



CITY OF VINCENT

COUNCIL BRIEFING

Notice of Meeting and Agenda

26 APRIL 2016

Notice is hereby given that a Council Briefing will be held at the City of Vincent Administration and Civic Centre, at 244 Vincent Street (corner Loftus Street), Leederville, on **Tuesday 26 April 2016** at 6:00pm.

Len Kosova
CHIEF EXECUTIVE OFFICER

20 April 2016

ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY

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

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

PROCEDURE FOR PUBLIC SPEAKING TIME

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

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. 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.
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. Where the Presiding Member is of the opinion that a member of the public is making a statement at a Council meeting, that does not affect the City, or (where applicable) does not relate to an item of business on the meeting agenda, the Presiding Member, he may ask the person speaking to promptly cease.
6. In the case of the Ordinary and Special Council Meetings, Questions/statements and any responses will be summarised and included in the Minutes of the Council Meeting. Questions/Statements will not be summarised or included in the notes of any Council Briefing unless Administration to take action in response to the Question/Statement which could include, but is not limited to provide further commentary or clarification in the report to Council to address the question/statement.
7. Where practicable, responses to questions will be provided at the meeting. Where the information is not available or the question cannot be answered, it will be "*taken on notice*" and a written response will be sent by the Chief Executive Officer or relevant Director to the person asking the question. In the case of the Ordinary and Special Council Meetings, copy of the reply will be included in the Agenda of the next Ordinary meeting of the Council.
8. It is not intended that public speaking time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

RECORDING OF COUNCIL MEETINGS

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

ORDER OF BUSINESS

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

(b) **Acknowledgement of Country Statement**

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

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

Nil.

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

4. **Declarations of Interest**

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5.1 DEVELOPMENT SERVICES

5.1.1 No. 46 (Lot: 100; D/P 1985) Money Street, Perth – Proposed Change of Use from Single House and Short Term Accommodation (Unlisted Use) to Single House, Short Term Accommodation (Unlisted Use) and Office

Ward:	South	Date:	15 April 2016
Precinct:	Precinct 13 – Beaufort	File Ref:	PR23723; 5.2016.27.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Management Plan – Short Term Accommodation 5 – Car Parking and Bicycle Tables		
Tabled Items:	Nil		
Reporting Officer:	S Laming, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY ABSOLUTE MAJORITY the application submitted by Planning Solutions on behalf of the owner J M McLeod, for the proposed change of use from single house and short term accommodation (unlisted use) to single house, short term accommodation (unlisted use) and office at No. 46 (Lot: 100; D/P: 1985) Money Street, Perth as shown on plans date stamped 28 January 2016, included as Attachment 2, subject to the following conditions:

1. Limitation on Use

1.1 Short Term Accommodation

1.1.1 Maximum Lease

The short term accommodation residents may stay at the subject short term accommodation for a continuous period of less than six months within any twelve month period;

1.1.2 Maximum Number of Tenants – Short Term Accommodation

The short term accommodation shall accommodate a maximum of six persons at any one time in addition to the residents of the single house;

1.1.3 Management Plan – Short Term Accommodation

- (a) The short term accommodation shall continue to operate in accordance with the Management Plan dated 12 April 2016; and
- (b) The terms and conditions outlined in the Management Plan shall be provided to occupants of the short term accommodation at the time of check-in and displayed in a prominent location within the entrance area of the short term accommodation;

1.2 Office

1.2.1 Maximum Area

The maximum floor area of the office shall be limited to 119 square metres;

2. External Fixtures

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

3. Street Verge Trees

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

4. Car Parking and Access

4.1 A minimum of 3 bays shall be provided onsite;

4.2 The car park shall be used only by employees, tenants and visitors directly associated with the development;

4.3 Vehicles shall enter and exit the site in forward gear; and

4.4 The car parking areas on the subject land shall be maintained to the satisfaction of the City; and

5. Prior to occupation of the development as office and short term accommodation in the rear building, the following shall be completed to the satisfaction of the City:

5.1 Building Occupancy Permit

An Occupancy Permit is required to be submitted to and approved by the City's Building Services prior to the first occupation of the Short Term Accommodation and Office; and

5.2 Bicycle Bays

A minimum of two Class 3 bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3.

ADVICE NOTE:

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

2. With reference to Condition 1.2.1, any increase in the floor area of the office shall require further planning approval.

PURPOSE OF REPORT:

To consider a change of use from single house and short term accommodation (unlisted use) to single house, short term accommodation (unlisted use) and office.

BACKGROUND:

History:

Date	Comment
11 September 2012	Council at its Ordinary Meeting granted approval for change of use from single house to single house and short term accommodation (unlisted use).

The site consists of an existing three storey dwelling fronting Money Street and an ancillary building with a loft situated at the rear of the lot.

The existing three storey dwelling is currently being used as a single house on the ground and first floors and as short term accommodation on the second floor.

The rear building is currently being used as an ancillary dwelling for the owners/occupiers of the main dwelling.

DETAILS:

Landowner:	J M McLeod
Applicant:	Planning Solutions
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): RC80 Draft Town Planning Scheme No. 2 (TPS2): RC80
Existing Land Use:	Single House and Short Term Accommodation (Unlisted Use)
Use Class:	Single House, Short Term Accommodation (Unlisted Use) and Office
Use Classification:	Single House – “P” Short Term Accommodation (Unlisted Use) – “SA” Office – “AA”
Lot Area:	486 square metres
Right of Way (ROW):	Not applicable
Heritage List:	No
Date of Application:	28 January 2016

The proposal is to change the use of the three storey dwelling and ancillary building as follows:

Building	Floor/level	Existing Approved Use	Proposed Use
Three storey dwelling	Ground floor	Single House	Office/Single House
	First floor	Single House	Office/Single House
	Second floor	Short Term Accommodation (Unlisted Use)	Single House
Ancillary rear building	Ground floor and Loft level	Ancillary Dwelling	Short Term Accommodation (Unlisted Use)

Proposed Uses:

Single House

The single house component of the three storey dwelling comprises a family room, kitchen and scullery on the ground floor, dining/lounge area and kitchenette on the first floor, and five bedrooms, one bathroom and a sitting room on the second floor.

Short Term Accommodation (Unlisted Use)

The proposed short term accommodation use comprises two bedrooms in the rear ancillary building, one with two single beds and a bathroom on the ground floor and one with a double bed in the loft.

A laundry for the single house and the short term accommodation is provided on the ground floor of the rear ancillary building.

Office

The office use occupies a total floor area of 118.8 square metres in the three storey building with 56.8 square metres on the ground floor and 62 square metres on the first floor. The office use will accommodate a maximum of 10 staff.

The proposal is referred to Council for determination because the short term accommodation is an unlisted use in the City's TPS1.

The office component of the proposal is an "AA" use in the City's TPS1 in the Residential/Commercial zone, which requires Council to exercise its discretion. The office use can be determined under delegated authority, but is referred to Council as the use forms part of the overall proposal, which includes an unlisted use.

ASSESSMENT:

Summary Assessment

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

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use		✓
Access and Car Parking	✓	

Detailed Assessment

The assessment is as follows:

Land Use		
Requirement	Proposal	Aspect for Consideration
Town Planning Scheme No. 1		
Zone – Residential	Short Term Accommodation (Unlisted Use) – "SA"	Use unlisted.
Commercial	Office – "AA"	Requires discretion

The assessment against the principles is as follows:

Land Use
Applicable Principles
Policy No. 7.1.13 – Beaufort Precinct Residential/Commercial Zone Clause 2.1 Mixed-use developments proposing the integration of (or close relationship between) work place and residence are to be favoured where acceptable levels of residential amenity can be maintained.
Applicant’s Justification
The applicant has not provided any justification for the Office use but has stated the following in support of the Short Term Accommodation use: <i>“The Short Term Accommodation will continue to operate, albeit at a lesser scale than the 2011 approval. The outbuilding will be fitted out to provide two rooms, each accommodating two guests (maximum of four guests in total). This is a reduction on the 2011 planning approval, which provides for up to six guests and the use of up to four bedrooms in the existing dwelling.</i> <i>The proposed change of use is appropriate to the inner urban location of the subject site. The proposal involves no external modifications and will have no undue impact on the streetscape and amenity of the locality.</i> <i>In light of the above, we consider the proposed development warrants of approval.”</i>
Officer Technical Comment
The short term accommodation use was originally approved on 11 September 2012. The proposed combination of residential and commercial uses aligns with the Residential/Commercial zoning objectives contained in Policy No. 7.1.13 – Beaufort Precinct, which favours mixed use developments. Short Term Accommodation (Unlisted Use) – “SA” The short term accommodation use has been operating on the second floor of the three storey main building since approval of the use in 2012. The City has not received any formal complaints related to the operation of the existing short term accommodation. The proposal is to reduce the scale of the current short term accommodation in the main house from four bedrooms to two bedrooms and to relocate this use to the rear ancillary building which results in an intensification of the use of the rear building. No physical changes to the rear ancillary building are proposed with its proposed use for short term accommodation. The rear ancillary building is built up to the boundary on the southwest, southeast and northeast boundaries and there are no outdoor living areas at the rear of the site. Using this building for the short term accommodation is not expected to have a negative impact on the amenity of the adjoining residential properties. The proposal to relocate the short term accommodation use to the rear ancillary building is supported for the following reasons: <ul style="list-style-type: none">• No complaints have been received by the City relating to the operation of the existing short term accommodation;• The owners will be on-site at all times and therefore the proposed operation of the short term accommodation in the rear ancillary building can be continuously monitored and managed; and• The short term accommodation is proposed to operate in accordance with approved Management Plan that aligns with the one that was approved with the planning approval granted in 2012.

Land Use
<p>Office – “AA”</p> <p>The addition of the office use to the subject site will allow the owners of the property to live and operate their legal practice from the premises. Whilst the City acknowledges that the office use addition, with a maximum of 10 staff may impact on the amenity of the immediate locality by increasing vehicular traffic to the area, it is noted that the subject site is located close to high frequency bus routes on William Street and a public car parking area on Monger Street.</p> <p>Furthermore, the surrounding area has a high level of walkability, as it is characterised by medium density mixed-use development and a diverse mix of commercial and civic uses.</p> <p>Overall the proposal complies with the City’s car parking requirements (see Attachment 5). The office use is appropriate in the locality and is supported.</p>

Car and Bicycle Parking:

The proposal complies with the City’s parking requirements for cars and bicycles (**Attachment 5**).

While the proposal requires 3 car bays, the plans submitted show a configuration of 4 bays, two in a double garage and two uncovered. Although this configuration was previously approved it does not have adequate space for manoeuvring. The driveway alongside the building at 2.7 metres wide is also very narrow for a distance of approximately 18 metres.

The property owner is aware of this difficulty and has provided a solution in the Management Plan (Car Parking Management) that the owner would park the guest’s vehicle on site. (**Attachment 4**). This arrangement was also part of the Management Plan approved in 2012.

Reversing vehicles onto the site has traffic movement implications for Money Street and therefore is not a preferred solution. Adequate on site manoeuvrability can be achieved where only three car bays are provided on site. As only three bays are required, it is recommended that a condition be imposed limiting the number of on-site car bays to three and requiring that vehicles enter and exit the site in forward gear.

This solution has been discussed with the applicant who has accepted that the conditions are imposed.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	8 March 2016 to 30 March 2016		
Comments Received:	One submission in support of the proposal and one submission of objection.		

The submission in support of the proposal did not provide any comments.

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Amenity</u></p> <p>The subject property directly opposite other lodging houses would impact the amenity of the area. The impact on amenities would be exacerbated by an additional lodging house, high intensity use offices and residence in close proximity (directly opposite) to existing operating hostels.</p>	<p>The office use addition is an intensification of the site but is consistent with the objectives of the City’s policies and the proposal overall complies with car parking requirements. The proposed uses are not expected to have a negative impact on the locality.</p>

Summary of Comments Received:	Officer Technical Comment:
<p>As the property has been on the market before the owners may sell the business and or property in the near future. The new owners may not take the same responsibility or live on site, in which case, similar to the first application as a lodging house, this property and its several mixed applications will affect the amenity of the area.</p>	<p>The proposed combination of residential and commercial uses aligns with the Residential/Commercial zoning objectives contained in Policy No. 7.1.13 – Beaufort Precinct, which favours mixed use developments.</p>
<p><u>Vehicular traffic and parking shortfall</u></p> <p>Approval of the proposed short term accommodation (Lodging House) would result in an increase in vehicle traffic. Statistics show that guests for the subject property would more than likely have a vehicle or hire vehicles, clients would attend the proposed offices and the shortfall would impose restrictions on the amenities of the area.</p> <p>Currently the principal proprietor resides on the premises. The owners are close to retirement age and from observations the person responsible for manoeuvring the vehicles has limited mobility.</p> <p>Currently the owner needs to manoeuvre his vehicle, reversing it into the premises. The addition of this and other vehicles, all with limited manoeuvrability on site would cause considerable disruption in the street which is very busy with traffic coming and going to the Buddhist temple on the opposite side of Money Street to the subject site.</p>	<p>The proposal complies with the car parking requirements. The subject site has access to other modes of transport and there are car parking facilities near to the site.</p> <p>It is recommended that conditions are imposed requiring that manoeuvring of vehicles occurs onsite.</p>
<p><u>Fire Safety</u></p> <p>From the development application, it is my belief the applicant intends to have office staff use a narrow, restrictive stairway as an entrance and exit for staff which would restrict egress by clients in the event of a fire.</p>	<p>This aspect will be dealt with as part of the building permit process and will be required to meet the National Construction Code.</p>

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 7.1.13 – Beaufort Precinct;
- Policy No. 7.2.1 – Residential Design Elements;
- Policy No. 7.4.5 – Temporary Accommodation; and
- Policy No. 7.7.1 – Parking and Access.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The reuse of the existing building has a lower environmental impact compared to the construction of a new building.
SOCIAL
The development contributes positively to the social sustainability of the area by increasing tourist accommodation and workplace options within the local area.
ECONOMIC
Supports locally owned businesses and the tourism industry.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed combination of the single dwelling, office and short term accommodation uses is consistent with the Residential/Commercial zoning objectives of Policy No. 7.1.13 – Beaufort Precinct.

Reducing the short term accommodation in size from four bedrooms to two bedrooms and the relocating it to the rear ancillary building will intensify the use of the rear building which is built up to the side and rear boundaries and has no outdoor living areas that abut the rear of the site. The short term accommodation is not expected to have a negative impact on the adjoining properties.

The addition of the office use will further intensifies the use of the land. However, the subject site is well located in a highly walkable neighbourhood, which is near public transport and a public car parking area, and its Residential/Commercial zoning permits this mix of uses.

The proposed car parking layout is not satisfactory as it will impact traffic movement on Money Street. To address this concern conditions are recommended to be imposed on this approval.

Overall the proposal aligns with the City's precinct policy objectives and complies with the car parking requirements (**Attachment 5**).

CONCLUSION:

It is recommended that Council approves this proposal.

5.1.2 No. 1/257-261 (Lot: 1; D/P: 59624) Oxford Street, Leederville – Proposed Change of Use from Shop (Tattoo Studio) to Shop (Tattoo Studio) and Ancillary Art Gallery (Unlisted Use), and Associated Signage

Ward:	North	Date:	15 April 2016
Precinct:	Precinct 3 – Leederville	File Ref:	PR52203; 5.2015.533.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification		
Tabled Items:	Nil		
Reporting Officer:	S Laming, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES BY ABSOLUTE MAJORITY** the application submitted by R O’Shea on behalf of the owner Aralia Investments Pty Ltd, for the proposed change of use from shop (Tattoo Studio) to shop (Tattoo Studio) and ancillary art gallery (Unlisted Use), and associated signage at No. 1/257-261 (Lot: 1; D/P: 59624) Oxford Street, Leederville as shown on plans date stamped 24 November 2015, included as Attachment 2, subject to the following conditions:

1. Limitation on Use

- 1.1 The maximum floor area of the ancillary art gallery use is limited to 30 square metres as indicated on the approved plans. Any increase in the floor area of the ancillary art gallery shall require further Planning Approval; and
- 1.2 Access to the ancillary art gallery shall be provided through the front entry of the existing shop (tattoo studio);

2. Interactive Frontage

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

3. Signage

The proposed signage shall:

- 1.1 Not have flashing or intermittent lighting; and
- 1.2 Be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display onsite.

ADVICE NOTES:

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

PURPOSE OF REPORT:

To consider a change of use from shop to shop, ancillary art gallery (unlisted use) and associated signage.

BACKGROUND:

The subject property is currently being used a shop (tattoo studio), which has been in operation since November 2015. As the tenancy was previously approved as a shop the Tattoo Studio did not require any further planning approval before commencing.

The signs included with this application are already installed and do not require approval as they comply with the City's Policy No. 7.5.2 – Signs and Advertising.

Since this application was received, the applicant has, on two occasions, hosted once-off launch night events for art exhibitions at the subject property in accordance with the City's Minor Nature Development Policy.

History:

Date	Comment
18 December 2007	Council at its Ordinary Meeting approved demolition of the existing buildings and construction of a three-storey mixed use development comprising eight multiple dwellings, an office and associated basement car parking.
8 September 2009	Council at its Ordinary Meeting refused a change of use from office to eating house with associated alterations and additions.
21 December 2010	Council at its Ordinary Meeting approved a change of use from office to shop.

Previous Reports to Council:

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

DETAILS:

Landowner:	Aralia Investments Pty Ltd
Applicant:	Rachel O'Shea
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): R60 Draft Town Planning Scheme No. 2 (TPS2): RC100
Existing Land Use:	Shop (Tattoo Studio)
Use Class:	Shop (Tattoo Studio) Ancillary Art Gallery
Use Classification:	Shop – "P" Ancillary Art Gallery (Unlisted Use) – "SA"
Lot Area:	666 square metres
Right of Way (ROW):	Not applicable
Heritage List:	No
Date of Application:	26 November 2015

The proposal is to add an ancillary art gallery use to the existing shop (tattoo studio).

The ancillary art gallery will occupy a maximum floor area of 30 square metres within the area of the tattoo studio fronting Oxford Street. As there are no doors providing direct external access from the street to the art gallery area, the art gallery will operate in conjunction with the shop (tattoo studio).

The operator of the shop (tattoo studio) will also operate the ancillary art gallery and proposes to host regular exhibitions of local and visiting artists, which will include launch night events for each exhibition that will be attended by invited guests.

This proposal is referred to Council because an art gallery is an unlisted use in the City's TPS1.

ASSESSMENT:

Summary Assessment

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

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use		✓
Signage	✓	

Detailed Assessment

The assessment is as follows:

Land Use		
Requirement	Proposal	Aspect for Consideration
Town Planning Scheme No. 1 Zone – Residential	Ancillary Art Gallery (Unlisted Use) – “SA”	Use unlisted

The assessment against the applicable principles is as follows:

Land Use
Applicable Principles
Town Planning Scheme No. 1 Clause 6 (3)(a) – Objectives and Intentions To cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices in housing, business, employment, education, leisure, transport and access opportunities.
Applicant's Justification
<i>“The art gallery will be an area at the front of the shop and will be seen from Oxford Street. We plan to hold regular exhibitions, possibly bi-monthly, of local and visiting artists. The gallery is set up so that people can visit the gallery without being exposed to people being tattooed.”</i>
Officer Technical Comment
The addition of the ancillary art gallery use is not expected to have an impact on the amenity of the surrounding properties for the following reasons: <ul style="list-style-type: none"> • The art gallery use will be ancillary to the shop (tattoo studio); • The ancillary art gallery will be limited to a maximum floor area of 30 square metres within the internal floor area of the existing shop (tattoo studio); • The art gallery will operate on an occasional basis; and

Land Use
<ul style="list-style-type: none"> No formal complaints have been received by the City in relation to the premises being used for once-off launch night events for recent exhibitions. <p>The City's Policy does not prescribe car parking requirements for a use not listed. As this use is ancillary to the existing shop, it is deemed appropriate to apply the same car parking requirements as for the shop. In this instance there are no changes to the car parking.</p> <p>The addition of the ancillary art gallery use to the premises is supported. It is recommended the following conditions are imposed:</p> <ul style="list-style-type: none"> All access to the art gallery area is required to be provided through the front entry to the shop (tattoo studio) to ensure the art gallery will operate as an ancillary use to the shop (tattoo studio). The maximum floor area of the art gallery to 30 square metres and any increase in the floor area shall require further planning approval.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	15 January 2016 to 5 February 2016		
Comments Received:	One submission in support of the proposal and one submission with general concerns.		

The submission in support of the proposal did not provide any comments.

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Car Parking</u></p> <p>Car parking is a primary concern in this built up area. There is more car parking available on weekends than during the week.</p>	<p>The City's Policy does not prescribe car parking requirements for a use not listed. As this use is ancillary to the existing shop, it is deemed appropriate to apply the same car parking requirements as for the shop. In this instance there are no changes to the car parking.</p>

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 7.1.3 – Leederville Precinct;
- Policy No. 7.5.2 – Signs and Advertising; and
- Policy No. 7.7.1 – Parking and Access.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment"

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The development will provide an additional use that does not currently exist in the immediate locality, which will increase the diversity of uses in the area and therefore improve walkability.
SOCIAL
The development will provide a place for the local art community.
ECONOMIC
The development allows the business owner to maximise the use of the land.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The addition of the ancillary art gallery use is not expected to have a negative impact on the amenity of the surrounding properties for the following reasons:

- the art gallery use will be ancillary to the tattoo studio;
- the ancillary art gallery is small in scale;
- the art gallery will operate on an occasional basis, possibly bi-monthly; and
- no formal complaints have been received by the City in relation to the premises being used for once-off launch night events for recent exhibitions.

The addition the ancillary art gallery will not result in an increase in car parking requirements as it is located within the existing shop area.

The proposed signage is acceptable to the City.

CONCLUSION:

It is recommended that Council approves this proposal.

5.1.3 No. 17 (Lots: 1-16; D/P: 59813) Harwood Place, Perth – Change of Use from Multiple Dwellings to Serviced Apartments (Retrospective)

Ward:	South	Date:	15 April 2016
Precinct:	Precinct 13 – Beaufort	File Ref:	PR53599; 5.2015.568.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Management Plan for Serviced Accommodation 5 – Servicing Strategy 6 – Car Parking and Bicycle Parking Table		
Tabled Items:	Nil		
Reporting Officer:	S Laming, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Urbanista Town Planning on behalf of the owner Boldform Pty Ltd, for the Change of Use from Multiple Dwellings to Serviced Apartments (Retrospective) at No. 17 (Lots: 1-16; D/P: 59813) Harwood Place, Perth as shown on plans date stamped 11 December 2015, included as Attachment 2, subject to the following conditions:

1. Limitation on Use

1.1 Maximum Lease Period

Guests are not permitted to stay at the subject serviced apartments for a continuous period longer than six months within any 12 month period; and

1.2 Management Plan and Servicing Strategy

1.2.1 The serviced apartments shall operate in accordance with the approved Management Plan and Servicing Strategy submitted with this application and dated 11 March 2016; and

1.2.2 The terms and conditions outlined in the Management Plan shall be provided to occupants of the serviced apartments at the time of check-in and displayed in a prominent location within each serviced apartment;

2. External Fixtures

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

3. Within 28 days of approval, the following shall be submitted to and approved by the City:

3.1 Car Parking

The two visitor car parking bays, directly accessed from Harwood Place and located within the subject site, shall be sign posted detailing a maximum of 2 hour parking and shall be controlled and maintained by the operator of the serviced apartments for the purposes of drop-off and pick-up to the satisfaction of the City;

3.2 Signage

A sign that provides the contact details of a person responsible for the serviced apartments shall be fixed in a location that is within the subject site and is easily visible to the public to the satisfaction of the City; and

3.3 Bicycle Bays

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

ADVICE NOTE:

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

PURPOSE OF REPORT:

To consider a retrospective application for a change of use from multiple dwellings to serviced apartments.

BACKGROUND:

Date	Comment
27 May 2008	Council at its Ordinary Meeting granted approval for the demolition of the existing building and construction of a four-storey development comprising 12 two bedroom and four single bedroom multiple dwellings and associated car parking.
16 August 2011	Planning approval granted under delegated authority for a retrospective front fence addition to the existing multiple dwelling.

During the assessment of the application, the City discovered that the development has been operating as serviced apartments since at least March 2013 and that the applicant was aware that the use had already commenced.

The City required that the application for retrospective approval for the unauthorised use which was made. The outstanding balance of \$590 for the retrospective approval was received on 1 April 2016.

Previous Reports to Council:

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

DETAILS:

Landowner:	Boldform Pty Ltd
Applicant:	Urbanista Town Planning (previously trading as TPA)
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): RC80 Draft Town Planning Scheme No. 2 (TPS2): RC80
Existing Land Use:	Serviced Apartments (Unauthorised)
Use Class:	Serviced Apartments
Use Classification:	"SA"
Lot Area:	759 square metres
Right of Way (ROW):	Not applicable
Heritage List:	No
Date of Application:	11 December 2015

The property is currently used as unauthorised serviced apartments, comprising 12 two bedroom and four single bedroom units. Each serviced apartment has its own entrance and is fully self-contained, consisting of one or two bedrooms, bathroom, kitchen, separate lounge/dining, laundry and balcony.

No physical changes to the building are proposed as part of this application. The building currently is a Class 2 building under the National Construction Code of Australia and its use as serviced apartments does not change this classification.

The site is located along Harwood Place, which is a mixed area of residential and commercial zones on both sides of the street.

The applicant has provided a Management Plan and Servicing Strategy (included as **Attachments 4 and 5**). The Management Plan and Servicing Strategy address the requirements of the City's Policy No. 7.4.5 – Temporary Accommodation. The applicant has advised that the terms and conditions outlined in the Management Plan to use the serviced apartments will be provided to occupants.

The Management Plan and Servicing Strategy provides the following details regarding the manner in which the serviced apartments will operate:

Hours: Check-in: 7:00am – 10:00pm;
 Check-out: 10:00am;

Reception: Located at the operator's nearby sister serviced apartments at No. 6 Antonas Road, Northbridge, which is approximately 400 metres walking distance from the subject site. All check-in and check-out for the proposed serviced apartments will occur at No. 6 Antonas Road, Northbridge where the reception is open from 7:00am to 10:00pm daily.

Parking: 16 car bays located behind the security gate; and

 Two visitor car bays directly accessible from Harwood Place, which will be used as a drop-off and pick-up area. The applicant proposes that the bays will not be used for longer periods than 2 hours at a time.

Security: Access to the serviced apartments, including the front lobby area, car parking areas and all apartments, is controlled by smart cards and keys, which are issued to tenants and staff; and

 The premises will be controlled by 24-hour security monitoring, which includes CCTV cameras throughout the premises, vehicle patrols and walk throughs. All tenants will be provided with a direct contact phone number for security, which will be available to attend to queries 24/7.

Noise: Terms and conditions that require occupants of the serviced apartments to ensure that noise levels are kept to a minimum.

Complaints: A Complaints Management Procedure details the measures the operator will enforce to deal with noise, anti-social behaviour or other disturbances at the serviced apartments; and

 All occupants are subject to a two-strike policy as part of the terms and conditions of the lease. Should two complaints against an occupant(s) be lodged and validated through the security monitoring service, the offending occupant(s) will be required to vacate the premises within 24 hours of the second incident.

This matter is referred to Council for determination because there is no delegation to approve serviced apartments under Delegated Authority.

ASSESSMENT:

Summary Assessment

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

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use		✓
Temporary Accommodation		✓
Bicycles		✓

Detailed Assessment

The assessment is as follows:

Land Use		
Requirement	Proposal	Aspect for Consideration
Town Planning Scheme No. 1		
Zone – Residential Commercial	Serviced Apartments – “SA”	Requires discretion

The assessment against the principles is as follows:

Land Use
Applicable Principles
Policy No. 7.1.13 – Beaufort Precinct
The re-use, conversion or extension of existing buildings is strongly encouraged.
In all cases, minimising the impact of development on adjacent residential areas through appropriate site layout and design is to be a priority.
Applicant's Justification
None provided.
Officer Technical Comment
The immediate locality on Harwood Street and surrounding streets comprises a mix of residential and commercial uses. The subject site is within walking distance to tourist amenities, such a public transport, shopping and entertainment areas and other attractions.
The serviced apartments are an appropriate use for the location and contribute to the supply and diversity of tourist accommodation options within the City of Vincent.
The City's draft Local Planning Strategy (LPS) identifies an increase in current and future demand for tourist accommodation within the City, given its close proximity to the Perth CBD, public transport and other attractions. The draft LPS also identifies serviced apartments as a popular accommodation option to domestic and international visitors.
A search of the City's records found that the City has not received any formal complaints related to the unauthorised operation of the subject serviced apartments at Harwood Place. It is recommended that a condition is imposed requiring the serviced apartments to operate in accordance with the approved Management Plan to ensure the use does not impact on surrounding properties in the future.

The assessment is as follows:

Temporary Accommodation			
Location	Requirement	Proposal	Variation
	<p>Policy No. 7.4.5 – Temporary Accommodation Clause 2.5 Serviced Apartments</p> <p>The serviced apartments shall include within the entrance, foyer or lobby a reception desk which shall be attended by staff at all times when apartment check-ins and check-out can occur.</p>	<p>No reception desk is provided at the subject property. The applicant proposes to provide a reception desk at a nearby serviced apartments that are managed by the same operator.</p>	<p>No onsite reception desk. Reception located at No. 6 Antonas Road, Northbridge.</p>

The assessment against the principles is as follows:

Temporary Accommodation
Applicable Principles
<p>Ensure a high standard of amenity for long-term residents and the occupants of temporary accommodation through management controls.</p> <p>Ensure properties used for temporary accommodation purposes do not have an undue impact on the residential amenity of the area.</p>
Applicant's Justification and Summary
<p>The reception for the subject serviced apartments at Harwood Place will be located at the operator's nearby sister serviced apartments at No. 6 Antonas Road, Northbridge, which is approximately 400 metres walking distance from the subject site.</p> <p>The reception at the Antonas Road apartments is open from 7:00am to 10:00pm daily and all check-in and check-out for the subject serviced apartments will occur at No. 6 Antonas Road, Northbridge.</p>
Officer Technical Comment
<p>The City's policy requirement does not contemplate self-managed service apartments, as it does not take into account arrangements whereby a complex of serviced apartments may be operated in conjunction with another premises.</p> <p>In this instance, the applicant proposes to operate the subject serviced apartments in conjunction with the Antonas Road Serviced Apartments, which is considered acceptable subject to the proposed serviced apartments operating in accordance with the approved Management Plan and the conditions recommended in this approval.</p> <p>To ensure that occupants of the serviced apartments are aware of their obligations to adhere to the terms and conditions of the Management Plan, it is recommended a condition is imposed requiring the operator to provide the Management Plan's terms and conditions to all occupants at the time of check-in and display them in a prominent location within each serviced apartment.</p> <p>It is also recommended that a condition is imposed requiring a sign that provides the contact details of a person responsible for the serviced apartments to be fixed in a location that is within the subject site and is easily visible to the public to the satisfaction of the City, to ensure that neighbours can contact the operator should any issues arise with the manner in which the serviced apartments are being used.</p>

The assessment is as follows:

Bicycles			
Location	Requirement	Proposal	Variation
	<p>Policy No. 7.7.1 – Parking and Access Clause 5</p> <p>Six bicycle bays shall be provided for residents and two for visitors</p>	No bicycle bays shown on the plans	Shortfall of eight bicycle bays

The assessment against the principles is as follows:

Bicycles
Design Principles
To promote alternate transport modes by including requirements to provide bicycle parking and reducing parking requirements where alternatives exist.
Applicant's Justification
None provided.
Officer Technical Comment
The subject site is well serviced by the City's bicycle network, which provides access to the CBD, Northbridge entertainment precinct and other attractions. The lack of onsite bicycle parking facilities would discourage occupants of the serviced apartments from using a bicycle as an alternative method of transport, which does not align with the objectives of the Parking and Access policy.
It is recommended a condition is imposed requiring the development to provide a minimum of eight bicycle parking facilities.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	27 January 2016 to 16 February 2016		
Comments Received:	One comment (on behalf of the owners of nine residential properties on Harwood Place) of general concern received and one submission in support of the development.		

The submission in support of the development did not provide any comments.

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Security Reception</u></p> <p>The serviced apartments must include a 24 hour concierge/security reception desk staffed throughout the day and by an onsite security officer in the evenings.</p>	The Management Plan details 24 hour security monitoring for the serviced apartments, which includes CCTV security cameras throughout the premises, vehicle patrols and walk throughs.
<p><u>Management Plan</u></p> <p>Prescribed management practices in place stipulating guests and their visitors' behaviour whilst checked into the apartments.</p>	The Management Plan includes terms and conditions that requires all occupants of the serviced apartments to ensure noise levels from the apartments are kept to a minimum.

Summary of Comments Received:	Officer Technical Comment:
	<p>It is recommended, that a condition is imposed requiring the operator to ensure that the terms and conditions of the Management Plan are known to occupants.</p> <p>The Management Plan also includes provisions for a complaints' management procedure.</p>
<p><u>Noise</u></p> <p>The retro fitting of double glazing to all street facing doors and windows to the existing 9 x historic cottages to be paid for by the developer to mitigate noise issues for all residents.</p>	<p>The Management Plan includes terms and conditions for occupants to ensure that noise levels are kept to a minimum and that their behaviour does not impact negatively on the area. It is unlikely that noise levels from the proposed serviced apartments will be any greater than the permitted use and in any event, needs to comply with noise regulations.</p>
<p><u>Balconies</u></p> <p>Apartment balcony areas to be enclosed to minimise noise transmission and loss of amenity to the existing cottages in the street – like most hotels there should be no accessible outside areas connected to every suite.</p>	<p>Balconies to serviced apartments are used in the same way as balconies to multiple dwellings and this request is not supported.</p> <p>The Management Plan enables the operator of the serviced apartments to evict occupants from the premises following two validated complaints. This means the serviced apartment's operator has more control over the noise levels and behaviour at the premises than would exist if the premises were used as privately owned multiple dwellings.</p>
<p><u>Drop off/pick up system</u></p> <p>A serviced apartment drop off/pick up system or policy proposed and mandated by Council.</p>	<p>The applicant proposes to provide the two existing visitor car parking bays, directly accessed from Harwood Place and located within the subject site, as a drop off and pick up area for the serviced apartments.</p> <p>It is recommended that a condition is imposed requiring that these bays are sign posted detailing a maximum of 2 hour parking, and the use of the bays shall be controlled and maintained by the operator of the serviced apartments.</p>
<p><u>Removal of Courtyard</u></p> <p>Removal of the existing ground floor apartment courtyard and slatted fencing to enable a drop off/pick up station adjacent the apartment entry.</p>	<p>Removal of the existing ground floor apartment courtyard and slatted fencing to enable a drop-off and pick-up station adjacent the apartment entry is not necessary given the two existing visitor car bays will be used as a drop-off and pick-up area.</p>

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

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 7.1.13 – Beaufort Precinct;
- Policy No. 7.4.5 – Temporary Accommodation; and
- Policy No. 7.7.1 – Parking and Access.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

“Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

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

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

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

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

ECONOMIC
Supports locally owned businesses and the tourism industry.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The serviced apartments are an appropriate use for the location and contribute to the supply and diversity of tourist accommodation options within the City of Vincent. The proposal aligns with the City's draft LPS. The draft LPS also identifies serviced apartments as a popular accommodation option to domestic and international visitors.

The arrangement to operate the subject serviced apartments in conjunction with the existing serviced apartments at No. 6 Antonas Road, Northbridge is acceptable subject to the proposed serviced apartments:

- Operating in accordance with the Management Plan approved with this application;
- A sign being placed onsite that is easily visible to the public to the satisfaction of the City that provides contact details of the person responsible for the serviced apartments; and
- The two visitor car bays directly access from Harwood Place are used for pick up and drop off only.

CONCLUSION:

It is recommended that Council approves this proposal.

5.1.4 Nos. 334-338 (Lot: 500; D/P: 47986) Fitzgerald Street, North Perth – Proposed Change of Use from Showroom, Office and Warehouse to Recreational Facility

Ward:	South	Date:	15 April 2016
Precinct:	Precinct 9 – North Perth Centre	File Ref:	PR21109; 5.2016.70.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Car Parking and Bicycle Tables 5 – Management Plan		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Dynamic Planning & Developments Pty Ltd on behalf of the owner A F & C Guzzi, for the proposed Change of Use from Showroom, Office and Warehouse to Recreational Facility at Nos. 334-338 (Lot: 500; D/P: 47986) Fitzgerald Street, North Perth as shown on plans date stamped 23 February 2016, included as Attachment 2, subject to the following conditions:

1. **Use of the Premises**
 - 1.1 Fitness training shall be by way of classes only;
 - 1.2 Each class shall have a maximum of 27 students;
 - 1.3 The classes shall only operate between:
 - Monday to Friday: 5:10am – 10:30am and 5:15pm – 6:55pm;
 - Saturday: 8:00am – 10:10am; and
 - Closed Sunday and Public Holidays;
 - 1.4 All classes shall be conducted within the building;
 - 1.5 The classes shall be scheduled to allow a 10 minute interval between classes to enable sufficient time for patrons to arrive and leave the facility; and
 - 1.6 The Recreational Facility shall operate in accordance with the Management Plan dated 1 April 2016 to the satisfaction of the City;

2. **External Fixtures**
 - 2.1 All external fixtures shall not be visually obtrusive from Fitzgerald Street and neighbouring properties. External fixtures are such things as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like; and
 - 2.2 The windows, doors and adjacent floor area facing Fitzgerald Street shall maintain an active and interactive frontage to this street with clear glazing provided;

3. Car Parking and Access

- 3.1 Vehicle movement on the site shall be one way only with ingress from Fitzgerald Street and egress to the rear right of way;
- 3.2 The car parking area shall be line marked to show ingress and egress; and
- 3.3 The car parking and access areas are to comply with the requirements of AS2890.1;

4. Within 28 days of approval, 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. 7.5.21 – Sound Attenuation and the recommended measures of the report implemented; and

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

5.1 Acoustic Report

With reference to Condition 4.1, the recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, submitted to the City;

5.2 Car Parking

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

5.3 Bicycle Bays

A minimum of two Class 1 or 2 bicycle facilities and four Class 3 bicycle facilities shall be installed within the building in accordance with the City's Policy No. 7.7.1 – Parking and Access; and

5.4 Waste Management

A bin store shall be provided to the satisfaction of the City to accommodate the City's specified bin requirement.

ADVICE NOTES:

- 1. A Road and Verge security bond for the sum of \$1,000 shall be lodged with the City by the applicant, prior to any works commencing, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;
 - 2. Any new signage that does not comply with the City's Policy No. 7.5.2 – Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a Building Permit application, being submitted and approved prior to the erection of the signage; and
 - 3. A universal car parking bay shall be provided in accordance with the Building Codes of Australia and AS2890.6
-

PURPOSE OF REPORT:

To consider an application for change of use from Showroom, Office and Warehouse to Recreational Facility.

BACKGROUND:

The subject site has previously operated as a 'Showroom, Office and Warehouse' use. The previous tenancy was known as 'Branches' specialising in artificial trees and flowers.

DETAILS:

Landowner:	A F & C Guzzi
Applicant:	Dynamic Planning & Developments Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Commercial Draft Town Planning Scheme No. 2 (TPS2): Commercial
Existing Land Use:	Showroom, Office and Warehouse
Use Class:	Recreational Facility
Use Classification:	"AA" Use
Lot Area:	911 square metres
Right of Way (ROW):	At rear (east), 4 metres wide, sealed – City owned
Heritage List:	No
Date of Application:	11 February 2016, received 23 February 2016

The proposed 'Recreational Facility' use will operate as a franchise of F45 Training. The training includes high intensity workouts, including 10 different systems for strengthening and conditioning and the workouts are run as group classes only. The recreational facility will not be used for individual training outside of these classes.

The proposal comprises the 'Recreational Facility' on the ground floor, with the undercroft being used for storing goods associated with the use.

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

- The classes will operate Monday to Friday 5:10am – 10:30am and 5:00pm to 7:50pm and Saturday 7:15am – 11:40am;
- The classes are run by one trainer with a maximum of five employees being on duty at any one time;
- The classes are 45 minute sessions with both cardio and weights training;
- Classes are staggered in the morning and afternoon, to allow a break between classes;
- Six classes are proposed in the morning on weekdays and three in the afternoon. Five classes are proposed on Saturday mornings;
- Peak patron numbers are expected to be a maximum of 27 persons per class;
- 12 car bays are provided on site; and
- A Management Plan has been submitted which details how the use will minimise any potential impact on the surrounding locality. The plan specifically details traffic considerations, classes, communication with members, parking maps and public transport options. The management plan also includes contact details of the owner for any parking related matters and how these matters will be dealt with. (**Attachment 5**).

ASSESSMENT:

Summary Assessment

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

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use		✓
Bicycles	✓	
Parking and Access	✓	

Detailed Assessment

The assessment is as follows:

Land Use		
Requirement	Proposal	Aspect for Consideration
Town Planning Scheme No. 1		
Zone –Commercial	Recreational Facility – “AA” Use	Requires discretion

The assessment against the-principles is as follows:

Land Use
Applicable Principles
Policy No. 7.1.9 – North Perth Centre Precinct
An intensification of commercial uses along Fitzgerald Street to support the Town Centre.
Applicant's Justification
<i>“The ‘Recreational Facilities’ use class is considered to best define the proposed nature of the business. The proposal will comprise the storage of goods associated with the ‘Recreational Facility’ in the undercroft.</i>
<i>The subject site is located within the North Perth Centre Precinct and zoned ‘Commercial’ under the provisions of TPS1. Under the City of Vincent Local Planning Policy No. 7.1.9 ‘North Perth Centre Precinct – Scheme Map 9’ the expected land uses within the ‘Commercial’ zone, are as follows:</i>
<i>Uses are listed in the Commercial Zone of the Zone Table in the City of Vincent Town Planning Scheme No. 1.</i>
<i>On the basis that the subject site is zoned ‘Commercial’ under the provisions of TPS1, the use class of ‘Recreational Facility’ is an ‘AA’ use under the ‘Zone Table’ meaning that “...the use is not permitted unless the Council has exercised its discretion by granting planning approval.</i>
<i>The proposed nature of the use is considered to be consistent with the Objectives of the ‘Commercial’ zone and warrants conditional approval”.</i>

Land Use
Officer Technical Comment
Commercial zones promote a mix of retail, office, business, entertainment and community uses which would include Recreational Facilities.
The site is located within the North Perth Centre Precinct and has a ROW separating it from the closest residential properties.
The proposed use will assist to achieve the principles outlined in the relevant precinct policy to intensify uses along Fitzgerald Street.
The car parking provided exceeds the minimum required under the City's Policy No. 7.7.1 – Parking and Access. (Attachment 4). Classes are staggered which will allow people from the previous class to vacate the car parking area before the next class commences.
All classes will be conducted within the internal area of the building and a condition is recommended to be imposed requiring the building to be appropriately sound attenuated limiting any undue impact on the rear residential properties. A condition is recommended to ensure this is maintained.
The proposed use is considered appropriate in this existing building and will capitalise on the high frequency public transport provided along Fitzgerald Street.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	17 March 2016 to 1 April 2016		
Comments Received:	11 objections and two comments of support were received during the community consultation period.		

The table below summarises the comments in support received during the advertising period of the proposal, together with the City's response to each comment.

Comments Received in Support:	Officer Technical Comment:
<u>Noise</u> I support the proposal subject to conditions regarding noise attenuation by fitting out the facility with appropriate acoustic cladding or similar.	A condition of this nature has been recommended.
Comments Received in Objection:	Officer Technical Comment:
<u>Parking</u> Inadequate car parking provided onsite.	Based on the City's Policy No. 7.7.1 – Parking and Access the proposal complies. The use is also subject to a Management Plan to minimise any potential impact on the surrounding locality.

Comments Received in Objection:	Officer Technical Comment:
<p><u>Right of Way</u></p> <p>Extra traffic using lane will be dangerous to pedestrians.</p>	<p>Fitzgerald Street is classified an Other Regional Road with the frequency of cars entering and exiting being limited where possible. Due to this restriction, a one way traffic flow will be required whereby traffic can enter the site via Fitzgerald Street and leave the site via the rear laneway. With only 12 car bays onsite, the number of cars exiting into the laneway will be limited and occur intermittently.</p>
<p><u>Noise</u></p> <p>Control of noise into the adjoining residential areas from 5am in the morning.</p>	<p>The closest residential area is located on the opposite of side of the 4m sealed ROW at the rear of the subject site alongside the parking area for this facility.</p> <p>As all training will occur within the air conditioned building that faces Fitzgerald Street the most likely noise from this activity to impact the residential properties will be from the 12 car carpark, as students to the classes arrive at and leave the premises. The distance between the parking bays on this site and the closest home is similar to the distance between the on street car parking on the northern side of Chelmsford Road and the residential properties. The impact of the noise from the parking area for this use is therefore likely to be similar to that from the existing on street parking.</p> <p>Additionally it is recommended that a condition is imposed that ensures that the applicant provides an Acoustic Report and Management Plan to ensure that noise mitigation measures are provided and adhered to, so that patron movement does not negatively impact surrounding residents.</p>

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

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 7.5.21 – Sound Attenuation;
- Policy No. 7.7.1– Parking and Access; and
- Policy No. 7.7.9 – North Perth Centre Precinct.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Economic Development

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Economic Development

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

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

ENVIRONMENTAL
Use of existing infrastructure and services.

SOCIAL
The proposed use will act as a social meeting place for local residents and provide additional facilities for recreation.

ECONOMIC
The development will increase activity that promotes local economy.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The site is zoned Commercial and is located within the North Perth Centre Precinct. Given the zoning the proposed use as a Recreational Facility is considered appropriate.

The proposed car parking fully complies with the City's Policy No. 7.7.1 – Parking and Access. Any concerns relating to the existing parking or impact of the business on the area can also be address by the Management Plan and conditions of the approval. Due to the restriction on access into Fitzgerald Street, traffic will flow from Fitzgerald Street through the site to the rear ROW. The number of cars using this ROW is restricted to the number of car bays provided at the rear of the property and cars will only use this ROW when a class concludes.

The class times provided are mainly outside the core business hours of other uses in the vicinity, which will assist to minimise any disruption by way of traffic movement in the area. In addition, a condition is recommended to provide intervals of 10 minutes between the classes so that students can leave the premises prior to new classes commencing, alleviating parking build-up.

All classes will be conducted within the building to minimise any noise impact on the adjoining residential areas and a condition is recommended in this regard in addition to a further condition that requires the property to be appropriately sound attenuated.

The proposed use, if operated in accordance with the Management Plan, is not expected to have a negative impact on the locality. It is therefore recommended that a condition is imposed requiring the use to operate in accordance with the management plan.

CONCLUSION:

It is recommended that Council approves this proposal.

5.1.5 No. 25 (Lot: 24; D/P: 1657) Camelia Street, North Perth – Proposed Demolition of Existing Single House and Construction of Single House

Ward:	South	Date:	15 April 2016
Precinct:	Precinct 6 – Smith Lake	File Ref:	PR19472; 5.2015.583.1
Attachments:	<ul style="list-style-type: none"> 1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Marked up plans showing proposed versus required setbacks 5 – Plan showing possible manoeuvring for carport accessed from Right of Way 6 – Tree Report 7 – Right of Way widening requirements within the City of Vincent 8 – Proposed perspective showing accurate location of the verge tree to the proposed crossover 		
Tabled Items:	Nil		
Reporting Officer:	A Spicer, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Lisa McGann and Jarred Munro on behalf of the owner Dang Lam Sang and Thi Nhan Ha, for the proposed Demolition of an Existing Single House and Construction of a two Storey Single House at No. 25 (Lot: 24; D/P: 1657) Camelia Street, North Perth as shown on plans date stamped 1 April 2016, included as Attachment 2, for the following reasons:

1. The proposal does not comply with the:
 - 1.1 criteria to obtain access from Camelia Street given a Right of Way is available (Policy No. 7.2.1 – Residential Design Elements Clause SADC 8 and Residential Design Codes Clause 5.3.5);
 - 1.2 requirement to provide a crossover with a minimum width of 3 metres (Residential Design Codes Clause 5.3.5);
 - 1.3 requirement to provide a 1 metre setback from the southern Right of Way for all permanent development in order to allow for the future right of way widening (Policy No. 7.2.1 – Residential Design Elements Clause SADC 9); and
 - 1.4 visual privacy requirements (Residential Design Codes Clause 5.4.1);
2. The proposal will negatively impact the amenity of the locality as it:
 - 2.1 is likely to interfere with the long-term health of the existing well established verge tree potentially resulting in the tree having to be removed; and
 - 2.2 will prejudice accessibility to properties situated along the Right of Way; and
3. The proposal is contrary to orderly and proper planning.

PURPOSE OF REPORT:

To consider the demolition of an existing single house and construction of a two storey single house at No. 25 Camelia Street, North Perth.

BACKGROUND:

There is no history relating to previous applications and previous decisions for No. 25 Camellia Street.

The subject site is bound by Camelia Street along its eastern boundary and a 3 metre wide Right of Way (ROW) along the southern and western boundaries. The City has drained and sealed this ROW which provides access to garages and car parking on adjoining lots.

DETAILS:

Landowner:	Dang Lam Sang and Thi Nhan Ha
Applicant:	Lisa McGann and Jarred Munro
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R40 Draft Town Planning Scheme No. 2 (TPS2): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	407 square metres
Right of Way (ROW):	3 metres wide public ROW under the care and control of the City that totals 53.5 metres in length of which 41.8 metres is sealed and drained.
Heritage List:	No
Date of Application:	16 December 2015 received 21 December 2015

The proposed single house will comprise of three bedrooms, three bathrooms, living and dining areas, study and sitting areas, laundry, kitchen, outdoor living area and a detached tandem double car carport. The carport is accessed from Camelia Street and is located alongside the northern boundary.

The site currently has vehicle access to the existing single house from the southern ROW. There is no existing crossover that provides access to the site from Camelia Street.

A significant verge tree that positively contributes to the streetscape is located in the area where the new crossover is proposed. The City has obtained confirmation that a 3 metre minimum width new crossover would pose a significant risk to the long term health of the mature verge potentially resulting in its removal. (**Attachment 6**).

The applicant has requested that the matter be referred to Council for determination although it could be determined under delegated authority.

Plans were slightly altered since submission on 18 February 2016.

These changes were to:

- bring the visual truncations from the carport and the ROW into compliance; and
- slightly taper the crossover to provide a 500mm clearance from the verge tree resulting in a minimum crossover width of 2.775 metres in lieu of the minimum 3 metres required.

The plans date stamped 1 April 2016 include the above changes.

ASSESSMENT:

Summary Assessment

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

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

Detailed Assessment

The assessment is as follows:

Street Setback and Right of Way Setback			
Location	Policy Requirement	Proposal	Variation
<p><u>Primary Street Setback</u></p> <p>Ground floor</p> <p>Upper floor</p>	<p>Policy No. 7.2.1 – Residential Design Elements</p> <p>6.3 metres</p> <p>1 metre behind each portion of the ground floor setback which equates to a setback of 7.3 metres from the primary street.</p>	<p>The ground floor setback ranges from 4.670 metres – 6.8 metres</p> <p>The upper floor is staggered, with portion directly above ground floor, setback at 4.670 metres from the primary street and the remainder setback at 5.77 metres</p>	<p>1.63 metres</p> <p>5.670 metres – 7.8 metres from the primary street.</p>

Street Setback and Right of Way Setback			
Location	Policy Requirement	Proposal	Variation
Secondary street Setback (southern ROW)			
Ground floor	1.5 metre setback	Nil setback	1.5 metres
Upper floor	0.5 metre behind each portion of the ground floor setback	Nil setback provided	0.5 metres
ROW future widening setback	1 metre in addition to the City's setback requirements	Nil	2.5 metres

The assessment against the principles is as follows:

Street Setback
Design Principles
Policy No. 7.2.1 – Residential Design Elements
<u>Primary Street Setback</u>
<p>(i) Development is to be appropriately located onsite to:</p> <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site. <p>(ii) Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
<u>Secondary Street Setback (ROW):</u>
SPC10
<p>(i) Dwellings on dual street frontages or corner lots are to present an attractive and interactive elevation to each street frontage. This may be achieved by utilising the following design elements:</p> <ul style="list-style-type: none"> • Wrap around design (design that interacts with all street frontages); • Landscaping; • Feature windows; • Staggering of height and setbacks; • External wall surface treatments and finishes; and • Building articulation.
SPC 9
<p>(i) The setback is to be compatible and consistent with the established pattern of setbacks presenting to the right of way.</p>

Street Setback
(ii) The minimum width of a right of way is to be 6 metres, in accordance with the Western Australian Planning Commission's Policy DC 2.6 – 'Residential Road Planning'. However, there are a number of rights of way within the Town that are less than 6 metres wide. Where this is the case, the minimum manoeuvring distance of 6 metres still needs to be met.
Applicant's Justification (summarised in parts)
(a) The Residential Design Policy should only be applied to properties that are being subdivided. (b) Two ROW's bound the site. To setback development on both sides is unduly onerous to the property and proposed development. (c) Outdoor living space will be reduced. (d) The ROW is minimally utilised for vehicle access. (e) <i>"Our proposed development does not make use of the right-of-way for vehicular access, and therefore we believe that we are not required to setback our development."</i> (f) <i>"Ceding 1m of our land on both of these boundaries results in a loss of 44m² (11% of our property) , resulting in a property of 363m²"</i> (g) <i>"...the most onerous form of 'encumbrance' is not documented on the Certificate of Title. We also find it unreasonable for the CoV to expect us to setback our property 1m even though widening may not occur for quite some time, or in fact may never occur."</i>
Officer Technical Comment
<p><u>Primary street setback (SPC 5):</u></p> <p>The primary street setback is staggered at ground and first floor level and the development's finished ground level is approximately 800mm below the street level.</p> <p>The adjoining properties at Nos. 27 and 29 are setback 5.3 metres from Camelia Street and the proposed setbacks closely align with the neighbouring properties.</p> <p>Being lower lying than the street the development almost presents as a single storey, with the result that the impact of the upper storey not being articulated as required by the policy is minimal.</p> <p>The staggered design of the building also reduces building bulk and maintains the amenity of neighbouring properties and streetscape character. The design maximises solar access and provides ample space between the dwelling and front boundary for landscaping and presents an attractive and interactive elevation to the primary street.</p> <p>The proposed primary street setbacks are acceptable.</p> <p><u>Secondary street (Southern ROW) (SPC 9 &10):</u></p> <p>Two components determine the setback requirements from the southern ROW namely:</p> <ul style="list-style-type: none">• The required 1 metre ROW widening; and• An articulated elevation where the upper floor is required to be setback 2 metres from the ground floor. <p>While the lack of articulation of the upper floor in relation to the ground floor could be accepted, the proposed nil setback to the existing ROW is of significant concern.</p> <p>The 1 metre ROW setback to allow for future ROW widening has been consistently applied throughout the City. (Recent examples include: No. 9 Baker Avenue, Perth and No. 111 London Street, Mount Hawthorn). The ROW setback requirement is clearly specified in Policy No. 7.2.1 – Residential Design Elements (Clause SADC 9) which requires development to be in accordance with Planning Bulletin 33 – Rights-of-Way in Established Areas. This provision ensures that the ROW is capable of being widened in the future. The City would only require the land to be ceded as part of a subdivision.</p>

Street Setback
<p>The City recognises the constraints of this site given there are two ROW's and would be willing to relax any other setback requirement provided the 1 metre widening for the southern leg of the ROW is achieved.</p> <p>The ROW widening is essential:</p> <ul style="list-style-type: none"> • To ensure that the current properties that have ROW access retain that access which is likely to be used as they maximise their development potential. • As the City has invested capital to seal and drain the ROW with the intention that it will be widened to 5 metres in time. <p>It is also noted that all significant structures immediately to south of the ROW are located between 1.2 metres and 2 metres from the ROW.</p> <p>In response to the applicant's objection that the proposed outdoor living space will be reduced it is noted that as a new development there is scope for the design to incorporate an acceptable outdoor living area within the constraints of this site, which includes the requirement for ROW widening.</p> <p>The proposal in its current form greatly impacts the amenity of the area, reduces safety and restricts accessibility and the proposal in relation to the ROW widening setback cannot be supported.</p>

The assessment is as follows:

Roof Form			
Location	Policy Requirement	Proposal	Variation
	<p>Policy No. 7.2.1 – Residential Design Elements</p> <p>Roof pitches between 30 degrees and 45 degrees (inclusive)</p>	2 degrees	Flat roof

The assessment against the principles is as follows:

Roof Form
<p>Design Principles</p> <p>Policy No. 7.2.1 – Residential Design Elements</p> <p>BDPC 3</p> <p>(i) The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
<p>Applicant's Justification</p> <p>None provided.</p>
<p>Officer Technical Comment</p> <p>The proposed wall height at 6.98 metres complies with the maximum permitted wall height of 7 metres.</p>

Roof Form
<p>Camelia Street does not have recognised streetscape value. With the use of major openings, staggered building design and mixture of materials to the front elevation, the concealed roof will not unduly increase the bulk of the building or result in undue overshadowing of neighbouring properties and open space.</p> <p>The concealed roof is small in scale and would have less of an impact than a permitted pitch roof that potentially could be as high as 9 metres.</p> <p>The proposal is acceptable in this regard.</p>

The assessment is as follows:

Privacy			
Location	Requirement	Proposal	Variation
	Residential Design Codes Clause 5.4.1		
Southern elevation	4.5 metres	3.2 metres	1.3 metres

The assessment against the principles is as follows:

Privacy
Design Principles
State Planning Policy No. 3.1 Residential Design Codes
<p>Clause 5.4.1</p> <p>P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> • building layout and location; • design of major openings; • landscape screening of outdoor active habitable spaces; and/or • location of screening devices. <p>P1.2 Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> • offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • building to the boundary where appropriate; • setting back the first floor from the side boundary; • providing higher or opaque and fixed windows; and/or • screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).
Applicant's Justification
None provided.
Officer Technical Comment
In its current form, the proposal will directly overlook neighbouring properties' outdoor living areas, which is not acceptable.

The assessment is as follows:

Parking & Access (Carport)			
Location	Requirement	Proposal	Variation
Carport location	<p>Policy No. 7.2.1 – Residential Design Elements, Clause SADC8</p> <p>(a) Car parking, garages and carports are to be located at the rear of the property and access via a Right of Way where a Right of Way exists and the property has legal right of access to the Right of Way;</p>	Carport is located at the front with access from Camelia Street.	Location of carport is contrary to the City's policy for lots where a ROW exists.
Vehicle access	<p>(b) Notwithstanding the above, vehicular access to car parking, carports and garages for single houses may be from a street, regardless whether a Right of Way is available to the property, where:</p> <p>(1) the Right of Way is unsealed or not programmed to be sealed within the current, or subsequent, financial year in accordance with the City's Right of Way upgrade program; or</p> <p>(2) more than 50 per cent of the dwellings in the immediate street block, on the same side of the street that the subject dwelling is located have carports or garages accessed from the primary street; or</p> <p>(3) the applicant demonstrates there is a mobility or access issue by using the Right of Way; or</p> <p>(4) the applicant demonstrates there would be a major impact on the existing amenity or open space at the rear of the property.</p> <p>Residential Design Codes Clause 5.3.5</p> <p>Access to onsite car parking spaces to be provided where available, from a right of way available for lawful use to access the relevant lot and which is adequately paved and drained from the property boundary to a constructed street.</p>	Access from Camelia Street	Access from Camelia Street where an alternative access way exists
Crossover width	<p>Policy No. 2.2.4 – Verge Treatments, Plantings and Beautification</p> <p>Crossovers to have a minimum width of 3 metres and located a minimum distance of 500mm from the property boundary that the crossover is parallel to.</p>	2.775 metres	0.225 metres

The assessment against the principles is as follows:

Parking & Access (Carport)
Design Principles
Policy No. 7.2.1 – Residential Design Elements
SPC 8 (i) Garages and carports are not to visually dominate the site or the streetscape.
Residential Design Codes
5.3.5 P5.1 Vehicle access provided for each development site to provide: <ul style="list-style-type: none">• Vehicle access safety;• Reduced impact of access points on the streetscape;• Legible access;• Pedestrian safety;• Minimal crossovers; and• High quality landscaping features.
Applicant's Justification (summarised in parts)
<u>Carport location/Vehicle access</u> (a) As the ROW is only 3 metres wide, the carport is required to be setback an additional 3 metres to achieve a 6 metre distance for vehicle turning circles. (b) If the carport is located at the front of the lot accessed via the southern ROW, the carport will take up 2/3rds of the frontage. (c) If located at the rear of the site, quality outdoor living space will be reduced and overshadowed by the adjoining property. (d) The proposed location with access off Camelia Street is considered to: <ul style="list-style-type: none">i) <i>Be "integrated into the development and is constructed of the same materials and colours as the residence. The carport has also been designed to be of an appropriate scale in relation to the residence;</i>ii) <i>The carport is only 1 car wide, minimising the visual impact of the structure;</i>iii) <i>The carport has been set 700mm below street level in order to utilise the natural levels of the site, and again minimise the visual impact of the structure; and</i>iv) <i>The carport has been set back 5m from the street so that it sits 1.7m behind the line of the porch of the adjacent character residences."</i>
<u>Crossover width</u> (a) <i>'no ground intrusion can take place within 2.8m from the base of the stem of the subject tree'- on the basis that it might affect tree health. It also stipulates that a Arboriculturalist (sic) be present when any work around the tree is undertaken. – The tree is located approximately 300mm from the curb and 500mm from the bitumen road. It is important to note that the tree roots had significantly lifted the bitumen. The city (sic) removed the bitumen, cut back roots and laid new bitumen. An Arboriculturalist (sic) was not present during the work.</i> <ul style="list-style-type: none">i) <i>Parks Officer stated that there was no issue with the crossover having a setback of 500mm from the verge tree. (double standard)</i>ii) <i>Do not consider the report relevant.</i>iii) <i>Laying of pavers for our proposed crossover be much less invasive than hot bitumen, the crossover is also 150-200mm higher than the road therefore much less likely to impact on tree roots.</i>iv) <i>"The 500mm distance between the boundary and crossover as per C5.3 of the R-Codes shall be maintained to ensure pedestrian safety";</i>v) <i>"The 500mm between the crossover and the street tree as noted in the CoV crossover specification shall be maintained to ensure minimisation of maintenance as a result of/and damage to the tree"; and</i>vi) <i>"Crossover width to be tapered from 3000mm to 2775mm as it approaches the street in order to ensure clearance is maintained around the tree."</i>

Parking & Access (Carport)

Officer Technical Comment

Carport location/Vehicle access

The carport structure is not considered to visually dominate the streetscape as the land is low lying compared to the street and comprises of lightweight materials but the proposed access to the carport from Camelia Street is of significant concern.

The proposed vehicle access is contrary to both the provisions in Policy No. 7.2.1 – Residential Design Elements and the Residential Design Codes as follows:

- the policy requirement only permits access via a primary street when an alternative option is provided where more than 50% of dwellings have a carport or garage accessed from the primary street. Camelia Street has one carport access via Camelia Street that results in 25% of dwellings (1 out of 4), which is lower than the 50% requirement; and
- the current proposal is contrary to the design principles of the Residential Design Codes as the ROW provides legal access and the current proposal reduces pedestrian safety, will add an additional crossover to the streetscape, reduces the amenity of the street and is likely to harm a mature verge tree.

Additionally due to the proposed narrow width of the crossover safe access is compromised as vehicles accessing the dwelling will need to veer on the opposite side of the road to access the crossover in order to achieve the required turning circle (**Attachment 3**).

The existing dwelling uses the ROW for access which demonstrates that there will be no mobility or access issues when using the ROW with a considered design that provides some vehicle turning onsite. In response to the applicant's justification that relocating the carport will have an impact on existing open space of the development, it is noted that this is a full redevelopment of the site with extensive design options to incorporate high quality open space for the residents. There are also numerous alternative design options to locate the carport off the ROW. (**Attachment 5**).

In this context the proposed vehicle access is unacceptable.

Crossover width

The City requires a minimum 3 metre crossover width to provide safe vehicle access. It is also a requirement that the crossover is located a minimum distance of 500mm from the northern boundary of this property so that an island can be created between crossovers should the adjoining northern neighbour also wish to have a driveway along the common boundary, and require a crossover alongside the proposed crossover.

A significant verge tree exists in the area of the proposed crossover, (refer to page 1 of **Attachment 6**), and requires a minimum 500mm clearance between the tree and the crossover to ensure that the health of the tree is preserved. However there is insufficient space in this location to provide the clearance from the tree, the clearance from the northern boundary and a minimum width crossover.

The 500mm setback between the street tree and a new vehicle crossover is generally only considered by the City in order to retain a street verge tree and when there are no other options to relocate the new proposed crossover to another location.

Due to the lack of space the proposal includes a crossover that does not comply with the minimum crossover width requirement of 3 metres as it tapers to a width of 2.775 metres to avoid the tree.

In this current form the proposal does not provide legible or safe vehicle access to the site, impacts pedestrian safety, increases the number of crossovers and will result in the likely harm of a significant verge tree, making this aspect of the proposal unacceptable.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	3 March 2016 – 17 March 2016		
Comments Received:	One objection and one general comment were received during the advertising period.		

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

Summary of Comments Received:	Officer Technical Comment:
<u>Obstruction of the ROW</u> Access to the ROW needs to be kept clear and free of obstructions.	The City requires that ROW's are kept clear of material and vehicles at all times.
<u>Bulk</u> There are two two-storey houses on the same block and the following sentiment was expressed: " <i>Leave the older suburbs alone</i> ".	The proposed development complies with building height although it deviates from the deemed to comply provision for upper floor setback and roof form as required by the Residential Design Codes and Residential Design Elements Policy. With the staggered building design and mixture of materials used, the proposed development built form will result in minimal building bulk and minimal impact to the visual amenity of the streetscape, ROW and neighbouring properties.
<u>Privacy</u> Privacy being invaded due to the development being two storey.	The visual privacy intrusion is not acceptable.

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

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 2.2.4 – Verge Treatments, Plantings and Beautification;
- Policy No. 7.1.6 – Smith's Lake Precinct;
- Policy No. 7.2.1 – Residential Design Elements; and
- Planning Bulletin 33 – Rights-of-Way in Established Areas.

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

RISK MANAGEMENT IMPLICATIONS:

The proposal in its current form is likely to interfere with the long term health of the mature verge tree which is a significant asset to the City located on Camelia Street, and potentially needing to be removed.

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The design of the building allows for adequate light and ventilation. The design may result in the loss of a substantial verge tree.

SOCIAL
The development may bring new residents to the locality, adding to the existing community.

ECONOMIC
The development will make use of existing infrastructure and services available in an already built-up area. The construction will also provide short term employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

The proposed street setbacks, boundary setbacks and roof form requirements meet the relevant design principles and are acceptable, but the proposed location of the building along the southern ROW, vehicle access and the proposed crossover width, and visual privacy make this proposal unacceptable.

These matters were brought to the attention of the applicant who elected to only make minor adjustments to the proposed crossover.

The proposal in its current form will negatively impact the amenity of neighbouring properties, result in overlooking issues, prejudice the future use of the ROW, reduce pedestrian safety along Camelia Street, increase the amount of crossovers, not provide legible access to the dwelling and result in the potential loss of the mature verge tree.

Given that the proposal is for a full redevelopment of the site there is scope for the design to align with the City's policies to achieve its intended outcome.

With a minimum 1 metre setback from the southern ROW the visual privacy intrusion will be addressed as this intrusion will affect an area that is part of the future ROW widening area and providing access to the dwelling from the ROW. This will improve pedestrian safety, reduce number of crossovers along Camelia Street, allow for legible access to the dwelling and will not impact the significant verge tree.

In its current form it is determined that the proposed development is contrary to proper and orderly planning and it will impact the amenity of the locality.

CONCLUSION:

It is recommended that Council refuses this proposal.

5.2 TECHNICAL SERVICES

5.2.1 Salisbury Street, Leederville - Proposed Parking Restrictions, Shakespeare Street to Loftus Street

Ward:	North	Date:	15 April 2016
Precinct:	Precinct 3 – Leederville	File Ref:	SC935, SC1201
Attachments:	<u>1</u> – Consultation Summary <u>2</u> – Plan No. 3271-PP-02		
Tabled Items:	Nil		
Reporting Officers:	C Wilson, Manager Asset and Design R Lotznicker, Director Technical Services		
Responsible Officer	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **NOTES** the results of the public consultation regarding the introduction of timed parking restrictions in Salisbury Street, Leederville, between Shakespeare and Loftus Streets, as shown in Attachment 1;
2. **DEFERS** the introduction of parking restrictions in Salisbury Street, between Loftus and Shakespeare Streets, as shown on attached Plan No. 3271-PP-02 (Attachment 2), for the reasons outlined in the report;
3. **MONITORS** the street over the next 6 to 12 months to assess whether parking availability becomes an issue in the street; and
4. **ADVISES** the respondents of its decision.

PURPOSE OF REPORT:

To consider the outcome of the public consultation regarding the implementation of parking restrictions in Salisbury Street, Leederville, between Shakespeare and Loftus Streets.

BACKGROUND:

Ordinary Meeting of Council 9 February 2016:

Prior to reporting to Council a parking assessment of Salisbury Street was undertaken between Loftus Street and Oxford Street. The assessment indicated that there was no need for restrictions on Salisbury Street east of Shakespeare Street as only one vehicle was parked on road in this section over the three day assessment period.

The officer recommendation was for restrictions to be implemented west of Shakespeare Street only.

Council subsequently considered the report where approval was granted for the implementation 2P parking restriction 8am to 5.30pm Monday to Friday between Oxford and Shakespeare Street. It further decided to consult residents east of Shakespeare Street regarding extending the 2P parking restriction, 8am to 5.30pm Monday to Friday, to Loftus Street, as shown on attached Plan No 3271-PP-02 (**Attachment 2**).

DETAILS:

The restrictions were implemented in Salisbury Street between Oxford and Shakespeare Street in February 2016. Random parking assessments in the street have indicated that since

the restrictions were introduced approximately 50% of this section of street is parked out at any one time.

Very few if any vehicles are parked in the section of Salisbury Street east of Shakespeare so the introduction of the restrictions between Oxford and Shakespeare Street has had no impact on the section of Salisbury Street east of Shakespeare Street. The following photo shows no vehicles parked in the street in a normal week day.



Salisbury east of Shakespeare Street 11.00am Wednesday 20 April

CONSULTATION/ADVERTISING:

In accordance with Councils decision Administration consulted the residents of Salisbury Street, east of Shakespeare Street regarding extending the recently approved and implemented, 2P 8.00am to 5.30pm Monday to Friday, parking restriction.

Required by legislation	No	Required by City of Vincent Policy	Yes
Consultation period	8 March 2016 – 24 March 2016		
Comments Received	50 consultation packs were distributed. At the close of consultation 14 responses were received with eight in favour, five against and one neither for nor against the proposal. (Refer Attachment 1).		

LEGAL/POLICY:

In accordance with the City of Vincent Parking and Parking Facilities Local Law 2007 which regulates the parking or standing of vehicles in all or specified thoroughfares and reserves under the care, control and management of the City and provides for the management and operation of parking facilities.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

"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.*

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable

COMMENTS:

Past experience shows that in most circumstances once restrictions are applied along a particular section of road commuters simply move to another location however this has not been the case with Salisbury Street.

Since the restrictions were implemented west of Shakespeare Street the section east of Shakespeare Street has been largely devoid of parked vehicles, as was the case prior to the restrictions being implemented in the western section of the street.

Conclusion:

While 14 of the 23 respondents ticked the 'in favour' box on the consultation form the evidence is that the street is largely empty during the day and the anticipated problem of parkers moving to the section of Salisbury Street east of Shakespeare Street, has not eventuated.

Therefore Administration considers that implementing restrictions in Salisbury Street east of Shakespeare Street is not justified at present.

5.2.2 Nova Lane, North Perth – Proposed Staged Works, Parking Restrictions and Streetscape Improvements

Ward:	North	Date:	15 April 2016
Precinct:	Precinct 8 – North Perth	File Ref:	SC902, SC1201
Attachments:	1 - Consultation Summary 2 - Plan No. 3278-CP-01		
Tabled Items:	Nil		
Reporting Officers:	A Brown, Engineering Technical Officer C Wilson, Manager Asset & Design Services		
Responsible Officer	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

- NOTES** the results of the public consultation regarding the introduction of parking restrictions and streetscape improvements in Nova Lane, North Perth as shown in Attachment 1;
- APPROVES** the introduction of 2P parking restrictions 8.00am to 5.30pm Monday to Friday in Nova Lane, North Perth, between Knutsford Street and Fitzgerald Street as shown on attached Plan No. 3278-CP-01 (Attachment 2);
- LIST** for consideration an amount of \$100,000 in the 2016/17 draft budget for Stage 2 upgrade works in Nova Lane as outlined in the report and as shown on attached Plan No. 3278-CP-01 (Attachment 2); and
- ADVISES** the respondents of its decision.

PURPOSE OF REPORT:

To consider outcome of the public consultation regarding a two stage proposal for parking and streetscape improvements in Nova Lane, between Knutsford and Fitzgerald Streets, and approve the implementation of parking restrictions.

BACKGROUND:

A number of Nova Lane residents have contacted Administration concerned about commuter parking in the lane as a convenient location to catch a bus to the CBD via Fitzgerald Street.

Following a recent meeting with residents a concept plan was developed to address the parking issues and improve the aesthetics of Nova Lane.

DETAILS:

Nova Lane, North Perth, is classified as an Access Road and runs between Norham Street and Fitzgerald Street.

The section of Nova Lane being discussed in this report is the portion from Knut ford Street to Fitzgerald Street.

Originally Nova Lane was previously classified as a Right of Way (ROW) until it was dedicated as a road in the early 2000's. As a consequence it was built to the then typical ROW standard, sealed with soak-wells down the centre. It is 7.0m wide constructed boundary to boundary with no footpath.

In order to comply with the dedication requirements the installation of street lighting was required and as Western Power's policy had changed (they no longer install street lighting in roads less than 7.0m wide), the City installed its first solar powered streetlights in Nova Lane.

The dedication of Nova Lane allowed subdivided lots that previously would have been a rear battle-axe strata block, fronting either Ruby or Mabel Streets, to be a 'green' title requiring the a higher standard of streetscape and improved level of amenity.

Currently there are no parking restrictions in Nova Lane and to date it has been largely 'self governing however there anecdotal evidence of commuter parking at the eastern or Fitzgerald Street as there is both an inward and outward bound bus stop in Fitzgerald Street nearby.

Administration considers that the recently announced high frequency bus route, within dedicated peak period bus lanes, in Fitzgerald Street, may exacerbate the parking situation in the Lane and therefore parking restrictions are warranted.

Following the recent discussions with residents, a two stage proposal for Nova Lane has been developed as follows:

Stage 1:

Implement 2P parking restrictions, 8.00am to 5.30pm Monday to Friday, along the southern side of Nova Lane and 'No Stopping' on the northern side as shown on Plan No. 3278-CP-01 (**Attachment 2**). Given that the majority of the property crossovers are located on the northern side allowing parking on the southern side would maximize the number of available spaces.

Stage 2:

It is not proposed to carry out a full reconstruction of Nova Lane but rather asphalt resurface and kerb where required, with tree planting along the southern side.

This work has been estimated to cost \$100,000 and will be listed for consideration in the 2016/17 Right of Way upgrade budget.

CONSULTATION/ADVERTISING:

Consultation in regards to both stages was undertaken in accordance with the City's Community Consultation policy.

Required by legislation	No	Required by City of Vincent Policy	Yes
Consultation period	1 March 2016 – 17 March 2016		
Comments Received	52 consultation packs were distributed. At the close of consultation nine responses were received with six in favour, one against and two neither for nor against the proposal. (Refer Attachment 1).		

Administration Comments:

Residents were consulted regarding both the immediate implementation of 2P parking restrictions, 8am - 5.30pm Monday to Friday, and the proposed Stage 2 works to be undertaken at a later stage

The majority of respondents were in favour of the introduction of parking restrictions in the Lane however little feedback was received regarding the proposed streetscape improvements.

Other comments received not specifically related to this proposal will be further investigated.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

"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.

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Description	Budget	% year	% spent
2016/2017 Budget supply and installation of parking signs and street name blades	\$73,620		
Expenditure to date	\$72,567	75%	98.5%
Estimated cost to install signage in Nova Lane	\$800		

Stage 2 costs to be estimated and listed for consideration in the 2016/17 Draft Budget

COMMENTS:

As previously mentioned there are currently no parking restrictions in Nova Lane and to date it has been 'self' governing however commuters are parking at the eastern or Fitzgerald Street end of the lane as there is both an inward and outward bound bus stop in Fitzgerald Street nearby. Also the lane needs some renewal and improvements in aesthetics.

Conclusion:

With the proposed introduction of the High Frequency Bus Route along Fitzgerald Street it is considered that the recommended improvements will provide amenity improvements for the Nova Lane residents.

5.2.3 Washing Lane, Perth - Proposed Parking Restrictions and Streetscape Improvements

Ward:	South	Date:	15 April 2016
Precinct:	Precinct – Metropolitan Redevelopment Authority	File Ref:	SC1075, SC1201
Attachments:	1 - Consultation Summary 2 - Plan No. 3249-CP-01		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **NOTES** the results of the public consultation regarding the introduction of ‘No Stopping’ restriction along the northern side of Washing Lane, Perth, between Money Street to Lindsay Street, and the planting of street trees along the southern side (Attachment 1);
2. **APPROVES** the following as shown on attached Plan No. 3249-CP-01 (Attachment 2), at an estimated cost of \$10,000;
 - 2.1 replacement of the existing 2P 8.00am to 5.30pm parking restriction on the north side of Washing Lane, between Money Street and Lindsay Street, with a ‘No Stopping’ zone; and
 - 2.2 planting of trees in the existing no stopping zone on the south side of the street; and
3. **ADVISES** the respondents of its decision.

PURPOSE OF REPORT:

To consider implementing parking changes and streetscape enhancements in Washing Lane Perth, between Lindsay Street and Money Street.

BACKGROUND:

The City has in the past received a number of complaints regarding parking congestion in Washing Lane, primarily due to the narrow width of the street and cars parking on both sides of the road resulting in access and safety being compromised. It should be noted that parking on the southern side of the street is already prohibited.

Further, the complainants contend that limited existing on-road parking bays, of which there are four, are mainly being used by motorists other than residents and businesses of Washing Lane.

In regards the streetscape Washing Lane is all hard surfaces without any soft landscaping. The residents who contacted the City have also requested that street trees be planted to soften the street and to ultimately provide shade.

In response to these concerns the City is considering the introduction of a ‘No Stopping’ zone on the north side, and as a streetscape improvement is proposing to plant trees on the southern side.

DETAILS:

Washing Lane Perth, between Money and Lindsay Streets, is classified as an Access Road and was created by the former East Perth Redevelopment Authority (EPRA), in the early 2000's.

It provides rear access to those properties fronting Newcastle Street on the southern side, as well as those properties addressing Washing Lane on the northern side.

It has a road reserve width is 7.5m comprising a road pavement width of 5.5m and a 2.0m wide footpath. There are four parking bays along the northern side interspersed between crossovers where space allows.

There are existing parking restrictions comprising 2P 8.00am to 5.30pm, Monday to Friday on the north side of the street and a no stopping zone of the south side.

The existing streetscape comprises 'hard' surfaces and residents have requested that street trees be planted however as the majority of underground services are located on the northern side of the street it would not be possible to plant trees at this location.

The standard parking bay width in the street is 2.1m wide, leaving a 3.4m road width, so if trees were planted on the southern side of the street and the parking remained on the northern side, this would reduce the traffic lane to approximately 2.2m in width which is well below standards and would make the road inoperable.

Therefore the only option to accommodate trees is to remove the existing parking on the northern side of the street.

Random surveys indicated that the parking is full seven days per week and there is anecdotal evidence that outside of the restriction times, the spaces are being dominated by motorists other than the residents and businesses of Washing Lane. In fact the bays are very conveniently located in close proximity to the Northbridge Entertainment Precinct and are 'free' both during and outside restriction times.

Proposal:

As a result of a meeting held with several residents and business proprietors a concept plan was developed whereby it was agreed that the parking on the northern side would be removed and trees would be planted along the southern side.

CONSULTATION/ADVERTISING:

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

Required by legislation	No	Required by City of Vincent Policy	Yes
Consultation period	14 March 2016 – 31 March 2016		
Comments Received	49 consultation packs were distributed. At the close of consultation six responses were received all in favour of the proposal apart from one response who did not want the trees planted. (Refer Attachment 1).		

LEGAL/POLICY:

The City has responsibility for the management of on-road parking within its boundaries and has care and control of the road reserve.

RISK MANAGEMENT IMPLICATIONS:

Low: Mainly related to amenity improvements.

STRATEGIC IMPLICATIONS:

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

"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.

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Description	Budget	% year	% spent
2015/16 budget supply and plant four Jacaranda trees supply and installation of parking signs and street name blades	\$10,000	75%	0%

COMMENTS:

Given that the majority of the responses received were positive, albeit some with qualifications, it is recommended that the proposed changes be approved. In respect of placement of the trees the final locations will be carefully assessed in respect of sight distance obstruction prior to planting.

5.2.4 Oxford Street Reserve – Proposed Accessible Ramp

Ward:	South	Date:	15 March 2016
Precinct:	Precinct 3 - Leederville	File Ref:	SC564
Attachments:	1 - WABCA Access Audit		
Tabled Items:	Nil		
Reporting Officer:	J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **NOTES that;**
 - 1.1 **an access audit was recently commissioned into the requirement for the provision of accessible ramp(s) to the raised grassed areas at the Oxford Street Reserve was recently undertaken;**
 - 1.2 **the access audit concluded that there is no legal requirement to provide access to the raised grassed areas at the Oxford Street Reserve, as contained in the report at Attachment 1; and**
 - 1.3 **an amount of \$18,000 was included in the 2015/16 budget for the installation of an accessible ramp, in the Oxford Street Reserve, however two recent quotations indicated that the cost to install the accessible ramp would be in the order of \$30,000; and**
2. **Based on the advice received, DOES NOT PROCEED with the installation of an accessible ramp at Oxford Street Reserve.**

PURPOSE OF REPORT:

To consider the results of a recent access audit undertaken for the Oxford Street Reserve which concluded that an accessible ramp to the raised grassed areas is not required.

BACKGROUND:

An amount of \$18,000 was included in the 2015/16 Capital Works budget to design and construct an accessible ramp to one of the raised grassed areas at the recently redeveloped Oxford Street Reserve.

DETAILS:

History:

The Oxford Street Reserve project was progressed through the Leederville Town Centre Working group which comprised Council Members, Administration, Leederville business owners and community members.

The plan was developed in conjunction landscape architects, Blackwell & Associates and works were completed in August 2014. The final design incorporated accessible paths and recreational spaces, kerb ramps and an accessible raised seating area adjacent to an existing café.

Initially the grassed areas located around the central feature, a Canary Island date palm, were to be constructed at natural ground level, however following considerable debate the final plan was approved with the four grassed areas around the palm to be raised.

At the time, access to the raised grassed areas was discussed, however discounted as the advice received from the landscape architects was that it was not required under legislation nor the BCA 2015.

Since the opening of the park there has only been one event where access to one of the raised grassed areas was required and the event organisers arranged for a portable ramp to be installed for the event.

Access Audit:

Administration engaged Western Australia Building Certifiers and Assessors (WABAC) to determine whether accessible ramps were required to the raised grassed areas at the Oxford Street Reserve. (Refer **Attachment 1**). The report conclusion is summarised below:

“It has been determined that accessible ramps (complying with Australian Standard 1428.1-2009) were not required to be provided to the raised garden/grassed areas upon redevelopment of the reserve. Due to the nature of discrimination legislation, a person with a disability may still make a complaint under the Disability Discrimination Act 1992, however it is the belief of the author that works undertaken were in accordance with the requirements of the Disability (Access to Premises – Buildings) Standards 2010 and the Building Code of Australia. This opinion is limited to the omission of ramps from the design, which is the scope of this report.

If the City of Vincent proposes to provide an accessible ramp to any of these grassed areas, consideration should be given to the most appropriate location for the ramp, given the length that would be needed to meet the requirement of AS1428.1-2009. To achieve the maximum gradient of 1 in 14 required by the Standard, a rise of approximately 570mm would result in a ramp approximately 8000mm in length. The minimum length of landings (at both the top and base of the ramp) would be in addition to this dimension.”

Proposed Installation of Ramp:

If a ramp was installed, to achieve the requirements of the relevant Australian Standards AS1428.1-2009 a maximum gradient of 1 in 14 would be required. This would equate to a rise of approximately 570mm which will result in the ramp being some 8 metres in length.

This limits the proposed location of any ramp to the two northern raised grassed areas as the southern portions are not large enough to accommodate the length of ramp required.

Given the current levels, the western (section closest to Oxford Street) raised grassed area is slightly lower than the eastern section, therefore if the installation was to go ahead, this would be the most practicable and suitable location for the ramp as highlighted on the plan below.



Oxford Street Reserve Possible Ramp Location

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY

With regard to assessment of any requirement to provide an accessible ramp to the raised grassed areas at Oxford Street Reserve the following documents were reviewed:

- Disability Discrimination Act 1992
- Disability (Access to Premises – Buildings) Standards 2010
- Building Code of Australia (BCA) 2015

RISK MANAGEMENT IMPLICATIONS:

Low: The park redevelopment works were undertaken in accordance with legislative requirements and the BCA 2015.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$18,000 for the installation of a ramp was included in the 2015/16 capital works budget. Actual costs and estimates received to date in regards to undertaking the assessment are as follows:

Item	Cost	Status
Design/Plans	\$1,950	Completed
Installation estimate (2 quotes received)	\$30,900	Not commenced
WABCA Access audit	\$490	Completed

COMMENTS:

The existing raised grass areas in the reserve are very popular with patrons, particularly during lunch time when the area is well used. The extent of the ramp would remove approximately 25% of the grassed area in this section which would be a significant loss of amenity and a visual scar on an otherwise well planned and structured park layout.

Conclusion:

In view of the information received in the WABAC access audit report, the high cost of installation and the impact in terms of the loss of grassed area and amenity value, it is recommended that Council does not progress with this project.

5.3 CORPORATE SERVICES

5.3.1 Investment Report as at 31 March 2016

Ward:	Both	Date:	15 April 2016
Precinct:	All	File Ref:	SC1530
Attachments:	1– Investment Report		
Tabled Items:	Nil		
Reporting Officers:	N Makwana, Accounting Officer B Wong, Accountant G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council **NOTES** the Investment Report for the month ended 31 March 2016 as detailed in Attachment 1.

PURPOSE OF REPORT:

To consider the monthly investment report providing the distribution of surplus funds in investments and the interest earned to date.

BACKGROUND:

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

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

DETAILS:

Total funds held for the period ended 31 March 2016 were \$28,785,278 as compared to \$20,005,141 at the end of 31 March 2015.

Total Investments for the period ended 31 March 2016 were \$27,983,289 as compared to \$29,221,565 at the end of February 2016. At 31 March 2015, \$19,061,000 was invested.

Investment comparison table:

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

* Investment report modified from June to include funds held in the operating account.

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

	Annual Budget	Budget Year to Date	Actual Year to Date	% of FY Budget
Municipal	\$320,000	\$275,232	\$390,286	121.96
Reserve	\$203,680	\$180,231	\$223,834	109.90

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

Long Term Rating (Standard & Poor's) or Equivalent	Short Term Rating (Standard & Poor's) or Equivalent	Direct Investments Maximum % with any one institution		Managed Funds Maximum % with any one institution		Maximum % of Total Portfolio	
		Policy	Actual	Policy	Actual	Policy	Actual
AAA Category	A1+	30%	Nil	45%	Nil	100%	Nil
AA Category	A1+	30%	29.7%	30%	Nil	90%	67.2%
A Category	A1	20%	19.4%	30%	Nil	80%	32.8%
BBB Category	A2	10%	Nil	n/a	Nil	20%	Nil

RISK MANAGEMENT IMPLICATIONS:

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

Section 6.14 of the *Local Government Act 1995*, section 1, states, Subject to the regulations:

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

STRATEGIC IMPLICATIONS:

In keeping with the City's Strategic Plan 2013-2023:

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

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

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

The funds invested have decreased from the previous period after payments to creditors, staff etc. The third instalment of ESL payment was processed during this period.

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

- Increased levels of investment of around \$6 - \$7 million above the budget assumptions - due to a delay in capital budget spend so far this financial year; and an increase of about \$1.07 million in the surplus carried-forward from the previous financial year; and
- The average interest rates quoted to the City have been reducing, however, Administration has been able to select institutions who have had specific needs for increased funds and have therefore offered a rate significantly higher than the average being quoted. This has increased the average interest rates for term deposit investments over the amounts used in the budget assumptions.

The City has obtained a weighted average interest rate for current investments of 2.92% which includes the City's operating account. When the investments are calculated excluding the operating account, the average investment rate achieved is 3.01% as compared to the Reserve Bank 90 days Accepted Bill rate of 2.31%. As of 31 March 2016, the City's actual investment earnings are exceeding the budget year to date by \$158,657 (35%).

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

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

5.3.2 Authorisation of Expenditure for the Period 1 March 2016 to 31 March 2016

Ward:	Both	Date:	15 April 2016
Precinct:	All	File Ref:	SC347
Attachments:	<u>1</u> – Creditors Report – Payments by EFT <u>2</u> – Creditors Report – Payments by Cheque <u>3</u> – Credit Card Transactions		
Tabled Items:	-		
Reporting Officers:	R Tang, Accounts Payable Officer G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

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

Cheque numbers 79552 - 79680	\$170,241.34
Cancelled Cheques	- \$374.40
EFT Documents 1911 - 1920	\$4,362,530.01
Payroll	\$1,050,946.11

Direct Debits

- **Lease Fees** \$8,075.12
- **Loan Repayment** \$145,731.33
- **Bank Fees and Charges** \$6,267.55
- **Credit Cards** \$4586.59

Total Direct Debit	\$164,660.59
Total Accounts Paid	\$5,748,003.65

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

The Schedule of Accounts paid, covers the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account (Attachment 1 and 2)		
Automatic Cheques	79460 - 79551	\$170,241.34
Cancelled Cheques	79578; 79650	-374.40
EFT Payments	1911 - 1920	\$4,362,530.01
Sub Total		\$4,532,396.95
Transfer of Payroll by EFT	08/03/16	\$521,734.93
	22/03/16	\$529,211.18
	March 2016	\$1,050,946.11
Corporate Credit Cards (Attachment 3)		\$4,586.59
Bank Charges and Other Direct Debits		
Lease Fees		\$8,075.12
Loan Repayment		\$145,731.33
Bank Charges – CBA		\$6,267.55
Total Bank Charges and Other Direct Debits (Sub Total)		\$160,074.00
Less GST effect on Advance Account		0.00
Total Payments		\$5,748,003.65

LEGAL/POLICY:

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

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

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

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

13. *Lists of Accounts*

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

- “4.1 Provide good strategic decision-making, governance, leadership and professional management:*
- 4.1.2 Manage the organisation in a responsible, efficient and accountable manner;*
- (a) Continue to adopt best practice to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced.”*

SUSTAINABILITY IMPLICATIONS:

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

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENT:

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

5.3.3 Variation of Lease & Car Parking Licence for Dental Health Services, Shalom Coleman Dental Clinic – No 31 (Lot 100) Sydney Street, North Perth

Ward:	North Ward	Date:	15 April 2016
Precinct:	North Perth (8)	File Ref:	SC584
Attachments:	1 – Map of lease & licence areas showing additional areas		
Tabled Items:	Nil		
Reporting Officer:	M Bancroft, Property Leasing Officer		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council:

- APPROVES a variation of the lease area in respect to the lease between the City and the Minister for Health (Dental Health Services) over the premises located at 31 (Lot 100) Sydney Street, North Perth, to incorporate an additional 54.9m² of building area and 59.2m² of patio/ outdoor area and four car parking bays, as depicted in the plan annexed hereto as Attachment 1, subject to:**

1.1 Rent Increase: \$500 plus GST per annum (indexed by CPI) for additional building/patio area, and \$1,412 plus GST per annum (indexed by CPI) for four car bays;

- APPROVES a licence to the Minister for Health (Dental Health Services) in respect to 9 car parking bays in the car park located at 25-29 (Lot 93) Sydney Street, North Perth on the following key terms:**

2.1 Term: 5 years commencing on 1 July 2016;
2.2 Licence fee: \$353 plus GST per annum per bay (indexed by CPI), which equates to \$3,177 pa;
2.3 Permitted Use: Car parking for officers and visitors during business hours;
2.4 Public Liability Insurance Minimum cover of \$20,000,000; and

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

PURPOSE OF REPORT:

To consider a proposal to vary the lease area in the lease between the City and the Minister for Health (Dental Health Services) over the premises located at 31 (Lot 100) Sydney Street, North Perth (Lease) and enter into a licence in respect to 9 car parking bays at 25-29 (Lot 93) Sydney Street, North Perth.

BACKGROUND:

The Lessee

The Minister for Health (Dental Health Services WA) has occupied the premises located at 31 (Lot 100) Sydney Street (Corner of Haynes Street), North Perth (Premises) since 1958. The original lease was a “peppercorn lease” between the City of Perth and the Minister for Health and was for a term of 50 years, expiring in 2008.

During 2008, in conjunction with the City, the Premises was redeveloped as a Special Needs Dental Clinic. As part of the redevelopment a portion of the building was returned to the City

(Vacant Area). Following the redevelopment the Minister for Health (Dental Health Services) occupied the Premises pursuant to a monthly tenancy while a new lease was negotiated. In 2011 the City and the Minister for Health (Dental Health Services) entered into a new lease for the period 1 July 2011 to 31 June 2016 with a further five year option, expiring 31 June 2021, pursuant to Council's decision at the Ordinary Council Meeting of 21 December 2010 (Item 9.3.4):

“THAT COUNCIL:

- (i) RECEIVES the Further Report on the negotiations on the lease Terms and Conditions with the Dental Health Services, Western Australia regarding the Special Needs Dental Health Clinic located at No 31 (Lot 100) Sydney Street (Cnr Haynes Street), North Perth;*
- (ii) APPROVES a five (5) year Lease from 1 January 2011 to 31 December 2016 with one (1) extended period lease option for a period of five (5), subject to final satisfactory negotiations being carried out by the Chief Executive Officer; and*
- (iii) AUTHORISES the Mayor and Chief Executive Officer to sign the new lease and AFFIX the Council's Common Seal.”*

On 15 March 2016 the Minister for Health (Dental Health Services) notified the City that it intended to exercise its option to extend the lease for a further five years. The City is in the process of preparing the Deed of Extension of Lease for the period 1 July 2016 to 31 June 2021.

The Minister for Health (Dental Health Services) operates a special needs dental clinic at the Premises, which is fully funded by the WA Government (Department of Health – Dental Health Services) and trades as the Shalom Coleman Dental Clinic. The Shalom Coleman Dental Clinic provides general dental care to patients who have a disability and are determined by the Disability Services Commission to be eligible for the service.

The Vacant Area

The Vacant Area at 31 Sydney Street has remained unoccupied since 2010 when the North Perth Dental Clinic was redeveloped. It comprises a storeroom, office, kitchen, bathroom and laundry, with a total area of 54.9m², plus a 59.2m² patio / outdoor area. The Vacant Area is in a reasonable condition and was painted in approximately 2010 (at the time of the redevelopment).

Use of car park at 25-29 Sydney Street

The Minister for Health (Dental Health Services) staff and visitors currently occupy around nine of the 16 car parking bays located at 25-29 Sydney Street. There is no formal arrangement to govern this use of the car park. The car park is shown in the plan annexed to this report as **Attachment 1**. There is, however, a licence between the City and Kidz Galore Pty Ltd in respect to seven of the car parking bays. Council approved the licence at its Ordinary Council Meeting of 20 December 2011 and the licence is on the following key terms:

Term: 9 years, expires 31 December 2020;
Licence fee: \$2,100 plus GST (indexed by CPI); and
Permitted use: car parking bays during the operational hours of the facility.

Use of car park at 31 Sydney Street

The Minister for Health (Dental Health Services) also uses the car parking bays located at 31 Sydney Street (facing Haynes Street). These four bays are delineated in the plan annexed to the lease as part of the “lease area”, however, the “lease area” also erroneously includes the adjacent North Perth Playgroup as part of the “lease area”. Given it is likely that the original intent would have been to lease out the vacant area to a separate tenant, it is reasonable to

assume that the car parking bays would have been treated as 'common areas'. With the proposal to now incorporate the vacant area into the Dental Clinic lease, the opportunity exists to clearly indicate that these four bays are part of the lease area.

DETAILS:

Administration notified the Minister for Health (Dental Health Services) of the City's intention to lease the Vacant Area on 18 March 2016 and the Minister for Health responded by email on 18 March 2016 expressing an interest in leasing the Vacant Area. Administration met with representatives of the Minister for Health on 23 March 2016 to inspect the Vacant Area. The Dental Health Service's Manager Corporate Services confirmed on 29 March 2016 that "*DHS are interested in using the adjoining unused space subject to clarification of any additional lease cost.*"

Administration notes that the Premises are used by people with disabilities and therefore provides an important service to the community. The Minister for Health requires the additional space to store cleaning equipment and records. This is an appropriate use given the size of the Vacant Area and proximity to the Premises.

The Minister for Health (Dental Health Services) contacted the City in March 2016 in respect to the formalising of its use of the 9 car parking bays at the car park located at 25-29 Sydney Street. Administration proposed that a licence be granted to the Minister for Health (Dental Health Services) on similar terms to the Kidz Galore car parking licence. In particular, the key terms would be:

No. of bays: 9 car parking bays to be used during the hours of operation of Shalom Coleman Dental Clinic; and
Licence Fee: \$3,177 per annum (based on a fee of \$353 per car bay per annum plus GST).

The Minister for Health (Dental Health Services) confirmed that these terms were acceptable by email dated 30 March 2016.

Administration also contacted the Minister for Health (Dental Health Services) in March 2016 in respect to the use of the four car parking bays at 31 Sydney Street (facing Haynes Street). The Minister for Health (Dental Health Services) confirmed by email on 4 April 2016 that these car parking bays were used by patients of the Shalom Coleman Dental Clinic and that the Minister for Health (Dental Health Services) was willing to pay \$353 per annum per bay for exclusive use of these car parking bays. Administration proposes that the lease area is amended so that it clearly depicts the car park as part of the lease area and that the lease fee is increased by \$1,412 per annum (plus GST, indexed by CPI).

CONSULTATION/ADVERTISING:

Administration met with representatives of the Minister for Health (Dental Health Services) on 23 March 2016 to discuss the variation of the lease area to include the Vacant Area and the car parking licence.

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

LEGAL/POLICY:

Local Government Act 1995 section 3.58 - Disposing of Property, provides that a local government can only dispose of property (which includes to lease) in accordance with section 3.58(3) unless the disposition falls within the scope of section 3.58(5), which includes:

"(d) *Any other disposition that is excluded by regulations from the application of this section.*"

Section 3.58(5), Regulation 30 of the *Local Government (Functions and General) Regulations 1996* provides a range of dispositions that are exempt from the application of Section 3.58 of the Act, including dispositions to:

- *A body, whether incorporated or not the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

City of Vincent Policy No. 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:

Moderate: The unoccupied portion of 31 Sydney Street and the absence of a formal arrangement to govern the use of the car park at 25 - 29 Sydney Street and at 31 Sydney Street by the Minister for Health (Dental Health Services) poses a risk to the City in terms of management and upkeep of the facilities.

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 Minister for Health (Dental Health Services) currently pays a lease fee of \$11,916 for the exclusive use of the Shalom Coleman Dental Clinic located at 31 Sydney Street. The Shalom Coleman Dental Clinic has a total area of approximately 335m². The vacant building area is 54.9m². The Minister for Health (Dental Health Services) has agreed to lease the vacant area subject to a nominal lease fee. Based on the small size of the vacant area and the lack of separate metering Administration proposes that an additional lease fee of \$500 per annum would be appropriate. The Minister for Health (Dental Health Services) has confirmed that \$500 per annum would be acceptable. The Minister for Health (Dental Health Services) has also agreed to pay \$1,412 per annum plus GST (indexed by CPI) for the use of the four car parking bays at 31 Sydney Street. Therefore the total proposed lease fee is \$13,828 per annum (indexed by CPI).

The licence fee is proposed to be based on Kidz Galore's car parking licence fee, which is currently \$2,472 per annum for the 7 car parking bays. This equates to \$353 per bay per annum. Therefore a licence fee of \$3,177 per annum plus GST (indexed by CPI) for the Minister for Health (Dental Health Services) use of the remaining 9 car parking bays at 25-29 Sydney Street would be appropriate.

COMMENTS:

Variation of Lease

Administration notes that it is not in the City's interest to have its assets left vacant, unmanaged and unmaintained for long periods of time. The Vacant Area of 31 Sydney Street has been unoccupied since 2010. It appears that Administration failed in the redevelopment of the Shalom Coleman Dental Clinic to consider the future use of the Vacant Area and that resulted in its lack of occupancy for the last five years. Upon discovery of the vacancy in February 2016 Administration has investigated the potential uses for the Vacant Area. Given its small size, lack of separate metering and proximity to the Shalom Coleman Dental Clinic it is considered most appropriate for it to be leased to the Minister for Health (Dental Health Services), who have expressed an interest in re-leasing it.

It is therefore recommended that Council approve the Variation of the Lease to include this additional area. The Lease area as depicted in the Variation of Lease will also be more clearly defined to show that the lease area includes the portion of 31 Sydney Street that is the Shalom Coleman Dental Clinic, the Vacant Area and the gardens at the front and rear of these portions of the building and the car park.

Car Parking Licence

The Shalom Coleman Dental Clinic and its patients have used a number of the car parking bays at 25-29 Sydney Street for a number of years despite no formal arrangement being in place. It is understood that the Minister for Health (Dental Health Services) has previously contacted Administration in relation to the use of the car park, however, there is no formal record of this correspondence. Furthermore, a sign has been installed at 25-29 Sydney Street stating that the bays are for the use of the Shalom Coleman Dental Clinic. It is unclear whether this sign was installed by Administration or the Minister for Health (Dental Health Services).

In light of the above, it is appropriate that the Minister for Health (Dental Health Services) promptly enters into a licence to govern its use of 9 of the bays at the 25-29 Sydney Street car park. Appropriate signs will be subsequently erected at 25-29 Sydney Street to clearly show that the 9 bays are only for the use of the Shalom Coleman Dental Clinic employees and patients during business hours.

5.3.4 Portion of Grandstand Mezzanine, Aerobics Room and old Administration Offices - Beatty Park Leisure Centre – WA Swimming Association Inc – Request for Variation of Lease

Ward:	North	Date:	15 April 2016
Precinct:	North Perth (8)	File Ref:	SC372
Attachments:	1 – Plan of existing and additional lease area (ground floor)		
Tabled Items:	Nil		
Reporting Officer:	M Bancroft, Property Leasing Officer		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council:

1. **APPROVES** a variation of the lease area in respect to the lease between the City and the WA Swimming Association Inc over the portion of the Grandstand Mezzanine, Aerobics Room and part of the Administration Offices located in the old portion of the Beatty Park Leisure Centre, to incorporate an additional 33.066m² of ground floor office space, as depicted in the plan annexed hereto as Attachment 1, as follows:
 - 1.1 **Additional lease fee: \$4,600.80 plus GST per annum (indexed by CPI).**
2. **Subject to final satisfactory negotiations being carried out by the Chief Executive Officer, AUTHORISES the Mayor and Director Corporate Services to affix the common seal and execute the variation of lease in 1 above.**

PURPOSE OF REPORT:

To consider WA Swimming Association Inc's (WA Swimming) request for an extension to its leased area as shown in the plan attached at **Attachment 1**.

BACKGROUND:

WA Swimming leased a 180m² portion of the grandstand mezzanine at Beatty Park Leisure Centre between 18 December 1993 and 17 December 2003. Following the expiry of the lease in 2003 WA Swimming occupied the premises pursuant to a monthly tenancy due to the Beatty Park Leisure Centre Redevelopment. In 2013, following the completion of the Beatty Park Leisure Centre Redevelopment, Swimming WA applied for a new lease including an additional area which was previously used for Aerobics and also part of the previous Administration Offices, taking its leased area up to 382.7m² (which consists of 180m² on the grandstand mezzanine level and 202.7m² on the ground floor level).

At its Ordinary Council Meeting of 5 November 2013 (Item 14.2 – Confidential Report) Council approved the proposed lease on the following terms:

“That the Council APPROVES a lease from 1 June 2013 to 30 June 2015 for the portion of Grandstand Mezzanine and the Aerobics Room and part of the Administration Offices located in the old portion of the Beatty Park Leisure Centre, being granted to WA Swimming as per Appendix 14.2, as follows:

No:	Item	Terms and Conditions
1.1	Term:	two (2) years;
1.2	Rent:	(*****) per annum plus GST indexed to CPI;
1.3	Outgoings:	to be paid by the Lessee;
1.4	Rates & Taxes:	to be paid by the Lessee;
1.5	Permitted Use:	Recreation.

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

Note: The minutes record the financial implications and rent as confidential.

The City entered into the lease with WA Swimming on 18 July 2014 for a term of three years, expiring on 31 December 2016, with a further three year option, expiring on 31 December 2019.

DETAILS:

WA Swimming contacted Administration in March 2016 to request the variation of the Lease to include additional ground floor office space, having an area of 33.066m². WA Swimming is aligning with other water based sports organizations in Western Australia to better service the swimming community. To further these alignments it is proposing to make space available within the current lease area, however additional room is required to house the Masters Swimming staff.

Administration proposes that this additional area be leased to WA Swimming on the same terms as set out in the Lease and at the same per square metre lease fee. The current lease fee is \$53,248.80 per annum and the current lease area is 382.7m², equating to \$139.14 per square metre. Therefore the lease fee for the additional area would be \$4,600.80 per annum (plus GST and indexed by CPI). WA Swimming confirmed by email on 5 April 2016 that this additional lease fee was acceptable.

The additional area will take the total area leased by WA Swimming to 415.766m². The additional area is currently vacant office space being used for storage and therefore it is in the City's interest for it to be used by WA Swimming.

CONSULTATION/ADVERTISING:

As WA Swimming has sporting and recreational objectives and the members would not receive any pecuniary profit from the lease, it appears that the proposed variation of lease would meet the requirements of an exempt disposition, in accordance with Section 3.58(5) of the *Local Government Act 1995*. Therefore there would be no requirement for the City to advertise an intention to enter into a variation of lease with WA Swimming.

LEGAL/POLICY:

Local Government Act 1995 section 3.58 - Disposing of Property, provides that a local government can only dispose of property (which includes to lease) in accordance with section 3.58(3) unless the disposition falls within the scope of section 3.58(5), which includes:

“(d) Any other disposition that is excluded by regulations from the application of this section.”

In accordance with Section 3.58(5), Regulation 30 of the *Local Government (Functions and General) Regulations 1996* provides a range of dispositions that are exempt from the application of Section 3.58 of the Act, including dispositions to:

- *“A body, whether incorporated or not the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.”*

City of Vincent Policy No. 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: WA Swimming has been an excellent tenant throughout the duration of the lease. Furthermore, it is in the City's interest to have vacant areas used by the community and generating revenue for the City.

STRATEGIC IMPLICATIONS:

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

"2.1.3 Develop business strategies that reduce reliance on rates revenue

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The current annual lease fee is \$53,248.80 (plus GST and indexed by CPI). The proposed lease fee for the additional area is \$4,600.80, which would increase the total lease fee to \$57,849.60.

The additional lease fee is calculated based on the current lease fee per square metre and is therefore a fair way of determining the additional lease fee.

COMMENTS:

WA Swimming has been a good tenant throughout the duration of its lease of a portion of Beatty Park Leisure Centre. The proposed additional area is surplus to the City's operating requirements. Therefore Administration supports the expansion of Swimming WA's lease area to enable it to expand its activities and partnerships.

5.3.5 Beatty Park Geothermal and HVAC System Review – Proposed Rectification Works

Ward:	Both Wards	Date:	15 April 2016
Precinct:	All Precincts	File Ref:	SC371
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	D Morrissy, Manager Beatty Park Leisure Centre A Marriott, Sustainability Officer		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council;

1. **RECEIVES** this progress report on the Beatty Park Geothermal System review;
2. **APPROVES** the proposed rectification works to be undertaken on the geothermal heating system to achieve effective operation in line with the original design intent at an estimated cost of \$50,000 to be funded from the CEEP Grant – Geothermal/LED Lighting project budget;
3. **APPROVES BY ABSOLUTE MAJORITY** the unbudgeted expenditure of approximately \$49,000 for the supply and installation of a dedicated gas boiler for the Beatty Park indoor HVAC system and **NOTES** funding will be provided through reallocation of the existing budget (\$55,000) – Beatty Park ‘Replacement Boiler’;
4. **LISTS** for consideration on the 2016-17 draft Budget \$144,000 for the replacement of the single large gas back-up boiler, with three smaller boilers supplying each pool separately;
5. **NOTES** that a further report will be prepared following rectification works to present outcomes.

PURPOSE OF REPORT:

To consider a progress report on the review of the geothermal pool heating system at Beatty Park Leisure Centre.

BACKGROUND:

The geothermal bore located at Beatty Park Leisure Centre was installed as part of a major redevelopment undertaken between 2011 and 2013. This initiative was considered due to the significant annual costs incurred on the gas heating for the facility. The City’s financial records show the following annual costs for the two full years of operation preceding the redevelopment:

2009/10	\$303,332
2010/11	\$260,798

The bore was designed to produce sufficient energy to supply all of the site’s pool heating requirements, plus surplus for future space heating needs of the enclosed internal pool area. Construction and testing of the bore was completed in July 2012 and this surplus capacity confirmed.

The redevelopment project commenced in September 2011 and was completed in March 2013. In February 2013, the City successfully applied for a federal government grant to co-fund a space heating upgrade to use the surplus geothermal energy from the bore.

The geothermal pool heating system was commissioned in April 2013. During its first year of operation, it supplied between fifty (50) and seventy five (75) percent of all pool heating requirements, which was significantly below expectation. This is demonstrated by the level of expenditure on gas compared to budget during 2013/14:

Budget	\$ 75,000
Actual	\$265,396

In May 2014 the City requested a review from the engineering consultant who had designed the pool heating system, who found that the heat exchangers and valves supplying all three pools were undersized. As a result, in October 2014 the City completed valve and heat exchanger upgrades to two out of three pools, however there were insufficient funds on budget to complete the third. This work had a positive impact, with the level of expenditure on gas reducing in 2014/15 to \$160,130.

In addition to the above, the pool heating system had started to experience inexplicable breakdowns, which led to significant down-times. It became clear that system issues could not be resolved in time to proceed with the federally-funded space heating upgrade, which was to be built on to the existing geothermal system.

At the Ordinary Meeting of Council on 20 January 2015, Council considered a progress report (item 9.4.1) on energy efficiency upgrades being implemented under a Community Energy Efficiency Program (CEEP).

Relevantly, the report included the following reference:

“The geothermal HVAC upgrade at Beatty Park Leisure Centre has not been able to proceed due to ongoing performance issues with the existing geothermal pool heating system and the continuing need for rectification works. Until such time that all rectification works are completed and the new system design is finalised and documented, HVAC contractors cannot commence the design work required to expand the existing geothermal system to space heating at the site.”

In view of the status of the geothermal system, the following resolution was adopted:

That Council:

1. *RECEIVES the progress report on Community Energy Efficiency Program (CEEP) activities;*
2. *AUTHORISES the Chief Executive Officer to:*
 - 2.1 *Terminate the CEEP Funding Agreement by mutual agreement with the Department of Industry and return unspent grant funding to the Department;*
 - 2.2 *Defer the geothermal heating ventilation air conditioning (HVAC) upgrade of Beatty Park Leisure Centre until the existing geothermal pool heating system is operating effectively, to the Chief Executive Officer’s satisfaction;*
 - 2.3 *Complete the lighting and energy monitoring projects commenced under CEEP using the residual funds within the City’s 2014-2015 CEEP Budget account; and*
3. *NOTES there will be savings resulting from the termination of the CEEP Funding Agreement and deferment of the geothermal HVAC upgrade (approximately \$241,126)."*

The unspent grant funding was returned to the federal government in February 2015. The Municipal funding for the project was retained, resulting in a carry forward budget provision of \$357,000 being listed in the 2015/16 Annual Budget.

Administration determined that rectification would require an independent third party review of the geothermal system, with the review to also assess project management/administration processes to identify if there were contractual causes for the shortfall in system performance and if there were opportunities for recourse.

DETAILS:

Review outcomes – geothermal pool heating system

A request for quotation to undertake a comprehensive review of the geothermal and heating-ventilation-air-conditioning (HVAC) systems at the Beatty Park Leisure Centre was released in late 2015 to a panel of specialist consultants who had no previous involvement in the redevelopment. The key objectives of the review in relation to the geothermal pool heating system were to:

1. Identify specific actions required to rectify faults and optimise performance.
2. Determine if the current system design is the best design for the site, and if not, identify alternative design solutions that would better meet the facility's requirements.
3. Identify areas of weakness within the City's contract administration and project management processes that may have contributed to the existing issues and should be addressed in future.

The contract was awarded to Subthermal Solutions and the review was completed in early April 2016. While the final report is pending, the following findings and recommendations relating to the geothermal pool heating system have been provided to the City.

System Design Findings:

1. Incorrectly calculated pool thermal loads resulted in:
 - Undersized heat exchangers;
 - Undersized circulation pumps; and
 - Flow restrictions in the geothermal supply pipe.

As a result, the pool heating system is unable to extract sufficient heat from the geothermal bore.
 2. Parallel connection of the back-up gas boiler with the geothermal system means that pools can be heated by either the geothermal system or the gas boiler at any one time. Because of this either/or design, the gas boiler cannot simply boost pool temperature when required. When the geothermal system is unable to achieve the required temperature set-point, it is disengaged and replaced by the gas boiler. This means that at the coldest times of year, when heating demand is at its highest, the geothermal system is turned off and the entire heat load is supplied by gas. The under-performance of the heat exchangers described above has further compounded this by extending the times when the system defaults to gas.
 3. Lack of a by-pass between the supply and return lines of the geothermal bore pump, causes the pump to be placed under increased strain at times of low flow. This reduces pump efficiency, increases wear and contributes to breakdowns.
-

Contract Administration / Project Management findings:

1. Pool thermal load measurements were not carried out or verified by the engineering consultant who designed the pool heating system. Instead, thermal calculations were based on information provided to the City by a pool blanket supplier that had previously assessed the site's pools. This information related to the pools as they were prior to the facility's redevelopment and were therefore not accurate for the altered pools that would require heating after redevelopment. Independent engineering calculations should have been carried out based on the new pool designs.
2. There was no single lead contractor responsible for the entire redevelopment project, and no clearly established communication structure in place. This meant inadequate communication between the various contractors and subcontractors and a lack of accountability, reporting and performance monitoring. Early design faults were able to carry through undetected and design modifications were not communicated to relevant contractors, leading to mismatches in the system.
3. There were seven separate engineering disciplines involved in the project, requiring a high level of specialised skill to project manage. As there was no single lead contractor, it was left to the City's staff and Leisure Centre management to attempt to coordinate the various disciplines and contractors involved. As these staff did not have the specialised project management skills or engineering knowledge required, they were unable to identify and address all the issues that impacted the project.
4. Project demarcation points and areas of responsibility were not clearly defined, allowing speculation around construction and accountability. This resulted in important checks and balances being overlooked, with no clear contractor or individual accountability oversight.
5. The manufacturers and vendors that supplied the various system components were not engaged with the project. When problems arose after completion, they took no responsibility, indicating that the problem was with the wider system, not their component. The contractors who designed and installed the system on the other hand were directing the City to the manufacturers / vendors for trouble-shooting. The majority of vendors will readily provide peer-review of engineering design, and assist with commissioning and performance monitoring if they are engaged during the project. This should have happened via the contractors who sourced and installed the system components.

Recommended System Improvements

Essential rectification works (estimated cost \$50,000)

It is important to note that the valve and heat exchanger upgrades of two pools undertaken in 2014 have already resulted in significant performance improvements and a sixty (60) per cent reduction in the facility's gas consumption. The following additional rectification works as identified by the current review are expected to result in further significant energy savings and one hundred (100) per cent of all pool heating being supplied by geothermal energy:

- Upgrade two pool heat exchangers with correctly sized units (this includes further changes to one of the heat exchanges partly upgraded in 2014);
 - Adjust geothermal and pool water flow rates to match those required by correctly sized heat exchangers;
 - Replace circulation pumps with new units capable of supplying the higher flow rates required for effective operation;
 - Install a bypass line between the supply and return header of the geothermal bore to maintain the minimum flow rate required to keep the bore operating efficiently and reduce wear.
-

A gas back-up boiler would be required to remain in place to be used on the few exceptionally cold days that may occur each year and at times when the geothermal system needs to be shut down for maintenance or repairs.

Recommended design changes to improve system performance (estimated cost \$144,000)

The following design changes will allow gas boosting of geothermal pool heating on the coldest days of the year without the need to turn off the geothermal system. The current gas boiler is large, inefficient and past due for replacement. It is proposed to:

- Replace the existing back-up boiler with three smaller, more efficient boilers – one for each pool to provide finer control and significantly lower energy use;
- Connect boilers in series with the geothermal system, so that gas can be used to boost geothermal performance when required rather than replacing it altogether; and
- Upgrade pool water pipe work to run individual flow and return lines between the pool filtration line, the back-up boiler and geothermal system.

Proposed way forward

It has been demonstrated that the geothermal system can dramatically reduce the reliance on gas, however, the main issues have been flow rates and the inability of the geothermal and boiler heater system to work in series, with the boiler supplementing the heating provided geothermally. In addition, previous testing proved the geothermal bore had the capacity to also heat the pool hall space. In view of this, it is considered that further works will reduce the overall gas utilised to heat the pools and pool hall space.

Given the current seasonal demand on gas, the following staging of works is recommended:

1. Immediately progress with the essential rectification works estimated to cost \$50,000, ahead of the 2016 winter heating period to avoid further high energy costs as experienced in past years. Without these works, the expected gas costs for the facility between June and September this year will be around \$63,000. If implemented in time, the rectification works will essentially pay for themselves in savings from one winter heating period.
2. Install a small individual boiler, estimated at \$49,000 to the air handling unit at the same time as the geothermal rectification works are carried out. This will ensure the HVAC system is serviced by a smaller more efficient gas boiler than the existing 1400kW unit currently servicing all pools and the HVAC. The site's pool hall space heating will continue to be supplied by gas until the geothermal space heating upgrade that was previously deferred is able to go ahead.
3. Replace the existing 13 year old main boiler with three smaller gas boilers individually servicing each pool at an estimated cost of \$144,000. (Note: subject to the sizing of the additional HVAC boiler, it may be possible to reduce this to two boilers.)
4. Plan for the replacement of the HVAC system with a geothermal space heating system (Phase 2), seeking opportunities for grant funding of this project (as previously obtained).

This approach will:

- Allow rectification works to proceed without affecting space heating;
- Make space heating as energy efficient as possible in the interim (while the geothermal space heating upgrade is planned); and
- Each of the boilers would remain in place as a back-up for the geothermal, including the space heating system that will be installed in future.

CONSULTATION/ADVERTISING:

No consultation is required in this instance.

LEGAL/POLICY:

There are no legal or policy implications.

RISK MANAGEMENT IMPLICATIONS:

While the geothermal pool heating system remains as it currently is, the City will continue to pay high energy costs and the geothermal bore will remain under-utilised. At the same time, the system remains prone to breakdowns, which adds to system down-times and further costs.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

- 1.1 *Improve and maintain the natural and built environment and infrastructure*
- 1.1.3 *Take action to reduce the City's environmental impacts and provide leadership on environmental matters.*
- 1.1.4 *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.*

Leadership, Governance and Management

- 4.1 *Provide good strategic decision-making, governance, leadership and professional management.*
- 4.1.2 *Manage the organisation in a responsible, efficient and accountable manner."*

SUSTAINABILITY IMPLICATIONS:

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

"Air and Emissions

- 1.2 *Monitor the City's energy use and greenhouse gas emissions and generate and implement recommendations to achieve or exceed reduction targets."*

The essential rectification works recommended in this report will result in a carbon dioxide emission saving of 216 tonnes per annum. This saving is in addition to the 508 tonnes of carbon dioxide already being saved annually as a result of previous rectification works completed by the City.

FINANCIAL/BUDGET IMPLICATIONS:

The 2015/16 Budget includes the following budget provisions:

- Beatty Park Replacement Boiler \$55,000
- CEEP Grant – Geothermal/LED Lighting \$357,000

Expenditure on gas for pool and space heating in 2014/15 totalled \$160,130 and the forecast for 2015/16 is in the order of \$150,000 although it is of note that this includes a 'penalty' payment of approximately \$40,000. In view of this, the actual cost of gas consumed is in the order of \$110,000 (plus) annually, based on the current configuration and performance.

The project cost is estimated at:

• Rectification works	\$50,000
• Additional boiler for HVAC	\$49,000
• Replace existing boiler with 3 small boilers	<u>\$144,000</u>
Total	\$243,000

As noted previously, the rectification works are self-funding in that they will be offset by savings in a single year. The boiler is due for replacement, however replacing the 1400kW unit with four smaller capacity units increases the cost significantly. This will over time be repaid through further savings on gas.

In respect to funding of the works, the following is recommended:

- The additional boiler for the HVAC system be funded from the existing 'Replacement Boiler' budget of \$55,000.
- The geothermal rectification works be funded from the 'Geothermal/LED Lighting' project budget.

CEEP Grant – Geothermal/LED Lighting	\$357,000
Spent to Date (including committed)	<u>\$ 53,645</u>
Balance:	\$303,355
Geothermal rectification works	<u>\$ 50,000</u>
Balance	\$203,355

Project phasing would require the additional boiler to be installed prior to the replacement of the existing boiler with three individual units. In addition, it would be prudent for the replacement to occur following the winter season, to ensure back-up heating for the geothermal system is maintained. In view of this, the \$144,000 is proposed to be listed for consideration in the 2016/17 Budget.

COMMENTS:

The essential rectification works outlined in this report will allow Beatty Park Leisure Centre's pools to be heated entirely by geothermal energy and should pay for themselves within one winter heating period, as the large inefficient back-up gas boiler will no longer be required for pool heating. These rectification works will also address ongoing system wear and reduce the frequency of breakdowns.

The installation of a small, efficient gas boiler to supply the pool hall's air handling unit will also allow space heating to be disconnected from the existing gas boiler, which should consequently remain largely unused once the geothermal pool heating is rectified.

As the existing gas boiler is at its end of life, and connected inappropriately to the pool heating system, it is recommended that it be replaced in the next financial year with correctly connected individual gas boilers to supply back-up heat to each of the three pools.

With the above changes in place, the geothermal system will operate in accordance with the original design intent, opening the way for the previously deferred geothermal space heating upgrade to proceed.

5.4 COMMUNITY SERVICES

5.4.1 Nyoongar Outreach Services – Reduction of Patrol Service Provision and Review of Ongoing Funding

Ward:	Both	Date:	19 April 2016
Precinct:	All	File Ref:	SC1856
Attachments:	1 – NOS Letter dated 11 June 2015 – Request to review MOU 2 – MOU dated 27 April 2005		
Tabled Items:	Nil		
Reporting Officer:	K Allen, Acting Coordinator Safer Vincent		
Responsible Officer:	R Hall, Acting Director Community Services		

OFFICER RECOMMENDATION:

That Council;

1. **TERMINATES** the Memorandum of Understanding between Nyoongar Outreach Services and City of Vincent with a three month written notice period;
2. **APPROVES** withdrawal of the City's annual funding to Nyoongar Outreach Services as of the 2016/2017 financial year; and
3. **ADVISES** Nyoongar Outreach Services of its decision.

PURPOSE OF REPORT:

To consider the termination of the Memorandum of Understanding (MOU (**Attachment 2**) between the City and Nyoongar Outreach Services (NOS) to fund community outreach services in the City of Vincent.

BACKGROUND:

The NOS is a community based service provider that deals with social and welfare issues within the Perth Metropolitan Area. The Service which was formerly known as Nyoongar Patrol System Incorporated (NPS), was established in 1998 and operates as a privately run business with a number of funding sources received from Federal, State and Local Government and private industry.

The City has funded NOS since 2004 to provide outreach services to Indigenous persons in public places within the Vincent municipality. The MOU states the NOS obligations are (amongst others) to patrol the City of Vincent from Monday to Friday, 1pm to 8.30pm.

DETAILS:

On 11 June 2015 the NOS wrote to the City (**Attachment 1**) to advise that the current level of service that it provides equates to \$195,000 per annum. However, the City's funding allocation is only \$50,000. In the opinion of the NOS there is \$145,000 of value not being paid for. NOS requested a review of the MOU and to revisit the arrangements in place, indicating that funding would need to be increased to maintain the current hours of service, or that the service hours would need to be decreased.

In response, Administration agreed to a three month trial with NOS providing revised services of Thursday and Friday from 11.00am to 7.00pm after which the City would review whether the funding arrangement would continue. The trial concluded on 7 December 2015. Administration did not receive an increase in complaints or incidents reported.

Additionally, NOS monthly reports have shown minimal issues occurring in parks and many of those people within the parks are advising that they do not require NOS assistance. For the month of March 2016, the NOS report shows that out of 129 people spoken to, 14 clients were offered transport and only 4 people requested and received outreach assistance.

In review of the arrangement, Administration identified that NOS is also funded by the State Department of Aboriginal Affairs (DAA) for the provision of patrol services and outreach based on geographic hotspots which includes locations within the City of Vincent. This funding arrangement means that NOS will continue to provide outreach services to clients across the Perth metropolitan area, on a needs basis, including within Vincent. Therefore, NOS will be obliged to provide an outreach service to clients in need in the City, regardless of whether the City provides funding.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Low: The risk of increased anti-social activities as a result of terminating the MOU is low as the NOS have confirmed they will receive State Government funds to deliver Indigenous Outreach services across the metropolitan area, including within the City of Vincent.

STRATEGIC IMPLICATIONS:

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

"3.1.2 Promote and foster community safety and security."

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The current year budget of \$50,000 (excluding GST) will be spent in full this financial year. If the MOU is terminated, and after the three month notice period, there will no longer be a need to budget for this expense.

COMMENTS:

The State Government is already funding NOS to provide outreach services across the Perth Metropolitan area. It is unnecessary for the City to have NOS provide an additional service beyond what the state government funds them to provide. This is supported by the fact that a 75% reduction in the hours of servicing provided, did not result in any increase in incidents related to Indigenous persons in public areas within the City of Vincent. The City of Vincent and the City of Fremantle are the only two Local Governments in the metropolitan area who pay for NOS services.

The City of Vincent is not the client of NOS. Indigenous Australians are the clients of NOS and their mandate is to serve clients who are in need. If the current MOU between the City and the NOS is terminated the NOS would no longer routinely patrol within the City of Vincent every Thursday and Friday. However Indigenous clients who are in need of assistance within the City of Vincent will still be entitled to access the services provided by the NOS. Administration recommends that the City terminates the MOU and that NOS are given a three month notice period to this effect.

It is important to note that this recommendation is in no way an adverse reflection on the importance or benefit of the services provided by NOS to its clients, but rather recognises the fact that NOS clients will continue to receive those services regardless of any contribution paid by the City.

5.5 CHIEF EXECUTIVE OFFICER

5.5.1 Information Bulletin

Ward:	-	Date:	15 April 2016
Precinct:	-	File Ref:	-
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	Pia Rasal, Governance & Council Support Officer		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Information Bulletin dated 3 May 2016 as distributed with the Agenda.

DETAILS:

The items included in the Information Bulletin dated 3 May 2016 are as follows:

ITEM	DESCRIPTION
IB01	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 2 March 2016
IB02	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 23 March 2016
IB03	Unconfirmed Minutes of the Parks Working Group Meeting held on 9 March 2016
IB04	Ranger Services Statistics for October 2015 to March 2016
IB05	Register of Petitions – Progress Report – April 2016
IB06	Register of Notices of Motion – Progress Report – April 2016
IB07	Register of Reports to be Actioned – Progress Report – April 2016
IB08	Register of Legal Action (Confidential – Council Members Only) – Monthly Report as at 14 April 2016
IB09	Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 14 April 2016
IB10	Register of Applications Referred to the MetroWest Development Assessment Panel – Current
IB11	Register of Applications Referred to the Design Advisory Committee – Current

6. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

6.1 NOTICE OF MOTION: Cr Joshua Topelberg – Request to obtain clarity on the future of the Concrete Batching Plants

That Council REQUESTS the Chief Executive Officer to:

- 1. Write to the Minister for Planning to request a meeting in relation to the 2017 expiration of the approved land uses of the concrete batching plants located in East Perth; and**
- 2. Organise a Community Forum to be held no later than 30 September 2016 to outline the decision making process and the City's proposed course of action.**

REASON:

- 1. As there is a new Minister for Planning the City wishes to ensure that its position and that of the community in relation to the batching plants is provided to the Minister well in advance of the approvals expiring.**
- 2. To ensure that the community is well informed of the decision making process well in advance of approvals expiring.**

ADMINISTRATION COMMENTS:

The City is supportive of these actions being taken.

7. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

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

8.1 CONFIDENTIAL REPORT: No. 208 (Lot: 20; D/P: 2440) Loftus Street, North Perth – Proposed Demolition of Existing Single House and Construction of Five Multiple Dwellings – Reconsideration under s31 of the State Administrative Tribunal (SAT) Act 2004 (DR 451 of 2015)

Ward:	North	Date:	15 April 2016
Precinct:	Precinct 6 – Smith’s Lake	File Ref:	PR14658; 5.2015.299.1
Attachments:	Confidential – Development Application Plans Confidential – Car Parking and Bicycle Tables Confidential – Marked up plans showing proposed versus required setbacks Confidential – Extract of Design Advisory Committee Minutes and Comments Confidential – State Administrative Tribunal Orders Confidential – Sustainability Report		
Tabled Items:	Nil		
Reporting Officer:	T Wright, Senior Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning 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.

8.2 CONFIDENTIAL REPORT: Leederville Gardens Retirement Village – Board Appointments

Ward:	North	Date:	20 April 2016
Precinct:	Precinct 3 – Leederville	File Ref:	SC1670; SC313
Attachments:	Confidential – Leederville Gardens Inc. Board Member Nominations Confidential – Interview Questions Confidential – Nominee Assessment		
Tabled Items:	Nil		
Reporting Officer:	R Slavin, Acting Manager Community Development		
Responsible Officer:	R Hall, Acting Director Community Services		

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning:

- (b) *the personal affairs of any person.*

LEGAL:

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

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

“2.14 Confidential business

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

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

9. CLOSURE