, Profit/(Loss) of Disposal of Assets and less Capital Expenditure.

YTD Actual	\$997,250
YTD Revised Budget	\$2,286,687
Variance	(\$1,289,437)
Full Year Budget	\$30,108,800

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

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

**5 Statement of Financial Position (Note 4) and
6. Statement of Changes in Equity (Note 5)**

The statement shows the current assets of \$42,114,632 and non-current assets of \$250,854,258 for total assets of \$292,968,890.

The current liabilities amount to \$12,805,440 and non-current liabilities of \$17,597,675 for the total liabilities of \$30,403,114.

The net asset of the City or Equity is \$262,565,776.

7. Net Current Assets (Note 6)

Net Current Asset is the difference between the current asset and current liabilities less committed assets and restricted assets. This amount indicates how much capital is used up by day to day activities. The net current funding position as at 31 July 2014 is \$22,546,611.

8. Capital Expenditure and Funding Summary (Note 7)

The Capital Expenditure summary details projects included in the 2014/2015 budget and reports the original budget and compares actual expenditure to date against these.

	Budget	Year to date Budget	Actual to Date	%
Furniture & Equipment	\$153,625	\$18,800	\$0	0%
Plant & Equipment	\$1,205,167	\$188,300	(\$5,462)	-3%
Land & Building	\$1,774,275	\$22,000	\$36	0%
Infrastructure	\$13,762,767	\$701,000	\$465,321	66%
Total	\$16,895,834	\$930,100	\$459,895	49%

	Budget	Year to date Budget	Actual to Date	%
Capital Grant and Contribution	\$3,048,092	\$0	\$0	0%
Cash Backed Reserves	\$6,110,968	\$465,050	\$278,957	60%
Other (Disposal/Trade In)	\$134,000	\$0	(\$5,975)	0%
Own Source Funding – Municipal	\$7,602,774	\$465,050	\$186,913	40%
Total	\$16,895,834	\$930,100	\$459,895	49%

Note: Detailed analyses are included on page 37 – 42 of Attachment 001.

9. Cash Backed Reserves (Note 8)

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

The balance as at 31 July 2014 is \$8,485,666. The balance as at 30 June 2014 was \$8,770,599.

10. Receivables (Note 9)

Other Receivables are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Receivables of \$765,449 is outstanding at the end of July 2014.

Out of the total debt, \$371,730 (52.5%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangement for more than one year.

The Receivables Report identifies significant balances that are well overdue.

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

11. Rating Information (Note 10)

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

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

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

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

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

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

Rates outstanding as at 31 July 2014 including deferred rates was \$23,744,526 which represents 86.12% of the outstanding collectable income compared to 84.20% at the same time last year.

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

As at 31 July 2014 the operating deficit for the Centre was \$830 in comparison to the year to date revised budgeted deficit of \$163,683.

The cash position showed a current cash surplus of \$62,447 in comparison year to date revised budget estimate of a cash deficit of \$119,512. The cash position is calculated by adding back depreciation to the operating position.

13. Explanation of Material Variances (Note 12)

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

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

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 2013-2017:

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

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

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

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

9.3.5 Lease for Multicultural Services Centre of WA Inc – Lease a portion of the property at Woodville Reserve (10 Farmer Street, North Perth)

Ward:	North	Date:	12 September 2014
Precinct:	North Perth (8)	File Ref:	SC351 & SC608
Attachments:	001 – Floor Plan of proposed leased area		
Tabled Items:	Nil		
Reporting Officer:	K Davies, Executive Secretary Corporate Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

1. That Council **APPROVES** a five (5) year lease from 1 September 2014 to 31 August 2019 over a portion of the premises at Woodville Reserve, 10 Farmer Street, North Perth being granted to the Multicultural Services Centre of WA Inc, as per Attachment 001, as follows:

- 1.1 **Term:** five (5) years;
- 1.2 **Rent:** \$4,255 per annum inc GST indexed to CPI;
- 1.3 **Outgoings:** to be paid by the Lessee;
- 1.4 **Rates & Taxes:** to be paid by the Lessee; and
- 1.5 **Permitted Use:** Community Activities.

subject to final satisfactory negotiations being carried out by the Chief Executive Officer.

PURPOSE OF REPORT:

The purpose of this report is to provide Council with details regarding the Multicultural Services Centre of WA Inc. lease of the premises at Woodville Reserve, 10 Farmer Street North Perth and their request for an extension of the lease.

BACKGROUND:

The Multicultural Services Centre of WA Inc. has held a lease over a portion of the premises located at 10 Farmer Street, North Perth for a period of ten years under the City of Vincent, the current lease expired on the 31 March 2014.

DETAILS:

The Multicultural Services Centre of WA Inc. has held a lease over a portion of the premises located at Woodville Reserve for a period of ten years ensuring that it is well maintained and kept clean at all times.

The Centre has written to the City requesting a new lease for a period of five years. It is recommended that they be allowed to continue to use the premises under a five (5) year lease arrangement. The group will be requested to submit their constitution, operating and financial statements for assessment as part of the negotiations.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

City of Vincent Policy 1.2.1 – Policy Statement:

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

RISK MANAGEMENT IMPLICATIONS:

Low The Multicultural Services Centre of WA Inc have been excellent tenants during their lease periods.

STRATEGIC IMPLICATIONS:

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

2.1.3 *Develop business strategies that reduce reliance on rates revenue*

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The current annual lease payment for the Multicultural Services Centre of WA Inc is \$4,252.25 per annum GST inclusive and is linked to the annual Consumer Price Index (CPI).

COMMENTS:

The Multicultural Services Centre of WA Inc have been good tenants for the duration of their lease periods and the Administration supports a further five (5) year lease term.

9.3.6 Lease for Leederville Tennis Club – Lease of Premises at 150 Richmond Street, Leederville

Ward:	South	Date:	12 September 2014
Precinct:	Leederville (3)	File Ref:	SC351 & PR25077
Attachments:	001 – Map of proposed leased area 002 – Letter from Leederville Tennis Club		
Tabled Items:	Nil		
Reporting Officer:	K Davies, Executive Secretary Corporate Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

1. That Council **APPROVES** a lease from 1 September 2014 to 31 August 2019 with options for a further two periods of five (5) years over the premises at 150 Richmond Street, Leederville being granted to the Leederville Tennis Club, as per Attachment 001, as follows:

- | | | |
|-----|----------------|---|
| 1.1 | Term: | five (5) years plus x2 five (5) year options; |
| 1.2 | Rent: | \$1,025 per annum inc GST indexed to CPI; |
| 1.3 | Outgoings: | to be paid by the Lessee; |
| 1.4 | Rates & Taxes: | to be paid by the Lessee; and |
| 1.5 | Permitted Use: | Sporting Facility. |

subject to final satisfactory negotiations being carried out by the Chief Executive Officer.

PURPOSE OF REPORT:

The purpose of this report is to provide Council with details regarding the Leederville Tennis Club lease of the premises at 150 Richmond Street and their request for an extension of the lease.

BACKGROUND:

The Leederville Tennis Club has held a lease over the premises located at 150 Richmond Street, Leederville for a period of ten years under the City of Vincent, the current lease expired on the 31 August 2014.

DETAILS:

The Leederville Tennis Club has held a lease over the premises located at 150 Richmond Street, Leederville for a period of ten years ensuring that it is well maintained and kept clean at all times.

The Club has written requesting a new lease for a period of five years plus options for a further two five year periods, which will allow them to celebrate their centenary in 2024 (as per attachment 002).

It is recommended that they be allowed to continue to use the premises under a five (5) year lease arrangement with an option for a further two lots of five (5) year periods. The group will be requested to submit their constitution, operating and financial statements for assessment as part of the negotiations.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

City of Vincent Policy 1.2.1 – Policy Statement:

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

RISK MANAGEMENT IMPLICATIONS:

Low The Leederville Tennis Club have been excellent tenants during their lease periods.

STRATEGIC IMPLICATIONS:

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

2.1.3 *Develop business strategies that reduce reliance on rates revenue*

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The current annual lease payment for the Leederville Tennis Club is \$1,021.08 per annum GST inclusive and is linked to the annual Consumer Price Index (CPI).

COMMENTS:

The Leederville Tennis Club have been good tenants for the duration of their lease periods and the Administration supports a further five (5) year lease with options to take them through to 31 August 2029 in order that they can celebrate their 100th year at the site.

9.4 COMMUNITY SERVICES

9.4.1 Community Sporting and Recreation Facility Fund (CSRFF) – Grant Application

Ward:	South Ward	Date:	12 September 2014
Precinct:	Hyde Park (12)	File Ref:	SC1493
Attachments:	001 – CONFIDENTIAL: Perth Soccer Club CSRFF application		
Tabled Items:	Nil		
Reporting Officer:	A Birch, Acting Manager Community Development		
Responsible Officer:	J Anthony, Acting Director Community Services		

OFFICER RECOMMENDATION:

That Council APPROVES BY ABSOLUTE MAJORITY;

1. The lodgement of the following application to the Department of Sport and Recreation (DSR) to benefit from the Community Sport and Recreation Facility Fund (CSRFF); and

Ranking	Facility	Project	Amount
1	Perth Soccer Club	Replacement of natural turf on main pitch and warm up pitches with FIFA 1 certified synthetic turf, upgrade of lighting to minimum standards, development of base and surrounds and the addition of further change rooms	\$3,086,500 (exclusive of GST)

2. LISTS for consideration an amount of \$250,000 (excl. GST) on the Draft Budget 2015/2016, subject to matching funds being approved by DSR.

PURPOSE OF REPORT:

To obtain the Council's approval to endorse the Community Sport and Recreation Facility Fund (CSRFF) Forward Planning Grants application from the Perth Soccer Club as shown in Attachment 9.4.1 (001) and if successful, list for consideration the amount of \$250,000 (excl. GST) on the Draft Budget 2015/2016.

BACKGROUND:

The purpose of the Community Sport and Recreation Facility Fund (CSRFF) is to help the Western Australian Government provide assistance to community groups and local government authorities to develop well-planned facilities for sport and recreation. The types of projects that will be considered for funding include the construction of new facilities and upgrading, modifying or adding to existing facilities to better suit community needs and provide greater opportunities for participation.

On Tuesday, 1 July 2014, the Forward Planning Grants round opened, applications were due to be lodged with the City by Wednesday, 3 September 2014 and to DSR by Tuesday, 30 September 2014. Forward Planning Grants are for large scale projects where the total project cost exceeds \$500,000 and may require an implementation period of between one (1) and three (3) years. Grants in this category may be allocated in a combination of the years in the triennium. The maximum grant funded by the Department of Sport and Recreation will be no greater than one third (1/3) of the total cost of the project and the grant must be at least matched by the applicant's own cash contribution.

DETAILS:

Perth Soccer Club

Established in 1987, Perth Soccer Club (PSC) moved to their current headquarters of Dorrien Gardens in 1952. Since then, PSC have grown in size and now operates its programs from four (4) locations; Dorrien Gardens, Forrest Park, Beatty Park Reserve and Birdwood Square.

PSC membership numbers have been relatively static, increasing from 575 in 2011/2012 to 600 in 2013/2014, despite the notable general participation increase in soccer. This is due to the capacity constraints the club has with regard to ground usage. Having access to more programmable space would allow the club to target specific areas where they are underrepresented including women, masters, amateurs and juniors.

PSC have been active in the long term development of the club's facilities. During their tenure of Dorrien Gardens, they have invested more than \$1.5 million into the facilities. Their current financial position, as shown in Attachment 9.4.1 (001) indicates not only their ability to fund more than their required portion of the Perth Community Playing Fields project, but also their long-term commitment to the continuation of the Club.

Proposed Project

The proposal by Perth Soccer Club is multifaceted to increase the useability of Dorrien Gardens throughout summer and winter seasons by a range of sporting groups including touch football, gridiron and lacrosse. The project is detailed as follows:

Main Pitch

Replacement of natural turf and installation of FIFA 1 certified synthetic turf to the main playing arena. This turf will allow temporary line marking during summer months as required by other sporting groups, which will be easily removable and reapplied without impact to the synthetic turf.

Warm-up Pitches

The warm-up pitch areas to the west of the clubroom buildings are proposed to be replaced with FIFA 1 certified synthetic turf. The layout for this area will cater for two (2) junior full size pitches, four (4) junior half size pitches and eight (8) small sided pitches. The turf in this area will be marked for multiple configurations in differing colours to allow for use by a variety of sporting groups.

Lighting

Lighting to the main pitch is proposed to be upgraded to minimum standards for training and community programs to be played in safety, as well as State League soccer and gridiron matches.

It is proposed to also upgrade the lighting for the multi-sport area to minimum standards for evening safety.

Base and Surrounds

Both the main pitch and warm-up pitch areas are proposed to be developed to include a suitable base with drainage. Hose cocks are recommended to be provided at various locations around the grounds and misting fans to be provided in the main pitch dugout areas.

It is proposed to install shoe cleaning zones in at the entry to playing areas, to minimise the damage to the synthetic turf.

Fencing around the main pitch is also proposed to meet minimum National Premier League standards and will be suitable for sponsor signage.

Change Rooms

It is proposed to develop additional change room facilities for the main and warm-up pitches for use during tournaments, multiple back to back matches and to cater for female participation. Larger generic change rooms are also proposed for users of the warm-up pitches, which will be used by alternate sporting groups in soccer's off season. Change room facilities will be provided for male and female referees with secure access to both the main pitch and warm-up pitches.

Recommendation

The Council to support the project to replace the natural turf on the main pitch and warm up pitches with FIFA 1 certified synthetic turf, upgrade the lighting to minimum standards, develop the base and surrounds of the pitches and the addition of further change rooms at Perth Soccer Club with the provision of \$250,000 (excl. GST), subject to minimum equivalent funding being provided by DSR through the CSRFF Grant process.

CONSULTATION/ADVERTISING:

Consultation will be required to be undertaken prior to the commencement of works, in line with the City's Community Consultation Policy 4.1.5.

LEGAL/POLICY:

- Community Consultation Policy 4.1.5.

RISK MANAGEMENT IMPLICATIONS:

Low/Medium The proposal by Perth Soccer Club represents a low/medium risk to City with regards to the product of their potential funding and the benefit to the community.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2013-2017*, the following Objectives state:

"Natural and Built Environment

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

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

Community Development and Wellbeing

3.1 *Enhance and promote Community Development and Wellbeing:*

3.1.3 *Promote health and wellbeing in the community*

3.1.6 *Build capacity within the community for individuals and groups to meet their needs and the needs of the broader community."*

SUSTAINABILITY IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

Perth Soccer Club's current lease over the area is valid until 31 December, 2017. PSC pays all outgoings as well as \$7,707.85 per annum for the lease over Dorrien Gardens and \$1,819.56 per annum for the lease over Forrest Park Pavilion. The junior teams utilise Beatty Park Reserve and Birdwood Square and are not charged for this hire agreement.

Costs

The budget, as shown in Attachment 9.4.1 (001) outlines the overall cost and breakdown of funding sought as follows:

Amount contributed by Perth Soccer Club:	\$ 545,454 (excl. GST)
Amount from other sources	\$1,305,137 (excl. GST)
Amount sought from City of Vincent:	\$ 250,000 (excl. GST)
Amount sought from DSR:	\$ 985,909 (excl. GST)
Total:	\$3,086,500 (excl. GST)

Recommended funding for the project is requested to be considered for the Draft Budget 2015/2016. The Council contribution to Perth Soccer Club will be subject to initial DSR grant approval and will be no more than \$250,000 (excl. GST) nor the contribution provided by DSR.

COMMENTS:

Supporting funding through the CSRFF process provides the opportunity to ensure the City's sporting and recreation assets continue to meet and exceed the expectations of their patrons and are able to cater for the diverse needs of the community into the future.

By funding Perth Soccer Club to upgrade their natural turf surfaces to FIFA 1 certified synthetic turf, upgrade their lighting to minimum standards and undertake structural work to increase the number of change rooms available with the provision of \$250,000 (excl. GST), the City will not only be preserving a facility they own, but will also be investing in and supporting their residents' health and wellbeing. Supporting this project will also assist Dorrien Gardens in becoming a multi-use facility across both summer and winter seasons.

9.4.2 Major Artwork for North Perth Town Centre – Progress Report No. 1

Ward:	South	Date:	12 September 2014
Precinct:	Oxford Centre (4)	File Ref:	SC660
Attachments:	001 – CONFIDENTIAL: Buffy and Ben Jones Public Art submission for North Perth Town Centre (Council Members Only) 002 – CONFIDENTIAL: Si Hummerston Public Art submission for North Perth Town Centre (Council Members Only) 003 – CONFIDENTIAL: VJZoo Public Art submission for North Perth Town Centre (Council Members Only) 004 – Selected Public Art Proposal for North Perth Town Centre (Artist Team Buffy and Ben Jones) 005 – Si Hummerston Public Art Proposal for North Perth Town Centre 006 – VJZoo Public Art Proposal for North Perth Town Centre		
Tabled Items:	Nil		
Reporting Officer:	A Birch, Acting Manager Community Development		
Responsible Officer:	J Anthony, Acting Director Community Services		

OFFICER RECOMMENDATION:

That Council;

1. **RECEIVES Progress Report No. 1 relating to the North Perth Town Centre Major Artwork;**
2. **APPROVES;**
 - 2.1 **The appointment of the Artist Team Buffy and Ben Jones, as the successful tender; and**
 - 2.2 **The commissioning of the Public Art Concept as detailed in Confidential Attachment 9.4.2 (001) and Attachment 9.4.2 (004) for the North Perth Town Centre Major Artwork;**
3. **NOTES that a further report will be presented to Council once further work has been progressed on the project.**

PURPOSE OF REPORT:

The purpose of this report is to seek Council approval for the appointment of Artist Team, Buffy and Ben Jones, and the commissioning of their Public Art Concept, as detailed in Confidential Attachment 9.4.2 (001) and shown in Attachment 9.4.2 (004), for the North Perth Town Centre Major Artwork.

BACKGROUND:

At the Ordinary Meeting of Council held on 28 May 2013, the Council resolved to contract a Public Art Consultant for the project management of the procurement of major artwork for Leederville Town Centre.

At the Ordinary Meeting of Council held on 27 August 2013, the following was resolved;

“That the Council;

1. *ACCEPTS the quotations submitted by Jenny Beahan and Helen Curtis as being the most suitable to the City for the project management and procurement services of the Arts consultancy for the projects listed below;*

2. *APPROVES the:*
 - 2.1 *Beatty Park Percent for Art project and Leederville Town Centre Public Art project, to be managed by Jenny Beahan; and*
 - 2.2 *North Perth Town Centre Public Art project, to be managed by Helen Curtis;*
3. *AUTHORISES the Chief Executive Officer to negotiate the consultancy Agreements, in accordance with the specifications as detailed in the Request for Quotation (Attachment 002);*
4. *DEFERS consideration to contract consultancy services to review and revise the City's Arts policies and artwork procurement processes, until completion of the listed projects; and*
5. *NOTES that the procurement of the Aboriginal Sculpture for Weld Square will be given further consideration as a community project to be undertaken by the City in consultation with Aboriginal stakeholders"*

DETAILS:

The City's Officers have been working with Helen Curtis, Arts Consultant, to undertake the North Perth Town Centre Major Artwork project.

On Thursday 22 May 2014, the Artist Brief for the North Perth Town Centre Major Artwork was advertised on the City's website, through the City's social media avenues and through the Artsource E Bulletin. The Artsource E Bulletin is the preferred site for advertising the majority of public art commissions in Western Australia, including those undertaken as part of the State Government's Percent for Art Scheme. Arts Consultant, Ms. Curtis, also distributed the Artist Brief to her extensive data base of professional artists.

The deadline for submissions by Artist Teams was Monday 16 June 2014 and nine (9) submissions were received from Artist Teams.

On Friday 27 June 2014, the selection panel met to shortlist three (3) Artist Teams to develop their concepts and submissions in response to the Request For Tender. The panel consisted of:

- Acting Director Community Services;
- Acting Manager Community Development;
- North Perth Local representative, Jane Coffey;
- Artist and Art Consultant, Malcolm McGregor;
- Artist Judith Forrest; and
- Senior Architecture Officer from Office of Government Architect, Patrick Ford.

In order to shortlist three (3) Artist Teams, the selection panel reviewed applications from each of the nine (9) Artist Teams and a total of forty-five (45) images of their previous work. Informed discussion was also completed, led by Arts Consultant Ms. Curtis. The shortlisting selection criterion was weighted as follows:

Criteria	Weighting
Strength of proposed artistic approach – methodology, innovation and response to the brief, site and context.	50%
Quality of previous artwork projects (supported by slide submissions).	20%
Relevant Experience – ability to implement a large budget public art project (over \$50,000).	15%
Technical Capabilities – experience in creating site-specific public artworks that enliven a public space	15%

The three (3) Artist Teams shortlisted for tender were:

- Buffy and Ben Jones;
- Si Hummerston; and
- VJZoo.

On Friday 4 July 2014, a site visit on Fitzgerald Street in North Perth and at the City's Administration and Civic Centre was held with the three (3) shortlisted Artist Teams. Acting Director Community Services and Acting Manager Community Development were in attendance to provide information and answer any queries raised by the Artist Teams.

The three (3) shortlisted Artist Teams were requested to submit their Public Art Submissions in response to the Request For Tender by Monday 1 September 2014. All three (3) Artist Teams submitted their applications on time and in accordance with requirements. The three (3) submissions can be found as shown in Confidential Attachment 9.4.2 (001), 9.4.2 (002) and 9.4.2 (003).

On Friday 5 September 2014, the selection panel reconvened. The selection panel reviewed the submissions prior to the three (3) Artist Teams, separately, presenting their Art Concepts to the panel. Once all three (3) Artist Teams had presented their Art Concepts to the panel, the panel again reviewed the submissions and discussed each at length prior to scoring the Artist Teams. The selection criterion was weighted as follows:

Criteria	Weighting
Response to the brief – strength of proposed artistic approach and methodology, response to the brief and the site.	50%
Demonstrated ability to achieve the project meeting the program and budget.	25%
Value for money.	25%

Buffy and Ben Jones Design Concept

Buffy and Ben Jones presented a concept that proposed ten (10) separate pieces arranged across three (3) locations in North Perth:

- East and west of the pedestrian crossing on Fitzgerald Street that sits south of View Street; and
- At the intersection of Fitzgerald Street and Wasley Street.

The pieces are reductive, architectural and geometric in form and feel, with animation provided by the addition of legs and other divergent motifs providing a sense of dynamism.

The proposed colour palette is a combination of bright, happy and warm, evoking ideas of home and friendly familiarity. A pattern application could also be considered and developed during the design documentation period; this option is outlined in their proposal as found in Confidential Attachment 9.4.2 (001).

The work and its motifs seek to draw together and highlight many of the positive and appealing aspects of urban life in an environment such as North Perth. Physically, the work will appear as if the pieces are walking along or congregating at their chosen location, relating to the active civic character of the area. The movement and interplay of colour and form will further reflect the exciting and vibrant activity of the area.

Si Hummerston Design Concept

Artist Si Hummerston's concept, as detailed in Confidential Attachment 9.4.2 (002) and shown in Attachment 9.4.2 (005), was to provide a community of robots to the North Perth Town Centre. Three (3) individual and unique sculptures are proposed to be linked by their subject matter while projecting the future and reflecting on the past. This was the aim of the robot concept, to reflect the transition of North Perth as an inner-city area shifting to a technology dominated future, whilst still trying to maintain a hold on the cultural and architectural heritage.

The quirky, humorous and interactive artworks have been designed to attract the eye of the passers-by during the day and will be transformed at night with dynamic, brightly coloured lighting. The robots aim to be a varied suite of resilient works that have long lasting value and significance to Fitzgerald Street, encouraging creative thought, socialisation and provide some light hearted brightness to the area.

The three (3) sculptures would provide a different form of interaction at each site; "Thinkbot" providing seating for a person to sit next to the robot, "X-Ray" will provide an experience to the individual with the hope they would feel they are viewing the robot using X-Ray vision, and "Walkman & Megabyte" standing as though they are preparing to cross Fitzgerald Street.

VJZoo Design Concept

The concept proposed by VJZoo, as detailed in Confidential Attachment 9.4.2 (003) and shown in Attachment 9.4.2 (006), is for a series of dodecahedron shapes made from a coloured material, high density polyethylene, with internal lighting that will provide both a day time and night time presence to the North Perth Town Centre.

The dodecahedrons would be varied in size and distributed across three (3) locations:

- North and south of Wasley Street at the Fitzgerald intersection; and
- West of the pedestrian crossing on Fitzgerald Street that sits south of View Street.

The three sizes proposed for the dodecahedrons would be as follows:

- Eleven (11) small enough to sit on;
- Eleven (11) of medium size to climb on over; and
- One (1) of a large size to lean against.

The Artist Team proposed the use of five (5) primary colours that provoked bright, happy, energising thoughts, though these could easily be amended if required.

The internal lighting proposed would emit a soft, gentle light to encourage the interaction and use of the dodecahedrons at night time.

The locations, size, colour and specific shape of the proposed forms are all open to amendment with the general concept of varied size shapes with internal lighting the focal point. It was noted that shapes with varied numbers of curves would be difficult to achieve in the timeframe.

Panel Recommendation

Upon review of the submissions, presentations by the Artist, discussion and subsequent scoring, Artist Team Buffy and Ben Jones were weighted the highest score and recommended to be the Artist Team and Art Concept to be commissioned for the North Perth Town Centre Major Artwork.

It should be noted that, whilst the selection panel agreed that Buffy and Ben Jones should be appointed as the successful Artist Team, the scores between the highest scoring proposal and the second highest scoring proposal was only 2.5%, with overall scores as follows:

Buffy and Ben Jones	81.67%
Si Hummerston	79.17%
VJZoo	58.33%

The deciding factor between Buffy and Ben Jones and Si Hummerston was the scoring in the highest weighted criteria, quality of artwork proposal. For this criterion, Buffy and Ben Jones scored 41.67% and Si Hummerston scored 37.50%.

The recommendation of the selection panel is for the commissioning of Artist Team Buffy and Ben Jones and their Public Art Concept, as detailed in the body of this report and as shown in Confidential Attachment 9.4.2 (001), for the North Perth Town Centre Major Artwork.

CONSULTATION/ADVERTISING:

The Artist Brief was advertised through various avenues including the City's website, the City's social media including E-Newsletters and Facebook, Artsource E Bulletin and the Arts Consultant's extensive database.

LEGAL/POLICY:

- Policy No. 1.2.3 Purchasing;
- Policy No. 3.10.7 Art; and
- WALGA Purchasing and Tender Guide.

RISK MANAGEMENT IMPLICATIONS:

Low: The commissioning of recommended Artist for the North Perth Town Centre Major Artwork has been considered and deemed to be low risk.

STRATEGIC IMPLICATIONS:

The City's *Strategic Plan 2013-2017* states:

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

SUSTAINABILITY IMPLICATIONS:

The selected Artist will be required to adhere to the sustainability principles and policies that are endorsed and in practice at the City.

FINANCIAL/BUDGET IMPLICATIONS:

The artwork for this project is budgeted at \$100,000.

COMMENTS:

The recommended major artwork for the North Perth Town Centre is a playful work, depicting architectural, anamorphic forms walking and congregating along Fitzgerald Street. The artwork will comprise of ten (10) separate pieces durably constructed from fabricated steel and painted in corrosion resistant coatings in soft, warm colours evoking familiarity and friendliness.

Groups in three (3) locations along Fitzgerald Street the artworks will be list using a combination of up lighting and integrated lighting.

Each individual artwork has its own innate character with potential features including saw-tooth roofs, butterfly roofs and tilt-up slabs.

The pieces are designed to be tactile, fun and interactive. It is anticipated that the artwork will have broad appeal for North Perth businesses, residents and visitors alike.

Artist Team Buffy and Ben Jones' submission was the most responsive to the Artist Brief and will provide ongoing enjoyment and aesthetic experiences for residents, businesses and visitors of the North Perth Town Centre.

9.4.3 Perth International Arts Festival – Use of Weld Square and Birdwood Square

Ward:	South	Date:	12 September 2014
Precinct:	Beaufort (13)	File Ref:	SC1897
Attachments:	001 – Perth International Arts Festival Correspondence		
Tabled Items:	Nil		
Reporting Officers:	S Wilson, Community Development Officer A Birch, Acting Manager Community Development		
Responsible Officer:	J Anthony, Acting Director Community Services		

OFFICER RECOMMENDATION:

That Council APPROVES:

1. **The use of Weld Square from Friday 13 February to Sunday 15 February 2015, to house the Royal de Luxe’s Giants as part of Perth International Arts Festival; and**
2. **The use of Birdwood Square for patron and staff parking on Saturday 14 February 2015 subject to the following conditions:**
 - 2.1 **Operating hours for the parking facility to be set from 9am to 8pm on Saturday 14 February 2015;**
 - 2.2 **A flat-rate fee of \$10.00 is charged for each vehicle that uses the facility;**
 - 2.3 **The Perth International Arts Festival to undertake appropriate advertising to ensure that potential patrons are aware of the parking facility;**
 - 2.4 **Festival Organisers to undertake a letter drop to all properties bounding Birdwood Square, to ensure that the community is aware of the use of Birdwood Square as a temporary parking facility on Saturday 14 February 2015;**
 - 2.5 **The City’s Rangers to maintain responsibility of and coordination of the temporary parking facility; and**
3. **Health conditions that will be applicable for the event as listed in the report.**

PURPOSE OF REPORT:

The purpose of this report is to seek approval for the use of Weld Square to house the Royal de Luxe’s Giant as part of Perth International Arts Festival (PIAF) from Friday 13 February to Sunday 15 February 2015, and the use of Birdwood Square as a temporary parking facility on 14 February 2015 in order to ensure that inconvenience to residents, caused by patrons parking in the residential streets, is minimised.

BACKGROUND:

PIAF is the longest running international arts festival in Australia and Western Australia’s premier cultural event. The Festival has developed a worldwide reputation for excellence in its international program, the presentation of new works and the highest quality artistic experiences for its audience. For sixty-two (62) years, the Festival has welcomed to Perth some of the world’s greatest living artists and now connects with over 500,000 people each year in Perth and the Great Southern region.

Royal De Luxe is a world renowned, exceedingly successful, street theatre company. They use larger than life, friendly mechanical marionette “Giants”, as seen in image 1, to tell a specific story that is customised for each country they visit. The Giants have travelled the world, from their home town Nantes in France, to the United Kingdom, Germany, Mexico, Chile, Belgium, Cameroon, Iceland and Spain – and have been met with excitement and enthusiasm everywhere they have been.



Image 1: The “Giants” little girl character.

Founded in 1979 by Jean-Luc Courcoult, they have since played in front of more than 18 million spectators with 1,380 shows in more than one hundred and seventy (170) cities, in forty (40) countries over five (5) continents.

A meeting between City Officers and PIAF representatives occurred on Thursday 7 August 2014 to discuss the Giants program, their route through Perth, and the possibility of including Weld Square in the program and the request for parking at Birdwood Square.

DETAILS:

Weld Square – Event base.

Weld Square will be used as a resting place for one of the giants, a little girl as seen in image 1, between 12pm and 4pm on Saturday 14 February 2015. The little girl will walk from Beaufort Street onto the square at 12pm and rest at Weld Square. During this time the little girl will breathe, blink and move slightly while “resting”. The little girl puppet will then “wake up” at 3.30pm and leave Weld Square to walk to the next destination in the City of Perth.

Large audiences are expected for the event with an estimated 20,000 people at Weld Square. There will be road closures in place for both the parade and the audience. PIAF are working closely with a number of agencies including Main Roads, Transperth, Police WA and the City of Perth as well as the City of Vincent team to ensure a smooth running event.

Proposed road closures will be ‘rolling’, moving with the parade to minimise the impact on traffic. The road closures within the City of Vincent will be parts of Beaufort Street, Newcastle Street, Parry Street and Stirling Street.

The specific areas to be closed are yet to be confirmed. Closures could last for periods of one (1) to two (2) hours over the course of Friday 13 and Saturday 14 February 2015.

PIAF will work closely with local businesses to ensure concerns in regards to the large crowds are addressed and to provide valuable information on how the business could benefit from this spectacular event.

The festival organisers are working closely with the City of Perth, City of Vincent, Main Roads WA, Transperth and the WA Police on an ongoing basis. Once traffic management plans are completed, PIAF will send through detailed information regarding the timing of closures.

Birdwood Square – Parking

The Festival has requested the use of Birdwood Square as a temporary parking facility on Saturday 14 February 2015 in order to ensure that inconvenience to residents, caused by patrons parking in the residential streets is minimised. It is intended that the parking will also be available for festival staff and volunteers. The festival organisers have requested the use of Weld Square from 9am until 8pm on Saturday 14 February 2015 for this purpose.

HEALTH CONDITIONS:

The following conditions will be applicable for the event:

- The applicant shall make submission to and receive approval from the Chief Executive Officer to hold a non conforming event in accordance with Regulation 16 of the Environmental Protection (Noise) Regulations 1997 if the event is likely to result in the emission of noise in contravention of the standard prescribed under Regulation 7;
- The applicant submits a Certificate of Design Compliance and a Certificate of Construction Compliance for any structures greater than 500 square metres in accordance with the Building Act 2011;
- All temporary food stalls and vans shall comply with the provisions of the Food Act 2008 and Australia New Zealand Food Standards Code. Stallholders shall obtain a Special Events Permit from the City's Health and Compliance Services at least fourteen (14) days prior to the commencement of trade;
- The applicant complies with the relevant requirements of Part 6 (Public Buildings) of the Health Act 1911 and the Health (Public Buildings) Regulations 1992;
- If applicable, the applicant seeks approval for a liquor licence from the Department of Racing, Gaming and Liquor; and
- The applicant provides notification, to the satisfaction of the Chief Executive Officer, of the event to surrounding commercial and residential premises at least seven (7) days prior to the event.

CONSULTATION/ADVERTISING:

The Festival will contact residents and businesses surrounding Weld Square who are expected to be directly impacted. They will contact them face to face or via telephone.

In addition, the festival organisers will undertake an initial letter drop to a wide area surrounding Weld Square in November 2014 and this will be followed up with a second letter drop closer to the event in January 2015. The organisers have also tried to engage local businesses and residents to ensure that adequate preparation can be made to accommodate anomalies and potential problems.

The Festival will undertake a significant marketing campaign to ensure all visitors to the city, as well as businesses and residents, are aware of the expected traffic delays.

LEGAL/POLICY:

- Policy 1.1.5 Donations, Sponsorship and Waiving of Fees and Charges;
 - Policy 1.1.8 Festivals; and
 - Policy 3.8.3 Concerts and Events.
-

RISK MANAGEMENT IMPLICATIONS:

A formal Risk Management Plan will be compiled by the festival organisers and submitted to the City.

STRATEGIC IMPLICATIONS:

This is in keeping with the following Objective of the City's '*Strategic Plan – Plan for the Future 2013-2017*':

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

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

SUSTAINABILITY IMPLICATIONS:

City Officers and the Festival Organisers will heavily encourage travel smart options, including cycling and public transport, though there will be a large number of festival goers who will rely on their car as a way of transport to the event.

FINANCIAL/BUDGET IMPLICATIONS:

The hire of Weld Square will be charged to the Perth International Arts Festival at a daily charge of \$1,200 per day.

The hire of Birdwood Square will be charged to the Perth International Arts Festival at a daily charge of \$1,200 per day.

Approximately three hundred (300) car park bays will be charged at \$10 each, totalling approximately \$3,000 parking income for the City.

Rangers will be rostered to assist with set up, pack down as well as enforcement issues during the event.

COMMENTS:

The Giants are a world renowned cultural act and their performance in Perth will attract tens of thousands of visitors to the City of Vincent. This will potentially result in increased visitation and revenue for businesses within the City. PIAF strongly believes that the positive impact of this event will far outweigh any negative response caused by the temporary disruption. The Giants also appeared in Liverpool, United Kingdom, in July and the audience totalled 1.25 million over the three (3) days with an estimated economic impact exceeding \$AUD65 million.

The intention is to minimise disruption and illegal parking on local residential streets by providing overflow parking close to the festival site at Birdwood Square.

Perth International Arts Festival will launch its full 2015 program of events on Wednesday 5 November 2014.

9.5 CHIEF EXECUTIVE OFFICER

9.5.1 Information Bulletin

Ward:	-	Date:	12 September 2014
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	J Lennox-Bradley, Acting Executive Assistant		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated 29 August 2014, as distributed with the Agenda.

DETAILS:

The items included in the Information Bulletin dated 12 September 2014 are as follows:

- IB01 WALGA State Summary Minutes September 2014
- IB02 Mindarie Regional Council Minutes 4 September 2014
- IB03 Unconfirmed Minutes Design Advisory Committee 20 August 2014
- IB04 Final Report - Leederville Town Centre Enhancement Project – Oxford Street Reserve Redevelopment
- IB05 Unconfirmed Minutes Parks People Working Group 20 August 2014
- IB06 Unconfirmed Minutes Integrated Transport Advisory Group 27 August 2014

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 NOTICE OF MOTION: Cr Joshua Topelberg – Review of Policy 7.5.11 - Exercise of Discretion for Development Variations

That Council REQUESTS the Chief Executive Officer to conduct a review of Policy 7.5.11 - Exercise of Discretion for Development Variations.

REASON:

Policy 7.5.11 is not aligned to current Council and community expectations with regard to approval of development variations, particularly building heights. The Policy also appears to be causing uncertainty and confusion among developers, which leads to misinterpretation and unintended or selective application of the Policy provisions. To address this situation, it is requested that the CEO conduct a review of this Policy, which should include an analysis of:

- Policy wording and its relation to the Town Planning Scheme (particularly Clause 40);
- Issues relating to the DAC and the definitions contained in the Criteria and Requirements tables;
- Issues relating to environmental matters and the definitions contained in the Criteria and Requirements tables;
- The way the policy is interpreted by the City's officers; and
- How 'bonuses' impact plot ratio and the effect on the City's broader planning framework.

ADMINISTRATION COMMENT:

Administration supports 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: No. 24 (Lot: 12; D/P: 6152) Lynton Street, Corner of Ambleside Avenue, Mount Hawthorn – Proposed Multiple Dwelling Development – Reconsideration under s31 of the State Administrative Tribunal (SAT) Act 2004 (DR 219 of 2014)

Ward:	North	Date:	12 September 2014
Precinct:	Mount Hawthorn, P1	File Ref:	PRO5315; 5.2014.55.1
Attachments:	Confidential: Property Information Report and original Development Application Plans Confidential: Applicant Context Report Confidential: Amended Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	Nil		
Responsible Officer:	Steve Allerding – Allerding and Associates (Engaged Consultant)		

OFFICER RECOMMENDATION:

That Council;

1. Pursuant to Section 5.23(2) of the Local Government Act 1995 and clause 2.14 of the City of Vincent Local Law Relating to Standing Orders, proceeds “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Council Members, relating to reconsideration of the refusal for the proposed Demolition of an Existing Dwelling and the construction of a Two (2) Storey Multiple Dwelling Development comprising of Four (4) Multiple Dwellings and Associated Car Parking – Reconsideration under s31 of the State Administrative Tribunal Act 2004, DR 219 of 2014 at No. 24 (Lot: 12; D/P: 6152) Lynton Street, corner of Ambleside Avenue, Mount Hawthorn, and as shown on plans date-stamped 5 September 2014, as this matter relates to:
 - legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
2. **AUTHORISES** the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

LEGAL:

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

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

“2.14 Confidential business

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

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

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

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

14.2 CONFIDENTIAL ITEM: Nos. 60, 62 and 62A (Lot: 141 D/P: 32175, and Strata Lots 1 and 2 on Strata Plan 44480) Cheriton Street, Perth – Demolition of Grouped Dwelling – Reconsideration under s31 of the State Administrative Tribunal (SAT) Act (DR 95 of 2014)

Ward:	South	Date:	17 September 2014
Precinct:	EPRA (15)	File Ref:	DA 5.2013.438.1; PR50533, PR50888
Attachments:	Confidential – Planning Approval issued on 9 September 2014		
Tabled Items:	Nil		
Reporting Officer:	H Au, Heritage Officer		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council;

1. Pursuant to Section 5.23(2) of the Local Government Act 1995 and clause 2.14 of the City of Vincent Local Law Relating to Standing Orders, proceeds “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Council Members, relating to Proposed Demolition of Existing Grouped Dwelling at Nos. 60 and 62 (Lot: 141 D/P: 32175, and Strata Lot 1 on Strata Plan 44480) Cheriton Street, Perth – State Administrative Tribunal Review (Appeal) DR 95 of 2014, as this matter contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
2. **AUTHORISES** the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

LEGAL:

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

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

“2.14 Confidential business

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

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

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

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

15. CLOSURE