



CITY OF VINCENT

AGENDA

Ordinary Council Meeting

27 June 2017

Time: 6pm
Location: Administration and Civic Centre
244 Vincent Street, Leederville

Len Kosova
Chief Executive Officer

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

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- If you have any issues or concerns with the live streaming of meetings, please contact the City's Manager Governance and Risk on 08 9273 6538.

Order Of Business

1	Declaration of Opening / Acknowledgement of Country	7
2	Apologies / Members on Leave of Absence	7
3	(A) Public Question Time and Receiving of Public Statements	7
	(B) Response to Previous Public Questions Taken On Notice	
4	Applications for Leave of Absence	7
5	The Receiving of Petitions, Deputations and Presentations	7
6	Confirmation of Minutes	7
7	Announcements by the Presiding Member (Without Discussion)	7
8	Declarations of Interest	7
9	Development Services	8
9.1	FURTHER REPORT: No. 94 (Lot: 5 & 261; D/P: 1044 & 33978) Bourke Street, Leederville - Proposed Four Grouped Dwellings	8
9.2	Nos. 193-195 (Lots: 267, 268 & 269; D/P: 3642) Scarborough Beach Road, Mount Hawthorn – Change of Use from Plant Nursery (Unlisted Use) and Incidental Shop and Eating House to Eating House and Incidental Shop and Plant Nursery (Unlisted Use) and Associated Alterations and Additions (Retrospective)	15
9.3	No. 211 (Lot: 7; DP: 56031) Scarborough Beach Road, Mount Hawthorn - Proposed Demolition of Existing Buildings and Construction of a Service Station	24
9.4	Proposed Amended Parking Restrictions - Mount Hawthorn Town Centre.....	34
9.5	Submission to WALGA - Third Party Appeal Rights in Planning	40
9.6	No. 169 - 171 (Lots: 5 & 6 D/P: 867) Oxford Street, Leederville - Change of Use from Shop to Cinema and Associated Alterations and Additions to the Existing Buildings	46
10	Technical Services	53
10.1	Hyde Street Reserve - Proposed extension	53
10.2	Proposed Road Safety and Traffic Management Improvements in Redfern Street, North Perth and Randell Street, Perth	57
10.3	Beatty Park Leisure Centre - Remedial Works [ABSOLUTE MAJORITY DECISION REQUIRED]	62
11	Corporate Services	69
11.1	Investment Report as at 31 May 2017	69
11.2	Authorisation of Expenditure for the Period 01 May 2017 to 31 May 2017	72
11.3	Financial Statements as at 31 May 2017	75
11.4	Delegated Authority Review 2017 [ABSOLUTE MAJORITY DECISION REQUIRED]	81
12	Community Engagement	85
12.1	No. 34 (lot 1) Cheriton Street, Perth - Progress Report No. 8	85
12.2	Adoption of Community Funding Policy No. 3.10.11	92
12.3	Public Open Space Strategy	96
13	Chief Executive Officer	104
13.1	Information Bulletin	104
14	Council Members Motions of Which Previous Notice Has Been Given	105
14.1	Notice of Motion - Cr Jonathan Hallett - Workforce Gender Pay Equity Reporting	105
15	Questions by Members of Which Due Notice Has Been Given (Without Discussion)	107
	Nil	

16	Representation on Committees and Public Bodies	107
17	Urgent Business	107
18	Confidential Items/Matters For Which The Meeting May Be Closed	108
18.1	Chief Executive Officer's Performance Review 2015-16	108
18.2	Mindarie Regional Council Joining the Eastern Metropolitan Regional Council Resource Recovery Facility Tender - Progress Report No 2	109
19	Closure	110

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

"The City of Vincent would like to acknowledge the Traditional Owners of the land, the Whadjuk people of the Noongar nation and pay our respects to Elders past, present and emerging".

2 APOLOGIES / MEMBERS ON LEAVE OF ABSENCE

Cr Jimmy Murphy on approved leave of absence from 10 June 2017 to 28 June 2017.

3 (A) PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS**(B) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4 APPLICATIONS FOR LEAVE OF ABSENCE**

4.1 Mayor Emma Cole requested a leave of absence from 7 July 2017 to 17 July 2017 due to personal commitments.

4.2 Cr Topelberg requested a leave of absence from 4 July 2017 to 11 July 2017 due to work commitments.

5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS**6 CONFIRMATION OF MINUTES**

ORDINARY MEETING OF COUNCIL HELD 30 MAY 2017





7 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**8 DECLARATIONS OF INTEREST**

8.1 Mayor Cole declared an impartiality interest in Item 9.2 – Nos. 193-195 (Lots: 267, 268 & 269; D/P: 3642) Scarborough Beach Road, Mount Hawthorn - Change of Use from Plant Nursery (Unlisted Use) and Incidental Shop and Eating House to Eating House and Incidental Shop and Plant Nursery (Unlisted Use) and Associated Alterations and Additions (Retrospective). The extent of her interest being that her sister and friends live on The Boulevard however they are not neighbours of the development and have not contacted her to discuss the application and she is not aware if they have provided comment during consultation.

8.2 The Chief Executive Officer, Len Kosova declared a direct financial interest in Item 18.1 – Chief Executive Officer's Performance Review 2015-16. The extent of his interest being that it affects his performance in the role of Chief Executive Officer, his remuneration and his contract of employment with the City.

9 DEVELOPMENT SERVICES**9.1 FURTHER REPORT: NO. 94 (LOT: 5 & 261; D/P: 1044 & 33978) BOURKE STREET, LEEDERVILLE - PROPOSED FOUR GROUPED DWELLINGS**

TRIM Ref: D17/53728
Author: Paola Di Perna, Manager Approval Services
Authoriser: John Corbellini, Director Development Services
Ward: North
Precinct: 3 - Leederville
Attachments:

1. Attachment 1 - Consultation and Location Map 
2. Attachment 2 - Development Application Plans 
3. Attachment 3 - Summary of Submissions 
4. Attachment 4 - Determination Advice Notes 

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 development application for Four Grouped Dwellings at No. 94 (Lots: 5 & 261; D/P: 1044 & 33978) Bourke Street, Leederville in accordance with the plans included as Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4:

1. Revised Plans

Revised plans shall be submitted to and approved by the City prior to the commencement of development and shall depict the following to the satisfaction of the City:

- 1.1. the roof pitch to each dwelling within the development be increased to between 28° and 30°;
- 1.2. the eaves to Unit 1, in particular along the Bourke Street Façade, be increased in depth to a minimum of 500mm;
- 1.3. a brick pier be inserted beneath the Sitting Room overhang to Unit 1; and
- 1.4. the front fence be modified to include brick piers at intervals along the fence line with a maximum width of no greater than 400mm and vertical visually permeable picket infill;

2. Boundary Wall

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 256 Oxford Street, Leederville in a good and clean condition prior to occupation or use of the development. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City;

3. Car Parking and Access

- 3.1. A minimum of 8 resident bays shall be provided onsite, with a minimum of two resident car parking bays allocated to each dwelling;
- 3.2. Vehicle and pedestrian access points are required to match into existing footpath levels; and
- 3.3. The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to the occupation or use of the development;

4. External Fixtures

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and surrounding properties to the satisfaction of the City;

5. Landscape and Reticulation Plan

5.1. A detailed landscape and reticulation plan for the development site and adjoining road verge is to be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:

5.1.1. The location and type of existing and proposed trees and plants;

5.1.2. The provision of mature tree planting with a canopy cover, at maturity, of 36% of the site area, and the provision of 16 percent of the site area as deep soil zones as shown on the approved plans; and

5.1.3. Areas to be irrigated or reticulated;

5.2. All works shown in the plans as identified in Condition 5.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupation or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

5.3. The Owners are to advise any prospective purchasers, in writing, of the requirements to comply with any approved landscape and reticulation plan relating to this development;

6. Verge Trees

No verge trees shall be removed without the prior written approval of the City. The verge trees shall be retained and protected from any damage including unauthorised pruning, to the satisfaction of the City;

7. Schedule of External Finishes

7.1. Prior to the commencement of development a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the City for the development. The schedule shall show:

7.1.1. the cladding to the façade of Unit 1 extended to include the upper floor bedroom 2; and

7.1.2. the cladding to the dwellings along the common access driveway modified to be applied horizontally across the entire upper portion of the development;

7.2. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development;

8. Construction Management Plan

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

9. Clothes Drying Facility

All external clothes drying areas shall be adequately screened in accordance with the State Planning Policy 3.1: Residential Design Codes prior to the use or occupation of the development and shall be completed to the satisfaction of the City;

10. Stormwater

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

11. General

Conditions that have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.

PURPOSE OF REPORT:

To further consider an application for development approval for four grouped dwellings at No. 94 Bourke Street, Leederville.

BACKGROUND:

Landowner:	J Browne
Applicant:	J Collins
Date of Application:	7 December 2016
Zoning:	MRS: Urban TPS1: Zone: Residential R40 TPS2: Zone: Residential R40
Built Form Area:	Residential
Existing Land Use:	Single House
Proposed Use Class:	Grouped Dwelling – “P”
Lot Area:	911m ²
Right of Way (ROW):	Not Applicable
Heritage List:	Not applicable

The subject site is located on the northern side of Bourke Street, Leederville, between Oxford Street and Scott Street, as shown in **Attachment 1**. The certificate of title for the property is a multi-title lot with two lots, namely Lot 5 and Lot 261 on the single certificate of title.

There are commercial developments located to the west of the subject site on the corner of Oxford Street and Bourke Street and grouped dwellings and single dwelling developments located to the east of the subject site. The commercial developments comprise of a variety of uses including eating houses, a tattoo studio, offices and a bottle shop. The commercial buildings all have a nil setback to Oxford Street and Bourke Street and range in height from single storey to three storeys.

The residential developments in the immediate vicinity are generally one and two storey in height. The existing single house on the subject site is not heritage listed and will be required to be demolished if the site is to accommodate the proposed development. There are existing street parking bays located in front of the subject property.

The application proposes to construct four two storey grouped dwellings. The development is configured with Unit 1 facing Bourke Street, a separate vehicle crossover onto the street, and a common driveway along the eastern boundary providing vehicle and pedestrian access to the three rear grouped dwellings.

The proposed Four Grouped Dwellings was presented to the Ordinary Meeting of Council on 2 May 2017 where Council resolved to defer the item to enable the applicant to submit amended plans for the proposal. The applicant subsequently amended their proposal as follows:

- Vehicular access to Unit 1 has been relocated from Bourke Street to the common access driveway;
- A terrace courtyard has been provided above the garage for Unit 1;
- The front setback has been modified from 3.35 metres to 3 metres increasing to 4.3 metres;
- The windows fronting the common access driveway for all units have been increased in size to improve the appearance of the dwellings; and
- The materials and finishes have been modified to the Bourke Street elevation and common access elevation.

The applicant also provided a 3D perspective of the development. The amended plans, including the 3D perspective, form the basis of this report and are included as **Attachment 2**.

DETAILS:

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 State Government's Residential Design Codes, and the City's policies.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Density/Plot Ratio	✓	
Street Setback		✓
Building Setbacks/Boundary Wall	✓	
Building Height/Storeys	✓	
Roof Form	✓	
Open Space	✓	
Privacy	✓	
Parking & Access	✓	
Solar Access	✓	
Essential Facilities	✓	
Street Surveillance	✓	
Site works	✓	
Retaining Wall	✓	
Vehicle Access and Parking	✓	

Detailed Assessment

The deemed-to-comply assessment of the elements that require the discretion of Council are as follows:

Street Setback	
Deemed-to-Comply Standard	Proposal
<p>Built Form Policy Clause 5.2</p> <p>The primary street setback is to be the average of the five properties adjoining the proposed development.</p> <p>A setback of 7.06m is required</p>	<p>3m increasing to 4.3m</p>

The above element of the proposal that does not meet the specified deemed-to-comply standard is discussed in further detail in the comments section below.

CONSULTATION/ADVERTISING:

The application was advertised for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 14 February to 10 March 2017. The method of advertising included 121 letters being mailed to all owners and occupiers within a 75 metres radius from the subject site, as shown on **Attachment 1**, in accordance with the City's Policy No. 4.1.5 – Community Consultation.

Eight submissions were received, five letters of support, two objections and one comment. The main issues raised in the submission are summarised as follows:

1. Street setback;
2. Development size; and
3. Building design.

These matters are discussed in the Comment section below. A detailed summary of the submission and Administration's response to each matter raised is included in **Attachment 3**.

The amended plans that are being considered as part of this report have not been re-advertised to the community.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: Yes

The applicant was invited to have the revised proposal referred to the DAC, although opted not to present. The application was referred to the DAC to seek guidance and feedback on the materials and finishes for the proposed development. The item was presented to the meeting held on 7 June 2017. The DAC's comments and recommendations were as follows:

- The use of the recycled brick material together with the cladding and render provided an appropriate mix of materials
- Minor modifications to the built form and the application of some of the materials were recommended including:
 - increasing of the roof pitch to between 28° to 30° to provide relationship to the existing context;
 - modifying the fencing to introduce brick piers and vertical infill to represent the elements highlighted in the proposed façade;
 - inserting a brick pier below the upper floor sitting room overhang to unit 1 to provide a consistent design language across the façade;
 - the cladding to the façade of unit 1 being extended to include the upper floor bedroom 2;
 - the cladding to the dwellings along the common access driveway being modified to be applied in a horizontal across the entire upper portion of the development with render at the base which provides cohesiveness and consistent upper floor language within the development;
- Consider reducing the extent of obscure screening to upper floor windows particularly to the north, without impacting on privacy.
- Consider reusing the redbrick from the existing house and repurposing it into the development.

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- City of Vincent Town Planning Scheme No. 1;
- State Planning Policy 3.1 – Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation;
- Local Planning Policy – Built Form No. 7.1.1; and
- Policy No. 7.5.20 – Construction Management Plans.

It is noted that development approval for the demolition of the existing single dwelling is not required as per the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Council at its meeting of on 13 December 2016 formally adopted Local Planning Policy No. 7.1.1 – Built Form, which was published and became operational on 21 January 2017. This now becomes the applicable planning framework under which this application will be determined.

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*.

Delegation to Determine Applications:

This matter is being referred to Council as the application proposes more than three grouped dwellings.

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:**

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:Street Setback

Concerns were raised during the community consultation period in relation to the proposed setback of the development from the street. Following deferral, the application was amended to relocate the vehicular access for Unit 1 from Bourke Street to the common access driveway. This modification resulted in a change to the minimum front setback to Bourke Street from 3.35 metres to between 3.00 and 4.30 metres. The Built Form Policy sets a standard based on an average of the five residential properties on either side of the subject property. In this instance it only includes those properties to the east which equates to a required setback of 7.06 metres. The property to the west is a commercial building with a nil setback to Bourke Street.

The relocation of the garage to the rear of Unit 1, has improved the frontage to Bourke Street, with large windows and doors to the dining/living area on the ground floor and the bedrooms and sitting area on the upper floor. Sufficient setback to the street has been maintained for soft landscaping, including the provision of three trees and deep soil zone which will further soften the impact of the reduced setback on the street.

The streetscape character is changing as a result of some of the more recent developments which have taken place. The proposed façade design provides varying setbacks, materials and openings to add visual interest to the elevation. The amended plans have introduced recycled red brick into the Bourke Street façade which is considered an improved interpretation of materials found within the local area. However, further changes to the design are considered necessary. Following referral to the DAC additional conditions relating to the built form and materials/finishes are recommended.

Significantly, the subject site falls at the end of a residential street and abuts a commercial development with a nil setback to Bourke Street. In this regard, the setback of the subject development is considered to be transitioning into the residential streetscape and acceptable in this instance.

Development Size

The submissions received by the City during the community consultation period raised some concerns regarding the size of the development. The proposed density of the development being four grouped dwellings is consistent with the R40 density coding which applies to the subject site and surrounding residential properties along Bourke Street.

Building Design

The submissions received by the City during the community consultation period raised some concerns regarding the building design. The proposed development is two storeys in height and is of a similar size and scale to the established two storey grouped dwelling development to the east of the subject property. The design has taken aspects from both the contemporary designed dwellings and the older pitched roof dwelling styles. The windows enable natural light and ventilation to the property whilst maintaining a high degree of privacy for the adjoining properties. Sufficient setback to the street has been maintained for soft landscaping, including the provision of three trees and deep soil zone which will further soften the impact of the development on the street.

The amended plans provide additional openings and use of varying materials to the Bourke Street and the shared internal access way facades. As outlined above this provides further interest and articulation. The increase in number and size of openings to the shared internal access way reduces the building bulk. It is noted that the line of sight calculations for privacy includes the width of the adjoining communal street with the development and the adjoining property and accord with the deemed-to-comply standards of the

R-Codes. This design is considered appropriate subject to the modifications recommended in the conditions, which will ensure the development and is respectful of the existing streetscape.

Landscaping

The extent of landscaping proposed by the applicant satisfies the deemed to comply requirements of the R-Codes. The City's Built Form Policy sets out a deemed-to-comply standard of 15 percent deep soil zone and 30 percent canopy coverage at maturity. The amended plans have modified the layout to Unit 1 impacting on the location and size of the plantings. As a result, the landscaping has been updated with the proposal now providing 19 percent of the site as deep soil zone (previously 16.5 percent), and 36 percent canopy coverage (previously 36.5 percent), which exceeds the minimum required provision of landscaping and canopy coverage under the Policy. The proposal is considered to satisfy the intent of the Policy.

Conclusion

The proposal requires the Council to exercise its discretion in relation to the street setback and this element of the proposal is considered to meet the design principles set out in the Built Form Policy and R-Codes. In this instance, the proposed development is not considered to adversely impact the adjoining properties or the streetscape.

The proposal is recommended for approval subject to conditions.

9.2 NOS. 193-195 (LOTS: 267, 268 & 269; D/P: 3642) SCARBOROUGH BEACH ROAD, MOUNT HAWTHORN – CHANGE OF USE FROM PLANT NURSERY (UNLISTED USE) AND INCIDENTAL SHOP AND EATING HOUSE TO EATING HOUSE AND INCIDENTAL SHOP AND PLANT NURSERY (UNLISTED USE) AND ASSOCIATED ALTERATIONS AND ADDITIONS (RETROSPECTIVE)

TRIM Ref: D17/57247

Author: Steve Laming, Statutory Planning Officer

Authoriser: Rob Sklarski, A/Coordinator Statutory Planning

Ward: North

Precinct: 2 - Mount Hawthorn Centre

Attachments:

1. Attachment 1 - Consultation and Location Map 
2. Attachment 2 - Development Plan 
3. Attachment 3 - Summary of Submissions 
4. Attachment 4 - Applicant's response to neighbour submissions 
5. Attachment 5 - Acoustic Report 
6. Attachment 6 - Applicant's Car Parking Survey 

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 development application for the proposed Change of Use from Plant Nursery (Unlisted Use) and Incidental Shop and Eating House to Eating House and Incidental Shop and Plant Nursery (Unlisted Use) and Associated Alterations and Additions (Retrospective) at Nos. 193-195 (Lots: 267, 268 & 269; D/P: 3642) Scarborough Beach Road, Mount Hawthorn subject to the following:

1. Revised Plans

1.1 Revised plans shall be submitted to the City within 28 days of the issue date of this approval and shall depict the following to the satisfaction of the City:

- An alternative location of the proposed Toilet Facility additions away from The Boulevard and the adjoining residential property, to the satisfaction of the City;
- Depict additional landscaping to screen the Toilet Facility additions from the street and adjoining neighbouring property;
- Provide a floor and elevation plan of the Toilet Facility additions that outlines the floor level of the building and demonstrates that it complies with the deemed-to-comply standards of Clause 5.4.3 of the State Government's Residential Design Codes; and
- Provide a schedule of external colours and finishes for the Toilet Facility additions;

1.2 Within 28 days of the approval of the revised plans by the City the Toilet Facility and landscaping shall be located and installed in accordance with the approved revised plans;

2. Interactive Front

Windows, doors and adjacent areas fronting Scarborough Beach Road and The Boulevard shall maintain an active and interactive relationship with the street. Darkened, obscured, mirror or tinted glass or the like is prohibited;

3. External Fixtures

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings;

4. Noise Management and Use of Premises

- 4.1 The Shop and Plant Nursery shall be incidental to the primary use of the site as an Eating House, and shall not be permitted to operate independently of the primary use;
- 4.2 The hours of operation shall be limited to the hours of 7:00am to 5:00pm Monday to Saturday inclusive and 8:30am to 5:00pm Sunday, unless and an Acoustic Report and Noise Management Plan is submitted to and approved by the City that sets out additional hours, in which case the hours of operation and the operation of the development shall accord with the approved Acoustic Report and Noise Management Plan. The Acoustic Report and Noise Management Plan shall be in accordance with the City's Policy No. 7.5.21 – Sound Attenuation and include measures and actions to mitigate noise impacts on adjoining and nearby residential properties such as limitation to patron numbers, hours of operation, areas of the site which may be provided with limited patron access, or the like. The maximum hours of operation under an Acoustic Report and Noise Management Plan approved by the City shall not exceed the following times:
- Monday to Saturday: 7:00am to 11:00pm;
 - Sunday: 8:00am to 11:00pm; and
 - Christmas Day, Good Friday and Anzac Day: CLOSED;
- 4.3 The total occupancy associated with the eating house shall not exceed a maximum of 150 persons including the area within the property boundary (indoor and outdoor) and any alfresco dining area in the public realm unless otherwise limited by the approved Noise Management Plan or by the City;

5. Car Parking and Access

- 5.1 A minimum of four car bays shall be provided and maintained as shown on the approved plans to the satisfaction of the City;
- 5.2 The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to occupancy or use of the development; and
- 5.3 Vehicle and pedestrian access points are required to match into existing footpath levels;

6. Cash-in-Lieu

Prior to occupation or use of the development, a cash-in-lieu contribution shall be paid to the City for the shortfall of 11.44 car bays, based on the cost of \$5,400 per bay as set out in the City's 2016/2017 Schedule of Fees and Charges being a contribution of \$61,776; and

7. General

Where any of the above conditions have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.

PURPOSE OF REPORT:

To consider an application for development approval for a proposed Change of Use from Plant Nursery (Unlisted Use) and Incidental Shop and Eating House to Eating House and Incidental Shop and Plant Nursery (Unlisted Use) and Associated Alterations and Additions at Nos. 193-195 Scarborough Beach Road, Mount Hawthorn.

BACKGROUND:

Landowner:	B R Rispoli
Applicant:	Casa Bianchi
Date of Application:	7 March 2017

Zoning:	MRS: Urban TPS1: Zone: Residential R30 (Lot 267) Commercial (Lots 268 & 269) TPS2: Zone: Residential R30 (Lot 267) Commercial (Lots 268 & 269)
Built Form Area:	Residential (Lot 267) Activity Corridor (Lots 268 & 269)
Existing Land Use:	Plant Nursery (Unlisted Use) and Incidental Shop and Eating House
Proposed Use Class:	Eating House – “P” Shop – “SA” Plant Nursery – “Unlisted Use”
Lot Area:	Lot 267: 470m ² Lot 268: 400m ² Lot 269: 445m ² Total: 1,315m ²
Right of Way (ROW):	6m wide, City owned, right of access
Heritage List:	Not applicable

The subject site is located on the corner of Scarborough Beach Road and The Boulevard and adjoins a right of way on the eastern boundary. The site consists of three separate lots, being Lots 267, 268 and 269. Lot 267 is zoned ‘Residential R30’ and Lots 268 and 269 are zoned ‘Commercial’. The location of the subject site is included in **Attachment 1**.

The subject site is located within the Mount Hawthorn Town Centre and the locality consists of a mix of residential and commercial land uses. The adjoining property to the south is zoned ‘Residential R30’ and is occupied by a single house. The adjoining properties on the northern side of Scarborough Beach Road are zoned ‘Commercial’ and are occupied by several mixed use developments. The adjoining property on the eastern side of the right of way is zoned ‘Commercial’ and contains a single house.

Part of the subject site contains an eating house on Lots 268 and 269, which consists of a central building that accommodates the kitchen, washing area and an undercover dining area and is encompassed by a large open-air alfresco dining area. A shop and an office associated with the eating house are situated on Lot 267. The plant nursery component consists of a variety of plants and trees in deep soil areas and pots located throughout the site that can be purchased by members of the public. Braithwaite Park is opposite the subject site on The Boulevard.

On 6 October 2009, Council at its Ordinary Meeting approved the application for a Change of Use from Plant Nursery to Plant Nursery, Incidental Shop and Eating House (Café) and Associated Alterations and Additions and Existing Signage (Retrospective) for the subject site.

Condition (i) of the approval limited the maximum areas for each use as follows:

“(i) the maximum areas for the uses shall be limited as follows:

- (a) display area – 377 square metres;*
- (b) showroom/sales – 120 square metres; and*
- (c) eating house (café) – 29 square metres”.*

On 4 November 2011, the City approved an application that proposed a change of the operating hours with respect to the trading hours of the plant nursery, shop and eating house.

Condition (i) of the above approval limited the hours of operation of all the uses as follows:

“(ii) the hours of operation for the proposed Plant Nursery, Incidental Shop and Eating House (Café) shall be limited to the following times: 7:00am to 5:00pm Monday to Saturday inclusive and 8:30am to 5:00pm Sunday”.

Condition (ii) of approval limited the eating house use as follows:

“(iii) the Eating House is ancillary to the primary use of the site as a Plant Nursery, and shall not be permitted to operate independently of the primary use”.

The plant nursery, shop and eating house are all operated by the operators of the café 'Casa Bianchi' that has been trading from the premises since 2007.

Concerns were raised during the community consultation period required for this application in relation to the operation of the business adversely affecting surrounding residents since it commenced operating in 2009. The applicant has indicated that the eating house has been the primary use of the site and has been operating with a seating capacity of 150 patrons for a number of years.

Change of Use

The applicant seeks retrospective approval to change the use so that the eating house is the primary use of the site and that the shop and plant nursery become incidental to the eating house.

Hours of Operation

The applicant seeks approval to change the hours of operation as follows:

- Monday to Saturday: 7:00am – 11:00pm
- Sunday: 8:00am – 11:00pm
- Christmas Day, Good Friday and Anzac Day: CLOSED

Maximum Patron Numbers

The applicant seeks retrospective approval for a maximum number of 150 patrons in the eating house at any time.

Toilet Facility Additions

In addition to the above the application also proposes additions to the site in the form of new toilet facilities. The plan originally submitted depicted the toilet additions would be located adjoining the existing office and car parking area. Amended plans were submitted to the City on 16 May 2017 relocating the facilities to the south western corner of the subject property fronting The Boulevard. The development plan is included as **Attachment 2**.

The applicant agreed to extend the period for which the application is to be determined, however did not consent to extending the timeframe further to allow for the application to be readvertised. The applicant agreed to extend the statutory timeframe in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* for processing of the application. The extension would have extended the statutory time period until 2 May 2017. No further time extensions were agreed to by the applicant however additional information was required to enable the application to be presented to Council for determination. The information was provided to the City however given the need to assess the information and the Council Agenda timeframes, it is presented to this meeting being the first available meeting.

DETAILS:

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 (TPS 1) and the City's applicable Policies. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use		✓
Street Setback		✓
Lot Boundary Setback		✓
Parking and Access		✓

Detailed Assessment

The deemed-to-comply assessment of the element that requires the discretion of Council is as follows:

Land Use	
Deemed-to-Comply Standard	Proposal
Town Planning Scheme No. 1	
"P" – Permitted use	Shop – "SA" use Plant Nursery – "Unlisted Use"
Street Setback	
Deemed-to-Comply Standard	Proposal
Built Form Clause 5.2	
The primary street setback is to be the average of the five properties adjoining the proposed development.	
A setback of 6.74m is required	1.50m proposed.
Lot Boundary Setback	
Deemed-to-Comply Standard	Proposal
Built Form Clause 5.3	
R-Codes Clause 5.1.3	
A setback of 1.0m is required	900mm proposed.
Parking and Access	
Deemed-to-Comply Standard	Proposal
Policy No. 7.7.1 – Parking and Access	
18.24 Car bays	4 car bays are provided on site and having consideration to the previously approved on-site car parking shortfall of 2.8 car bays, which was paid as cash-in-lieu, the site has a parking shortfall of 11.44 car bays
39.34 Bicycle bays	'Nil' bicycle bays

The abovementioned elements of the proposal do not meet the specified deemed-to-comply standards and are discussed in the comments section below.

CONSULTATION/ADVERTISING:

The application was advertised for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 17 March 2017 – 30 March 2017. The method of advertising included advertising the proposal on the City's website and 142 letters being mailed to all owners and occupiers within close proximity to the subject site, as shown on **Attachment 1**, in accordance with the City's Policy No. 4.1.5 – Community Consultation.

A total of 16 submissions were received, consisting of 11 objections and five submissions of support. The main issues raised in the submissions are summarised as follows:

- the operation of the business has adversely affected surrounding residents since it commenced operating in 2007;
- the proposal to trade until 11:00pm will adversely affect surrounding residents as the eating house is predominately open-air alfresco dining, and patron noise and music played from outdoor speakers is not contained on-site;
- the proposal to operate until 11:00pm will reduce the availability of on-street parking for residents in the evening and night; and
- concern that the proposal to operate until 11:00pm will result anti-social behaviour on surrounding streets at night.

A summary of the submissions received and Administration's comment on each of these is included as **Attachment 3**.

Following the consultation period the applicant provided the following further information to address those concerns raised as follows:

- an acoustic report prepared by a qualified acoustic consultant; and
- a car parking survey of available on-street car parking in the locality prepared by the operators of the eating house.

The applicant's justification and response to the community's concerns raised during the consultation period is included in **Attachment 4**. After the close of the community consultation period the applicant also provided a submission, with 164 signatories in support of the proposal.

In addition to the above the application also proposes additions to the site in the form of new toilet facilities. The plan originally submitted depicted the toilets would be located adjoining the existing office and adjoining the car parking area. Amended plans were submitted to the City after the conclusion of consultation, relocating the facilities to the south western corner of the subject property fronting The Boulevard. It is noted that the amended plans result in departures from the deemed-to-comply provisions of the City's Built Form Policy. Given the limited statutory time frames to determine the application it has not been possible to advertise for community comment in accordance with the City's Policy. However the City has contacted the adjoining neighbour by phone and discussed the changes to the proposal. The comments received are included in the broader summary of submissions.

These amended plans form the basis of this report.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation; 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*.

Delegation to Determine Applications:

This matter is being referred to Council as the proposal received more than five objections during the consultation period.

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:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:Land Use

The application proposes the eating house as the primary use of the site, which is consistent with how the business function has evolved over recent years. The eating house, plant nursery and shop are all operated by the business owners of the eating house 'Casa Bianchi' that has been operating from the subject site since 2007. The applicant in their submission has explained that the eating house has become the main reason that most patrons visit the premises, and that the plant nursery and shop are ancillary uses that patrons of the eating house may browse through before or after attending the eating house.

The uses, with the exception of a plant nursery which is not listed in the City's TPS1, are identified in the zoning table as follows:

- an eating house is a "P" use in a 'Commercial' zone; and
- a shop is an "SA" use in a 'Residential' zone and a "P" use in a 'Commercial' zone.

The plant nursery is incorporated into the outdoor alfresco dining area of the eating house and a number of outdoor passageways throughout the site, however the plants and trees that form part of the plant nursery are not labelled or sign posted with purchase prices and are generally priced on request. There is no existing or proposed signage in or around the site that advertises the plant nursery to the public. Given that the plant nursery is incorporated into the eating house, is not advertised to the public and products are available for purchase by request only, it is considered that the plant nursery is incidental to the eating house as the primary use of the site.

The shop is situated within a building located along the southern boundary that also houses an office associated with the eating house. The shop retails a range of ornamental gifts and products that are similar to decorations found throughout the eating house and alfresco dining area. There is no existing or proposed signage in or around the site that advertises the shop to the public. Given that the shop is not advertised to the public and is not operated by a third party, it is considered that the shop is ancillary to the eating house as the primary use of the site.

Noise

The proposed change to the operating hours needs to be considered in the context of the location of the subject site within the Mount Hawthorn Town Centre. Extending the hours of the restaurant to operate until 11:00pm in lieu of the current approved time of 5:00pm, seven days per week is considered to align with activities in a town centre. Since the operation of the business in 2007, the City's records only indicate a noise complaint was received in 2013 relating to Peafowls that were kept on the premises. The matter was considered by Council at its Ordinary Meeting on 12 March 2013 where it was determined that the Peafowls were permitted to be kept on-site except during mating/breeding season and in accordance with a Management Plan. On 17 April 2013 the City was notified that that the Peafowls had been removed from the premises.

Concerns were raised during the community consultation period that the eating house operating until 11:00pm would have an adverse effect on surrounding residents. This was based on the eating house being predominately open-air alfresco dining and patron noise and music played from outdoor speakers not being able to be contained on-site.

Following community consultation the applicant provided an acoustic report prepared by a qualified acoustic consultant, included as **Attachment 5**. The report indicates that noise readings taken at seven different locations on and at the periphery of the subject site currently would not exceed acceptable noise levels under the *Environmental Protection (Noise) Regulations 1997* if the eating house was to operate between 5:00pm and 11:00pm. The noise level readings were measured on Sunday 7 May 2017 at 10:30am with approximately 130 patrons in the eating house, however, it is not clear how many patrons were seated inside and how many were outside.

The City has assessed the report provided, which is considered to be insufficient in detail to determine whether the development (operation of the business) will achieve compliance with the assigned levels as stipulated in the *Environmental Protection (Noise) Regulations 1997*. The acoustic report does not identify actions or measures that could be included in an ongoing noise management plan for the subject property. It is therefore recommended that the operating hours of the development remain as currently approved, being 7:00am to 5:00pm Monday to Saturday inclusive and 8:30am to 5:00pm Sunday, unless an acoustic report and a correlating noise management plan is provided demonstrating that the noise generated during any additional hours can be managed appropriately to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*.

Concerns were also raised during the community consultation period that the eating house operating until late and serving alcohol would result in anti-social behaviour on surrounding streets. The eating house will be required to apply for and obtain a restaurant licence issued by the Department of Gaming Racing and Liquor. If approval is granted by the Department, alcohol will only be able to be purchased with table service. The premises, through their licencing obligations will also be required to partake in responsible service practices which supports socially-responsible and consumer-friendly conduct and this will assist in minimising anti-social behaviour.

Parking

The proposal seeks approval for an eating house with capacity for up to 150 persons. The deemed-to-comply standards of the City's Policy No. 7.7.1 – Parking and Access requires the provision of 18.24 on-site car parking bays. The subject property currently provides four on-site car bays, which are located in the south-eastern corner of the site and are accessed from the right-of-way off Scarborough Beach Road. Taking into account the previously approved car parking shortfall of 2.8 bays for which cash-in-lieu was paid as a condition of the original 2009 approval, the current proposal results in a car parking shortfall of 11.44 car bays.

Concerns were raised during the community consultation period in relation to the eating house operating until 11:00pm reducing the availability of on-street parking for residents in the evenings. In response, the applicant has provided a car parking survey, included as **Attachment 4**, to demonstrate that there is sufficient capacity in the on-street and public car parking in the locality to cater for the shortfall from this development. The applicant's car parking survey identifies three key parking areas near to the subject site as follows:

1. Braithwaite Park – Kalgoorlie Street (east side);
2. Braithwaite Park – Berryman Street (north side); and
3. Coogee Street Public Car Park.

The car parking survey was conducted by the operators of the eating house each night over a one week period between Monday 24 April 2017 and Sunday 30 April 2017 during the following time periods:

- 5:00pm;
- 7:30pm;
- 9:00pm; and
- 11:00pm.

An assessment of the applicant's car parking survey indicates that there is an average occupancy rate for on-street and public car parking bays of 4.04% in the three survey areas between 5:00pm and 11:00pm. This equates to an average of 119.53 car bays being available during the various time periods throughout the evening and night.

The City undertook its own review of the car parking occupancy to reconcile with the survey data compiled by the applicant. The City considered realistic and logical locations that patrons visiting the eating house would attempt to park. The City's car parking review focused on five parking areas as follows:

1. Braithwaite Park – Kalgoorlie Street (east side);
2. Braithwaite Park – Berryman Street (north side);
3. Coogee Street Public Car Park;
4. Scarborough Beach Road (north and south sides); and
5. The Boulevard (east side) – between Scarborough Beach Road and Berryman Street.

The City's car parking review identify a much higher occupancy rate for these on-street and public car parking bays and noted that the applicant's car parking data had been collected during cooler months, in the evening only, and did not take into account increased usage of Braithwaite Park during warmer months where there is likely to be a high demand for on-street parking on the streets surrounding the park. The City has already identified that there is an existing need to increase the number of car bays in the vicinity Braithwaite Park to cater for the high demand in summer months and a draft preliminary car parking upgrade plan has been prepared.

Given that the proposal would rely on on-street car parking on the streets surrounding Braithwaite Park to cater for the shortfall of 11.44 car bays, and there is an existing need to increase on-street car parking in the vicinity, it is recommended that a condition be imposed requiring the applicant to make a cash-in-lieu payment for the shortfall of 11.44 car bays to contribute to directly delivering the necessary car parking bays in the immediate vicinity.

Toilet Facility Additions Setbacks

The application proposes additions to the site in the form of new toilet facilities to satisfy Building Codes of Australia (BCA) requirements for 150 patrons. The proposed toilet additions are a demountable structure, with neutral coloured walls/external materials. The plan originally submitted depicted the toilets would be located adjoining the existing office and adjoining the car parking area. Amended plans were submitted to the City after the consultation period relocating the facilities to the south western corner of the subject property fronting The Boulevard and the adjoining residential property at No. 88 The Boulevard. The City contacted the affected neighbour by phone and discussed the changes to the proposal and the comments received are included in the broader summary of submissions.

The toilet facility addition is setback 1.5 metres from The Boulevard and 900mm to the southern side boundary. The primary street setback is not considered to enhance the visual character of the streetscape. The setback is considerably less than the established setback within the streetscape. The existing landscaping in the vicinity of the proposed toilet location would be required to be removed to accommodate the structure and further impacting on the streetscape.

The side setback is 900mm in lieu of the 1 metre deemed-to-comply requirement. Although the toilets are depicted adjacent to an existing driveway at No. 88 The Boulevard, the front setback is not considered appropriate and would need to be increased bringing it closer to the dwelling.

The location, appearance and use of the toilet facility additions will have an adverse impact on the amenity of the streetscape and the adjoining southern property given its proposed proximity to the southern boundary. There is opportunity to relocate the toilet additions along the southern portion of the lot and minimising its impact on the streetscape and adjoining neighbour. As a result a condition is recommended requiring the relocation of the toilet facilities away from The Boulevard and the adjoining residential property and the provision of any necessary landscaping to screen the toilet facility from the street.

Conclusion

The proposed change of use to make the plant nursery and shop ancillary uses to the eating house as the primary use of the site will not have an adverse impact on surrounding properties, given that the site has been operating in this manner for a number of years.





An increase in the hours of operation of the eating house is in line with that of a mixed 'Residential' and 'Commercial' zoned area within the Mount Hawthorn Town Centre is considered appropriate. The applicant's Acoustic Report and car parking survey and the City's car parking survey have demonstrated that the proposed increase in trading hours will not have an adverse impact on the surrounding properties in terms of noise or car parking. Additional conditions are recommended requiring an updated acoustic report and noise management plan to ensure the impact on amenity is minimised, and a cash-in-lieu payment to contribute to the upgrading of on-street car bays in the vicinity surrounding Braithwaite Park.

The location of the Toilet Facility additions are likely to adversely impact the streetscape and the amenity of the adjoining residential property. As a result a condition is recommended to relocate the structure to a modified location on-site to the City's satisfaction to the address the above concerns.

The proposal is recommended for approval subject to conditions.

9.3 NO. 211 (LOT: 7; DP: 56031) SCARBOROUGH BEACH ROAD, MOUNT HAWTHORN - PROPOSED DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF A SERVICE STATION

TRIM Ref: D17/56058
Author: Rob Sklarski, A/Coordinator Statutory Planning
Authoriser: John Corbellini, Director Development Services
Ward: North
Precinct: 1 - Mount Hawthorn
Attachments:

1. Attachment 1 - Consultation and Location Map 
2. Attachment 2 - Development Application Plans 
3. Attachment 3 - Transport Statement 
4. Attachment 4 - Summary of Submissions 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 2 REFUSES the application for development approval for the demolition of Existing Buildings and Construction of a Service Station and Convenience Store (Unlisted Use) at No. 211 (Lot 7 D/P; 56031) Scarborough Beach Road, Mount Hawthorn in accordance with the plans date stamped 3 January 2017, as shown in Attachment 2, subject to the following reasons:

1. The proposed Service Station use is not compatible with the Local Centre and surrounding residential uses and does not meet the objectives of the City's Town Planning Scheme No. 1 specifically Clause 6 (3)(b) *"to protect and enhance the health, safety and physical welfare of the City's inhabitants and the social, physical and cultural environment due to the intensity of the use"* as it is considered to have an adverse impact on the residential amenity of the immediate locality due to insufficient separation to existing sensitive uses and the potential impact of gas, odour and noise emissions;
2. The development does not meet the design principles of P1.2.5 of Clause 2.1 of Local Planning Policy No. 7.1.1 – Built Form as the street setback does not facilitate the provision of useable open space, alfresco dining opportunities and landscaping;
3. The proposal does not meet the design principles of P1.3.1, P1.3.2 and P1.3.3 of Clause 1.3 of Local Planning Policy No. 7.1.1 – Built Form as the development is not designed to frame the corner to define the built form and public realm, does not provide strong visual elements to Buxton Street or Scarborough Beach Road and does not create cohesion to the street frontages thus not considered to contribute to a conformable pedestrian environment;
4. The proposal does not meet the design principles of P1.4.1 and N1.4.2 of Clause 1.4 of Local Planning Policy No. 7.1.1 – Built Form as the development does not provide building frontages that contribute to the liveliness, interest, conform and safety of these public spaces and proposes floor to ceiling flazing;
5. The proposal does not meet the design principles of P1.5.1, 1.5.3, P1.5.4 and N1.5.1 of Clause 1.5 of Local Planning Policy No. 7.1.1 – Built Form as the development does not provide a shelter along street frontages to encourage walking and provide protection from the elements;
6. The proposal does not meet the design principles of P1.6.1 and P1.6.2 of Clause 1.6 of Local Planning Policy No. 7.1.1 – Built Form as the development does not incorporate design elements or materials which are reflective of the existing local character;
7. The proposal does not meet the design principles of P1.7.1 and P1.7.7 of Clause 1.7 of Local Planning Policy No. 7.1.1 – Built Form as landscaping would not reduce the impact of development on the adjoining properties and public spaces;

8. The proposal does not meet the design principle of P1.8.4 of Clause 1.8 of Local Planning Policy No. 7.1.1 – Built Form as the development has not demonstrated that it is capable of achieving one of the environmental performance ratings outlined in the Policy;
9. The proposal does not meet the design principles of P1.10.1 and P1.10.5 of Clause 1.8 of Local Planning Policy No. 7.1.1 – Built Form as the development has not demonstrated that the visual impact of car parking and supporting infrastructure from the primary or secondary streets is minimised, given the location of on-site parking;
10. Having regard to the City's Local Planning Strategy, as adopted by Council on 20 December 2011, the proposed Service Station use is likely to prejudice the effective function of the designated local centre within the City; and
11. Having regarding to Clause 67(n) of the *Planning and Development (Local Planning Schemes Regulations) 2015*, the proposal does not suitably demonstrate that the Service Station use will not have an adverse impact on the amenity of the nearby and adjoining residential properties as a result of gas, odour, traffic and noise being generated by the proposed development.

PURPOSE OF REPORT:

To consider an application for development approval for the demolition of the existing buildings and Construction of a Service Station and Convenience Store at No. 211 Scarborough Beach Road, Mount Hawthorn.

BACKGROUND:

Landowner:	B R Rispoli
Applicant:	3 Moon Design
Date of Application:	31 August 2016
Zoning:	MRS: Urban TPS1: Zone: Local Centre TPS2: Zone: Local Centre
Built Form Area:	Activity Centre
Existing Land Use:	Service Station – Non-operational/vacant tenancy
Proposed Use Class:	Service Station
Lot Area:	1032m ²
Right of Way (ROW):	Not Applicable
Heritage List:	Not Applicable

The subject site is located on the corner of Scarborough Beach Road and Buxton Street, Mount Hawthorn as shown in **Attachment 1**. The site and the adjoining properties to the east and west along Scarborough Beach Road and one property to the south are zoned Local Centre. The remaining properties to the south are residential with a density coding of R30 and residential lots along Scarborough Beach Road have a density coding of R60. The residential R30 area consists of single storey houses and grouped dwellings. The commercial development along Scarborough Beach Road is single storey in nature. The site is located approximately 30 metres from the child care centre at No. 207 Scarborough Beach Road being on the opposite side of the Scarborough Beach Road and Buxton Street intersection.

The site has an existing building and is enclosed by a permeable mesh fence located around a portion of the site. The site has been vacant since approximately 2015. The City has been advised that in recent weeks a new tenant has occupied the building and officers are currently investigating. Over the years the site has been occupied by a variety of different uses including mechanical workshop, retail outlet open air display and eating house. The site was previously used as a service station, however the site is not listed on the State's Contaminated Sites Register and the Department of Mines and Petroleum has not been able to advise the City if it has been decommissioned. The site has a 39 metre frontage to Scarborough Beach Road and is serviced by two crossovers to Scarborough Beach Road and one crossover to Buxton Street.

This portion of Scarborough Beach Road is classified as a 'District Distributor' under the Functional Road Hierarchy. The subject property is located approximately 1km from Glendalough Train Station and situated opposite a high frequency bus stop.

The application proposes the demolition of the existing buildings and the construction of a Service Station and incidental Convenience Store as follows:

- A single storey building, measuring 91m², occupied by the Convenience Store;
- Four petrol bowsers and 8 refuelling bays;
- A 4.2 metre high canopy over the refuelling bays and extending to the Convenience Store;
- Four on-site parking bays comprising of three customer and one staff bay;
- The removal of the crossover to Buxton Street, with access to the site only being provided off Scarborough Beach Road via the two existing crossovers; and
- Operating hours of between 6:00am and 10:00pm, 7 days a week.

The applicant submitted amended plans prior to the commencement of community consultation. The modifications made to the proposal included the relocation of the canopy and Convenience Store building, changes to the façade treatments, reconfiguration of vehicle access and the removal of crossover from Buxton Street.

The development plans are included in **Attachment 2** and the Transport Impact Assessment report undertaken by the applicant in support of the proposed development is included in **Attachment 3**.

DETAILS:

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1 (TPS1), the City's Local Planning Policy No. 7.1.1 – Built Form and the State Government's Residential Design Codes. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use		✓
Setbacks		✓
Corner Sites		✓
Ground Floor Design		✓
Awning, Verandahs and Colonnades		✓
Building Design		✓
Landscaping		✓
Parking & Access		✓
Service Access & External Fixtures	✓	

Detailed Assessment

The deemed-to-comply assessment of the element that requires the discretion of Council is as follows:

Land Use	
Deemed-to-Comply Standard	Proposal
"P" Use	"AA" Use
Setback	
Deemed-to-Comply Standard	Proposal
Nil Primary Street Setback	The canopy is provided with a Nil setback increasing to 8.6m to Scarborough Beach Road. The Convenience Store building is setback 8.6m to Scarborough Beach Road
Corner Sites	
Deemed-to-Comply Standard	Proposal
Buildings which are designed to address and	The building is design with orientation internal to

emphasise the corner and provide uninterrupted activation of both street frontages.	the site with limited activation of Scarborough Beach Road and Buxton Street. The canopy is setback 8.5m and the Convenience Store is setback 10.5m increasing to 10.9m to Buxton Street.
Ground Floor Design	
Deemed-to-Comply Standard	Proposal
<p>Façade Design</p> <p>C1.4.3 Maximise the width of active frontage including glazing, openings and operable windows to ensure activity, interaction and surveillance of the street..</p> <p>C1.4.5 Stall risers to a minimum height of 450mm.</p> <p>C1.4.4 Co-locate service areas and vehicular access to maximise the width of the active frontage.</p> <p>Tenancy</p> <p>C1.4.12 Ground floor spaces are to have a finished floor level to finished ceiling level height of minimum 3.5m.</p> <p>Materials</p> <p>P1.4.15 High quality durable materials and textures used at street level which reference the surrounding context.</p>	<p>The Ground floor is located well setback from the street boundary and does not provide activity or interaction.</p> <p>No stall risers are proposed to the development.</p> <p>The vehicular access and service areas dominate the streetscape with the building occupying a small proportion of the active frontage.</p> <p>The Ceiling height measures a minimum of 2.7m increasing to 3.6m.</p> <p>Glazing and pre-painted surfaces are the predominant materials, which do not reference the surrounding context.</p>
Awnings, Verandahs and Collonades	
Deemed-to-Comply Standard	Proposal
C1.5.2 Provide continuous awnings or an alternative pedestrian protection measure along the full length of the building frontage to the primary and secondary streets.	No awnings are proposed.
Building Design	
Deemed-to-Comply Standard	Proposal
<p>C1.6.1 Façade depth a minimum of 300mm to allow space for articulation of windows, and other detailing.</p> <p>C1.6.3 Traditional materials found in the local area are to be integrated into the design.</p>	<p>Nil façade depth</p> <p>Glazing and pre-painted surfaces are the predominant materials, which are not traditional materials found in the local area.</p>
Landscaping	
Deemed-to-Comply Standard	Proposal
<p>C1.7.3 80% of the rear or side setback area is to be provided as canopy coverage at maturity.</p> <p>C1.7.4 A Landscape Plan designed by a registered Landscape Architect is to be submitted to the City in conjunction with the Development Application</p> <p>C1.7.8 The perimeter of all open-air parking areas are to be landscaped by a planting strip of at least 1.5m width.</p>	<p>32% of the side setback area is provided as canopy cover at maturity.</p> <p>Details not provided from a landscaped architect but annotated on the submitted plans</p> <p>No landscaping strip is located along the disabled car bay.</p>
Parking and Access	

Deemed-to-Comply Standard	Proposal
<p>Policy No. 7.1.1 – Built Form</p> <p>C1.10.5 Onsite parking for a development shall be located beneath or at the rear of buildings.</p> <p>C1.10.9 Each lot is to provide a maximum of 1 crossover.</p> <p>Policy No. 7.7.1 – Parking and Access</p> <p>Provision of 6.4 on-site car bays</p>	<p>Parking is located in front of and adjoining the proposed Convenience Store building.</p> <p>Of the 3 existing crossovers, 2 are being retained.</p> <p>Provision for 4 on-site car bays</p>

The above elements of the proposal that do not meet the specified deemed-to-comply standards are discussed in the Comment section that follows. The proposed 'Service Station' land use requires discretion to be exercised. Given the land use is an unlisted use, the application also needs to be assessed in the context of what the strategic vision for the area is, as much as against the statutory requirements set out in the Scheme and policies.

CONSULTATION/ADVERTISING:

Consultation was undertaken for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 12 January until 25 January 2017. A total of 39 letters were sent to owners and occupiers in close proximity to the subject site, as shown in **Attachment 1**. The plans which were advertised form the basis of this report.

The consultation outlined the proposed Service Station and Convenience Store use elements of the application however it did not specify the departures from the deemed to comply standards of the Built Form Policy.

A total of 63 submissions were received comprising 57 objections, five letters of support and one general concerns being received. The matters raised in the objections can be summarised as follows:

- Land use suitability and potential impact on immediate residential areas, school and day care centre;
- Traffic Impacts along Scarborough Beach Road and within the surrounding residential streets; and
- Amenity and Health Impacts due to the increase in dangerous airborne pollutants.

Those in support indicated the convenience benefits and the improvement to the current property the development will bring.

The main issues raised in the submissions are discussed in the Comment section that follows. A summary of the submissions received and the Administration's response to each is contained in **Attachment 4**.

Other External Referrals

Department of Environmental Regulation (DER)

The Administration wrote to DER in relation to the subject property, who advised that the subject property is currently not listed on the contaminated sites register. If the application is approved the DER has recommended that the applicant be advised that this may have obligations under the *Contaminated Sites Act 2003*.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation;

- Policy No. 7.1.1 – Built Form Policy; 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*.

Directions 2031

Directions 2031 is the overarching spatial framework and strategic plan that establishes a vision for future growth within the Metropolitan Perth and Peel Region. Directions 2031 recognises the importance of activity centres and high frequency public transport connections to the region's movement and identifies that these areas will accommodate much of the medium-density residential infill.

Perth and Peel@3.5 Million

The Perth and Peel@3.5 Million document is intended to assist realising the vision encapsulated in Directions 2031 and the State Planning Strategy 2050. The subject site is covered by the Central sub-regional framework which identifies Scarborough Beach Road as a 'Corridor'. The framework supports the concept of transitioning key transport corridors into multi-functional corridors that allows for efficient movement and high amenity. It identifies Activity Centres and that corridors should be the focus for investigating densities and a greater mix of suitable land uses.

Scarborough Beach Road Activity Corridor

The recommendations in the Scarborough Beach Road Activity Corridor relating to land use states:

- *"Ensure that uses along Scarborough Beach Road are consistent with the principles of an Activity Corridor / Urban Corridor, with the concentration of mixed use and commercial development on the key nodes, and compatible commercial and residential use outside of the key nodes;...*
- *Discourage car dependent broad scale commercial uses such as showrooms and warehouses within 400 - 800 metres of the Glendalough Station;...and*
- *Restrict access to and from Scarborough Beach Road through the rationalisation of parking spaces and crossovers to improve traffic flow and pedestrian amenity".*

City of Vincent - Local Planning Strategy

The City's Local Planning Strategy (LPS) locates the subject site within a 'local centre'. The LPS also identifies Scarborough Beach Road as a rapid transit infrastructure route where there is an opportunity for medium to high density residential development and commercial uses as outlined in the Public Transport Plan for Perth in 2031.

The LPS also identifies that this local centre currently accommodates uses that appear of a specialised nature, in that they do not cater specifically to the day to day needs of the local population. Expansion of this local centre or properties adjacent to it, is not considered appropriate and will be discouraged to ensure that new or expansion plans for existing commercial activity is directed to the Mount Hawthorn Town Centre. New uses within the local centre and nearby should be medium to high density residential and reflect the community's day to day requirements.

Environmental Protection Authority

As set out in the Environmental Protection Authority (EPA) document 'Guidance for the Assessment of Environmental Factors: Separation distances between Industrial and Sensitive Land Uses (June 2005)', the suggested buffer distance between service stations and sensitive land uses such as residential properties is 50 metres.

Department of Mines and Petroleum

Under the provisions of the *Dangerous Goods Safety Act 2004*, the approved codes of practice that apply to petrol stations are:

- Australian Standard AS 1940:2004 – The storage and handling of flammable and combustible liquids; and

- Australian Standard/New Zealand Standard 1596 – The storage and handling of LP Gas. Compliance with these codes is an accepted means of minimising the risk from dangerous goods.

The responsibility for ensuring that a facility's petrol bowsers and storage tanks are located a safe distance from surrounding residences, together with a wide range of other safety considerations falls to the Department of Mines and Petroleum (DMP).

Separate from any local government approvals and permits, the operators of the Service Station will need to achieve a Dangerous Goods Site Licence and to do so will be required to engage an accredited consultant, who will undertake a risk assessment and set out a detailed design for the facility, which accords with the relevant Australian Standards. The DMP is responsible for issuing approval for the detailed design plans and for providing the Dangerous Goods Site Licence. The location of gas, petrol and diesel storage/dispensing infrastructure on site will be in accordance with the relevant Australia Standard.

City of Vincent – Local Planning Scheme No. 2

The subject site is zoned 'Local Centre' under Local Planning Scheme No. 2 (LPS2).

The objective of Local Centre under LPS2 is as follows: *“(i) to provide services for the immediate neighbourhoods which do not expand into or adversely impact on adjoining residential areas; and (ii) to encourage high quality, pedestrian-friendly, street orientated development.”*

Service Station is identified as a 'D' use in a 'Local Centre' zone, which means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.

City of Vincent – Town Planning Scheme No. 1 (TPS1)

Clause 6 sets out the objectives and intentions of the TPS1. The objectives of TPS1 which are relevant to this application include:

- “(a) to cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provisions of a wide range of choices in housing, business, employment, education, leisure, transport and access opportunities;*
- (b) to protect and enhance the health, safety and general welfare of the Town's inhabitants and the social physical and cultural environment;...*
- (f) to co-ordinate and ensure that development is carried out in an efficient and environmentally responsible manner which –*
 - (i) makes optimum use of the Town's growing infrastructure and resources;*
 - (ii) promotes an energy efficient environment; and*
 - (iii) respects the natural environment;”*

Delegation to Determine Applications:

The matter is being referred to Council for determination as the proposal is an “AA” use and more than 5 submissions of objection were received.

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:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:Land Use

The subject site is zoned Local Centre, with Service Station being an 'AA' use in the zoning table. This means that the land use is not permitted unless the decision maker exercises discretion after public advertising and approves the land use. In exercising discretion consideration is to be given to whether the land use is consistent with TPS1 and the LPS, and if so, if it is acceptable in the context of the locality. The zoning is not anticipated to change should the draft LPS2 be finalised.

During the community consultation phase, the City received numerous objections to the proposal, which raised concerns that the proposed use is not appropriate in the area and the business would disrupt the amenity of the locality. There is a clear strategic direction to enhance and facilitate increased development on key corridors, as identified in Directions 2030, Perth and Peel@3.5million and the City's Draft LPS, with a focus to combine a mix of land uses to increase density and accommodate much of the medium-high density residential infill. The proposed development is inconsistent with strategic direction of the corridor and the local centre as the commercial use is not considered compatible with the nearby residential use and desired future medium to high density of the local centre and corridor.

The proposed use is regarded as a use which would service a broader region rather than only the local catchment area. There are four existing service stations within 2 kilometres of the subject site along the main arterial roads of Charles Street, Vincent Street and Scarborough Beach Road. Two of these service stations exist on the corner of Charles Street and Scarborough Beach Road and Main Street and Scarborough Beach Road. To this end, the surrounding locality is well serviced by service stations to meet the community's day to day requirements.

The incidental Convenience Store has the potential to service the community's day to day requirements however it is required to be associated with the sale of fuel, which is incompatible with the desired future character of the area. There are other uses such, as a shop, which would still provide similar level of service and would be compatible with the uses in this location. In the context of this proposal the use is not considered appropriate.

Given the above, it is considered that the proposed Service Station use is inconsistent with the LPS, TPS1 and LPS2 and will prejudice the effective function of the corridor and designated local centre.

Access & Traffic

The application proposes all vehicle access, including articulated fuel tankers, from Scarborough Beach Road and proposes the removal of the existing crossover to Buxton Street. The applicant has demonstrated that the articulated tankers have sufficient movement on site to meet the applicable Australian Standards for vehicle manoeuvring. The proposed use is a vehicle-based development and the demand for public transport access to the site is considered to be very low.

The Traffic Impact Statement (refer **Attachment 3**) submitted as part of this application provides an analysis of the traffic movements along Scarborough Beach Road only and does not identify the impact on the immediate nearby residential streets. This analysis indicates that during weekdays (Monday to Friday) the daily traffic volumes along Scarborough Beach Road will increase to approximately 13,700 vehicles per day and on weekend to approximately 12,800 vehicles per day. Given the status of Scarborough Beach Road as a 'District Distributor A' Road the proposed use is unlikely to have a negative impact on traffic along Scarborough Beach Road. However, although the TIS outlines that the vast majority of the motorists accessing the service station will be from Scarborough Beach Road it is likely that patrons may arrive from Buxton Street as they will not be able to queue on Scarborough Beach Road in light of it being a single lane.

Since the preparation of the TIS the applicant submitted amended plans modifying access to remove the crossover from Buxton Street and reposition the building on site, which also changed the configuration of vehicle movement and parking proposed. The applicant has not provided an updated TIS addressing these changes and their impact. As a result the changes to the proposal have not been suitably addressed. Having regard to the TIS, the application has not demonstrated that there will be no adverse impact on the

amenity of nearby and adjoining residential properties as a result of traffic impacts and the access arrangements.

Separation Distances

Concerns were raised during consultation regarding the potential impact on air quality and pollutants, however the applicant has not demonstrated how these will be managed.

Under the draft Environmental Protection Authority (EPA) Environmental Assessment Guideline for separation distances between industrial and sensitive land uses, a Service Station is considered a 'non-residential use (industrial)' and the adjoining residential development 'sensitive uses (residential areas)'. The Draft EPA Environmental Assessment Guideline sets a separation distance between a service station and sensitive uses at a minimum of 50 metres. Seven residential properties plus the child care centre along Egina and Buxton Streets, the Mount Hawthorn Primary School and seven residential properties along Ellesmere Street are located within the 50 metre buffer. In addition the proposed service station provides no buffer zone to west, as it directly adjoins No. 144 Egina Street. To the south, a buffer of approximately 25 metres is provided as it adjoins No. 139 Buxton Street which is an existing commercial development.

The applicant has not submitted any environmental evaluation as part of this application and has not demonstrated what the impacts are and how these will be addressed or managed. An environmental site investigation report provides an evaluation of environmental factors for a development of this kind, by a suitably qualified person, including, odours from fuel station vapour emission, light spill from the proposed premises and existing environmental values at the subject site. The evaluation would rate the potential adverse impacts on amenity at existing and proposed residential areas from the proposed development.

Noise & Lightening

The proposed Service Station use is likely to generate additional noise given the nature of the operations. The applicant has not commissioned an environmental noise assessment and as a result there is no information to assess the potential noise impacts from the proposed service station (and associated convenience store) on the subject land.

Built Form

The proposal seeks to depart from the deemed to comply standards of several elements of the Built Form Policy. The proposal incorporates several aspects which are not accepted by the Policy including:

- Floor to ceiling glazing (N1.4.2);
- Blank walls to street facades(N1.4.5);
- Does not provide an awning along the street boundary (N1.5.1); and
- Unarticulated monotonous facades to the street (N1.6.1).

The Primary Street setback, being up 8.6 meters to in lieu of nil, presents as a significant departure from the deemed-to-comply standards. The proposal is not considered to incorporate design elements relating to ground floor and building design that facilitate good quality and well-designed development which contribute positively towards the streetscape as envisioned by the Built Form Policy. Notwithstanding that the setback provides the opportunity for landscaping, the landscaping proposed as part of the application consists of 15 percent of the site area being deep soil zone and 32 percent of the side setback being canopy cover. This is considered minimal in the context of the site. The application has not demonstrated that the landscaping within the proposed development reduces the impact of development on adjoining residential zones and public spaces.

The proposal is inconsistent with the objectives of the Local Centre Zone in Draft LPS2 as it is not a high quality, pedestrian-friendly, street orientated development. The subject proposal is significantly inconsistent with the vision adopted under the Local Planning Policy, and would prejudice the purpose and built form of the Local Centre.

Car Parking

The proposed use requires the provision of 6.4 car parking bays under the City's Policy No. 7.7.1 – Parking and Access. The site provides four car parking bays alongside the service station and incidental convenience store, thus resulting in a shortfall of 2.4 car parking bays. As service stations predominately operate with

customers parking in one of the refuelling bays, the shortfall in car bays is not considered to be detrimental in this instance.

Alternative transport options such as bicycle parking have not been provided. Although the nature of service station functionality the use alternative transport is not applicable, the Convenience Store does not exclusively provide for those attending the service station for the purpose of refuelling and may attract locals for convenience type products such as bread and milk. As a result, the lack of bicycle parking is considered inappropriate.

Conclusion

The proposed Service Station use is not considered to be appropriate or consistent with existing land uses within the locality. The proposal seeks to depart from several deemed-to-comply standards of the Built form Policy however the application has not demonstrated it satisfies the applicable design principles and more broadly the objectives of the Built Form Policy and would prejudice the purpose and built form of the Local Centre.

It is considered that the proposal will have an adverse effect on the amenity of the locality and it is recommended that the application be refused.







9.4 PROPOSED AMENDED PARKING RESTRICTIONS - MOUNT HAWTHORN TOWN CENTRE

TRIM Ref: D17/61524

Author: Stephen Schreck, Strategic Planning Officer

Authoriser: John Corbellini, Director Development Services

Attachments:

1. Attachment 1 - Mount Hawthorn Parking Surveys Boundary 
2. Attachment 2 - Mount Hawthorn Parking Restrictions Survey Results 
3. Attachment 3 - Category Matrix 
4. Attachment 4 - Advertised Parking Restrictions 
5. Attachment 5 - Summary of Submissions 
6. Attachment 6 - Proposed Parking Restriction Changes 

RECOMMENDATION:

That Council:

1. **ADOPTS** the proposed changes to parking restrictions in the Mount Hawthorn Town Centre, as shown in Attachment 6; and
2. **NOTES:**
 - 2.1. The results of the surveys undertaken as shown in Attachment 2;
 - 2.2. The summary of submissions and Administration's responses as shown in Attachment 5;
 - 2.3. The amendment to the 'North Perth Parking Improvements' 2016/2017 budget item to be named 'Parking Restriction Implementation' in the 2017/2018 budget and the carry forward of \$20,000 in this budget item from 2016/17 to 2017/18; and
 - 2.4. The parking occupancy rates in and around the Mount Hawthorn Town Centre will be reviewed within six months of the introduction of the parking restriction changes and the results along with any recommendations will be reported back to Council.

PURPOSE OF REPORT:

To consider the results of the 2016 Mount Hawthorn Town Centre parking survey and the outcomes of community consultation on the advertised draft parking restrictions.

BACKGROUND:

On 9 March 2010 Council adopted its Car Parking Strategy which outlined a series of actions to be undertaken by the City. Action 8 required the City to re-examine car parking demand, volume, duration of stay, peak usage and compliance with restrictions within 500 metres of each activity centre.

As a result of Action 8 and increasing community concern surrounding a lack of parking and low turnover of vehicles Administration commissioned an independent consultant to conduct parking occupancy surveys of the Mount Hawthorn Town Centre.

The parking occupancy survey area included the Mount Hawthorn Town Centre along Scarborough Beach Road and was bounded by Edinboro Street in the east and Dover Street in the west. The parking occupancy survey also included parts of Hobart, Fairfield, Flinders, Coogee and Matlock Streets. A map of the parking occupancy survey area is included as **Attachment 1**.

The parking occupancy surveys identified the number of on and off street parking bays, both peak and average occupancy and duration of stay over a four week period. The surveys were completed from 5 February to 2 March 2016, at 9:00am – 11:00am, 12:00pm – 2:00pm and 3:00pm – 5:00pm, on Wednesday, Friday and Saturday of each week. The number, occupancy rates and duration of stay of off

street car bays were recorded for all City owned car parks. No data was recorded for the privately owned Wilson car park on Coogee Street or The Mezz car park at the request of the owners. It is deemed that this data will not affect the overall recommendations for on street and public car park restrictions.

The Mount Hawthorn Town Centre currently contains 364 City owned on and off street car bays. 261 of the total bays in the town centre are located on street and 103 are located in City owned off street car parks. A further 248 off street bays are located at The Mezz car park and there are 46 additional bays located in the Wilson car park on Coogee Street.

The parking occupancy survey showed that all streets registered a peak occupancy of 95 percent or greater at least once throughout the four week survey period. Nine streets demonstrated peak occupancy between the 12:00pm – 2:00pm survey period. During the 9:00am – 11:00am survey period six streets demonstrated peak occupancy and four streets demonstrated peak occupancy during 3:00pm – 5:00pm survey period.

The results of the parking occupancy survey demonstrated that the Mount Hawthorn Town Centre has high average and peak occupancy rates. A complete breakdown of parking occupancy in the town centre is outlined in **Attachment 2**.

The parking occupancy surveys also measured the duration of stay for each of the streets and City owned car parks. The parking occupancy surveys showed that 78 percent of vehicles were parked for less than three hours, while 10 percent were parked for longer than five hours. The data provided by the surveys demonstrates that some streets registered greater than 100% peak occupancy, which indicates that vehicles may be parking illegally and the duration of stay data also indicates that vehicles are overstaying the current parking restrictions.

Edinboro Street and Scarborough Beach Road both recorded peak occupancy of greater than 100 percent during the survey period. Edinboro Street demonstrated the highest level of non-compliance with a peak occupancy of greater than 100 percent five times during the surveys and a peak occupancy of 167 percent.

The highest percentages of overstay non-compliance over the four week period were seen on Fairfield Street north, Coogee Street and the City owned Coogee Street car park. Fairfield Street demonstrated the highest level of non-compliance with 39 percent of vehicles being parked for three hours or more despite the existing one hour parking restriction. Coogee Street also demonstrated a high level of non-compliance with 23 percent of vehicles parking for three hours or longer despite the current one hour parking restriction on both sides.

Coogee & Flinders Street Car Parks Three Hour Parking Restriction Trial

In addition to this parking occupancy survey, the City received a number of requests for parking restrictions to be imposed in the Flinders and Coogee Street car parks. In November 2015 Administration undertook an observational study of both car parks. This study was conducted on the morning, lunchtime and afternoon of Wednesday 11 November, Tuesday 17 November and Thursday 19 November 2015. The study showed that both car parks exceeded 85 percent peak occupancy during the survey period. The study also identified that 33 percent of vehicles using the Flinders Street public car park and 83 percent of the vehicles using the Coogee Street public car park stayed for five or more hours.

Following the study Council approved the introduction of a six month trial of 3P parking restrictions between 8am – 5:30pm, Monday – Friday in both car parks. The restrictions were intended to improve the management of the car park and reduce the number of cars parked for extended periods of time in order to prioritise the use of those bays for town centre visitors supporting economic activity.

The 3P restriction was in place during the parking occupancy survey undertaken in 2016. During these surveys the Coogee Street car park demonstrated a peak occupancy of 73 percent and 33 percent of vehicles were parked for longer than three hours. Flinders Street car park demonstrated a peak occupancy of 53 percent and 13 percent of vehicles were parked for longer than three hours.

Scarborough Beach Road Taxi Rank

The Taxi Rank outside of the Paddington Ale House in the town centre currently operates as a taxi zone between the hours of 6:00pm and 8:00am, with the bays then reverting to quarter hour (1/4P) during the day. The Taxi Rank was originally installed to address taxis stopping on the Scarborough Beach Road carriageway to pick up or drop off passengers when the existing on road bays were occupied. During non-peak times, while undesirable, this practice does not create significant issues. However during peak times

after midnight on weekends, it was common for a line of taxis to be stopped on Scarborough Beach Road causing major disruption to general traffic and making it hazardous for pedestrian to cross the road.

When the taxi zone was initially installed the venue management plan required Paddington Ale House security staff to direct patrons to taxi's parked within the designated bays and not to allow them to be 'hailed' on the street. However, it was only moderately successful as the street trees planted in the road pavement, between the bays, prevented the orderly queuing of taxis so that taxis either did not wait in order of arrival or still 'cruise' for fares. As a consequence the bays were being used less for the designated purpose and more for general parking, irrespective of the signage. Further, with the recent advent of Uber, and similar ride sharing services, the proportion of traditional taxis versus ride sharing vehicles, has decreased.

Following consideration of all of the above, the City developed a set of parking restrictions and advertised these for public comment.

DETAILS:

The advertised parking restrictions for the Mount Hawthorn town centre proposed to retain the quarter hour (1/4P) and one hour (1P) parking bays on Scarborough Beach Road, modify or introduce two hour (2P) parking on spill over streets; and retain the three hour (3P) parking restriction in the City owned car parks.

Parking restrictions on Scarborough Beach Road were advertised as quarter hour (1/4P) at all times and one hour (1P) 8:00am-6:00pm Monday – Saturday. Spill over streets were advertised as two hour (2P) 8am – 6pm Monday – Saturday with the restrictions extending outside of the parking occupancy survey area (**Attachment 1**) as it was seen appropriate to terminate parking restrictions at the intersection of streets. The advertised parking restrictions extended to Woodstock Street in the North and Larne, Glyde and Ashby Streets and Anzac Road in the south. These restrictions were extended to these boundaries to avoid shifting long term parking from areas close to the town centre onto surrounding areas.

The parking occupancy survey showed that the duration of stay of the three public car parks had been reduced from that recorded at the beginning of the six month trial. The number of vehicles which were parked for longer than three hours in the Coogee Street car park reduced from 83 percent in the 2015 survey to 33 percent in the 2016 survey. Flinders Street car park also registered a reduction in the number of vehicles parking for longer than three hours going from 33 percent in the 2015 survey to 13 percent in the 2016 surveys. The introduction of 3P restrictions also reduced the peak occupancy of each car park from exceeding 85 percent prior to the introduction of three hour (3P) restrictions to 73 percent in the Coogee Street car park and 53 percent in the Flinders Street car park. Due to the success of this trial no changes to the 3P parking restriction in the City owned car parks were proposed.

CONSULTATION/ADVERTISING:

The proposed restrictions were advertised between 30 November 2016 and 13 January 2017. During the advertising period a notice was published on the City's website, an information pack (including a letter, map and comment form) was sent to households and hand delivered to businesses in the area and one info session was held at The Mezz in Mount Hawthorn. A total of 36 submissions were received with a range of issues both agreeing and disagreeing with the proposed restrictions. Five key issues were raised during the consultation relating to:

- The advertised two hour (2P) parking being too short for visitors, local staff and consumers and general concern with the introduction of two hour (2P) parking restrictions in some streets;
- The need to extend the current restrictions onto streets outside of parking survey area;
- The advertised change to Fairfield Street from one hour to two hour parking; and
- The parking restrictions impact on local businesses.

The main issues raised in the submissions are discussed in the Comment section below. A summary of the submissions and Administration's response to each is included as **Attachment 5**.

LEGAL/POLICY:

- City of Vincent Parking and Parking Facilities Local Law 2007;
- Policy No. 4.1.5 – Community Consultation; and
- Town of Vincent – Car Parking Strategy.

RISK MANAGEMENT IMPLICATIONS:

The parking occupancy survey indicates that peak occupancy rates within the Mount Hawthorn Town Centre reached above 85% during the survey period. If restrictions remain unchanged the parking in the area could become overcrowded and negatively affect the economy and amenity of the area.

STRATEGIC IMPLICATIONS:

The City of Vincent Corporate Business Plan 2016/2017 – 2019/2020 states:

“8. Creating Liveable Neighbourhoods

8.4 Prepare a Transport Strategy and Implement the North Perth Parking Study.”

The City's Strategic Plan 2013 – 2023 states:

“1.1.5 Take action to improve transport and parking in the City and mitigate the effects of traffic.”

The City's Car Parking Strategy 2010 states:

“Objective 7

- Ensure sufficient parking supply to support prosperous and vibrant commercial and high activity centres; and*
- Ensure parking space availability is managed according to the varying needs of businesses, customers and commuters.”*

SUSTAINABILITY IMPLICATIONS:

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

“1.13 Employ a demand management approach to car parking within the City to encourage the use of alternative transport modes.”

FINANCIAL/BUDGET IMPLICATIONS:

The 2016/17 Budget does not include funding for the implementation of modifications to the existing Mount Hawthorn parking restrictions. A total of \$185,000 was included in the 2016/17 budget for 'North Perth Parking Improvements'. Approximately \$97,000 of this budget item is expected to be spent during 2016/17 on implementing the parking restrictions in the North Perth area leaving a saving of approximately \$88,000 in this budget.

The total number of new and replacement signs and poles required to implement the recommended parking restrictions in Mount Hawthorn is in the order of 98 units. The estimated cost of purchasing and installing these signs and poles is approximately \$20,000, including signs and poles.

It is recommended that the current budget item for 'North Perth Parking Improvements' be renamed to 'Parking Restriction Implementation' in the 2017/18 budget with an amount of \$20,000 allocated for this project in 2017/18.

COMMENTS:

The four key issues raised during the consultation and responses are summarised below. A full summary of submissions and responses is included as **Attachment 5**.

Proposed Two Hour Parking Restrictions

Spill over streets (shown in yellow on **Attachment 4**) were advertised as two hour parking and terminated at an intersection. Submitters from several streets expressed that the proposed two hour parking restriction was too short a period for resident's visitors, local staff and consumers. The submitters explained that a three

hour parking restriction would be better suited and would benefit the local businesses of the area. Other submitters from several streets raised concerns with the introduction of parking restrictions in these areas.

The advertised parking restrictions were proposed as part of a holistic parking strategy for Mount Hawthorn to ensure that the parking issues that occur close to the town centre were not shifted down the street. The advertised parking restrictions extended outside of the identified parking survey area and data was not recorded for the sections of these streets.

As there was no survey data for these streets and to accommodate local staff, visitors and consumers it now recommended to make two major changes to the advertised restrictions. The first is to remove the proposed two hour parking (2P) restrictions from the sections of spill over streets which extended outside of the survey area. The second is to change the sections of street that were within the survey area from two hour parking to three hour parking (3P). These restrictions will replace the current mixture of one hour (1P) and three hour (3P) parking restrictions that currently occur in these areas. The proposed three hour (3P) parking restrictions in these spill over streets are intended to provide a holistic approach and allow a balance for staff, consumers and residents.

Parking restrictions on Scarborough Beach Road are proposed to remain generally as they are quarter hour (1/4P) and one hour (1P) with only the times of the parking restrictions and the taxi rank proposed to change. The times of the current restrictions vary along Scarborough Beach Road and it is proposed to introduce standard times with the one hour parking (1P) proposed to operate Monday – Friday 8:00am – 6:00pm and Saturday 8:00am-12:00pm and the quarter hour parking (1/4P) proposed to operate 'at all times' as shown in **Attachment 6**. It is proposed to remove the night time taxi rank from this location and install three 1P 8:00am to 6:00pm and two 1/4P At All Times bays in the five available spaces.

Extension of Parking Restrictions

Submitters outlined that new parking restrictions should be introduced on Edinboro, Glyde and Larne Streets, as well as the 90 degree bays on Kalgoorlie and Berryman Streets surrounding Braithwaite Park, as they are often full and restrict vehicle access and movement.

The parking occupancy surveys undertaken did not include these areas and no data was recorded during the parking occupancy surveys. Following the implementation of the parking restrictions the City will be reviewing transport holistically to produce a transport strategy which is intended to provide guidance on parking management within the City's town centres. It is recommended to maintain these streets as unrestricted parking until this broader review and strategy is completed.

Fairfield Street

Five Submissions were made regarding Fairfield Street south of Scarborough Beach Road, of which four submitters disagreed with the proposed parking restrictions. The main issue raised by submitters was the change to the current one hour parking restriction to a two hour parking restriction. Submitters were concerned that it is already difficult to find adequate parking for residents and visitors on the street due to patrons of the Paddington Ale House often using the parking closer to Scarborough Beach Road.

The parking occupancy surveys undertaken only recorded data for a small section of Fairfield Street south of Scarborough Beach Road, which demonstrated a peak occupancy of 100 percent and an average occupancy of 50 percent. The draft restrictions proposed to retain the resident only parking between 5:00pm and 5:00am and introduce a two hour parking restriction between 8:00am – 6:00pm. The draft proposed restrictions were unclear and it is recommended that the current restrictions on the western side of Fairfield Street be maintained as one hour parking (1P) 5:00am – 5:00pm and Resident Only parking between 5:00pm – 5:00am with the exception of the two bays at the northern end closest to Scarborough Beach Road, which are proposed to change from '1P 8:00am – 5:30pm Monday – Friday and 8:00am – 12:00pm Saturday' to '1P 8:00am – 6:00pm Monday – Saturday'. There is no proposed change to the one hour parking (1P) all day parking restriction on the eastern side of Fairfield Street, however the bays at the northern end which are currently '1/2P 8:00am – 5:30pm Monday – Friday and 8:00am – 12:00pm Saturday' are proposed to change to '1/2P 8am – 6pm Monday – Saturday'.

Parking Restrictions Effect on Local Businesses

One submitter raised concerns with the economic impact of the proposed parking restrictions and the evolving need to create an attractive environment for consumers, including parking, streetscapes, public facilities, security and lighting. The submitter explained that there are currently a number of vacant tenancies and is concerned that the proposed parking restrictions will affect the number of consumers visiting local businesses.

The proposed parking restrictions are intended to reduce the amount of all day parking occurring close to the town centre in order to increase the availability of parking for all town centre visitors. The implementation of consistent parking restrictions, with Scarborough Beach Road '1P' or less and side streets '3P', will ensure certainty and a choice of parking options for visitors while the unrestricted parking areas further from Scarborough Beach Road provides options for business and staff parking. Overall it is considered that these parking restrictions will increase the accessibility of access to the town centre for all users.


(a)

Given the above, it is recommended that the following changes be made to the current parking restrictions in the Mount Hawthorn Town Centre, as shown in **Attachment 6**:

- Existing '1/4P' parking bays be retained, with the hours of restriction changing from '8:00am – 5:30pm Monday – Friday, 8:00am – 12:00pm Saturday' to 'All Times';
- Existing '1P' bays on Scarborough Beach Road be retained, with the hours of restriction changing from '8:00am – 5:30pm Monday – Friday, 8:00am – 12:00pm Saturday' to '8:00am – 6:00pm Monday – Saturday';
- The current '1P' and '3P' bays on Dover, Matlock, Coogee, Flinders, Fairfield, Hobart and Edinboro Streets, '3P' 8:00am – 6:00pm Monday – Saturday';
- The Currently unrestricted section of Matlock Street south of Scarborough Beach Road to Larne Street '3P' '8:00am – 6:00pm Monday – Saturday'; and
- No proposed changes are proposed to the Transperth bus zones, no stopping, 5 minute pick up and set down, ACROD, loading and motorcycle bays.

These parking restriction changes now only apply to the areas surveyed, address the submission received and modify the existing parking restrictions in the Mount Hawthorn Town Centres provide a consistent approach to parking restrictions in the area that create choice and provide a balance between staff, residents, visitors and consumers, while increasing the availability and legibility of parking within the town centre.

9.5 SUBMISSION TO WALGA - THIRD PARTY APPEAL RIGHTS IN PLANNING

TRIM Ref: D17/63931
Author: John Corbellini, Director Development Services
Authoriser: John Corbellini, Director Development Services
Attachments: 1. Attachment 1 - WALGA Discussion Paper 

RECOMMENDATION:**That Council:**

1. **ADVISES** the Western Australian Local Government Association that it supports the introduction of third party appeal rights for Development Assessment Panel applications to allow the relevant local government and/or a person who made a submission and the land on which the application is proposed adjoins that person's land (as defined by section 5.60B of the *Local Government Act 1995*) to apply to the State Administrative Tribunal for review of the Development Assessment Panel's decision and to join as a party to any review of a Development Assessment Panel decision by the State Administrative Tribunal;
2. **REAFFIRMS** its position in relation to Development Assessment Panels adopted at the Ordinary Council Meeting of 8 March 2016;
3. **ADVISES** the Minister for Planning of its position in relation to Third Party Appeals and Development Assessment Panels and its concerns regarding recent decisions of the Metro West Joint Development Assessment Panel; and
4. **ADVISES** the Attorney General of its position in relation to Third Party Appeals and Development Assessment Panels and requests that the State Administrative Tribunal process be altered to allow the relevant local government and adjoining land owners the right to join as a party to any review of a Development Assessment Panel decision by the State Administrative Tribunal.

PURPOSE OF REPORT:

To establish a position on the possible introduction of third party appeal rights for planning matters which will form the basis of the City's submission to the Western Australian Local Government Association (WALGA).

BACKGROUND:

In 2007 the then Member for Alfred Cove Dr Janet Woollard, MLA sought feedback from local governments in relation to a Draft Private Member's Bill which proposed to amend the State Government's *Planning and Development Act 2005* to introduce provisions that would allow objectors and third parties to appeal planning decisions made by the responsible authority, including local governments.

At the time, local governments were the main decision-making authority with respect to major and controversial development applications, under the delegation arrangements of the Western Australian Planning Commission (WAPC).

At the February 2008 meeting of State Council, WALGA formed a policy position against the introduction of third party appeal rights. The report noted that the main arguments against the introduction of third party appeal rights were:

1. The current strategic and statutory planning processes, and consideration of applications by Councils, already takes into account the views of affected parties and the community generally;
2. Third party appeals could be lodged because of vexatious or commercial interests, not because of genuine planning matters; and
3. Such appeals would cause significant delays and additional costs for development, as even lodgement of an appeal would put a development on hold.

The report also outlined that additional planning appeals would place a further burden on already stretched local government resources. Local governments would incur additional costs for new administrative steps in processing development applications, preparing for and responding to appeals lodged with the State Administrative Appeals Tribunal (SAT) and legal representation. This was particularly the case since the establishment of the SAT, which had seen planning appeals become more legalistic, costly and resource intensive for local governments.

The concerns which informed WALGA's position on third party appeals remain, however the planning framework and decision-making environment in Western Australia (WA) has changed since the formation of the position in 2008. These changes are a result of the State Government's planning reform 'Planning Makes it Happen: Phases 1 and 2', and include the following, which directly impact on the decision-making powers of local government:

- The establishment of the Metropolitan Redevelopment Authority (MRA);
- Changes to Structure Planning and Local Development Plan processes;
- Changes to section 76 of the *Planning and Development Act 2005* to give the Minister for Planning the power to order a Local Government to prepare or adopt an amendment to a local planning scheme;
- The introduction of 'Deemed Provisions' for local planning schemes in the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- The introduction of Improvement Schemes and Plans; and
- The introduction Development Assessment Panels (DAPs).

The change which most significantly impacts on the current WALGA position has been the introduction of DAPs. Council at its meeting of 8 March 2016 resolved to advocate for the abolition or reform of the DAPs on the basis that:

1. Elected democratic bodies representing the ratepayers best reflect the aspirations and values of the community;
2. DAPs represent a significant erosion of planning powers by elected representatives who have been given a mandate by ratepayers to make these decisions; and
3. Previous decisions made by the Metro West Joint Development Assessment Panel have gone well beyond the purpose, intent and application of relevant Local Planning Policies adopted by the City of Vincent.

Although at the time, the matter on DAPs was considered in isolation, it has become evident that the DAPs in part may be a catalyst for the review of the WALGA position on third party appeals.

Given the substantial changes that have occurred within the decision-making environment in WA, and the concerns over the creation of the DAP system to determine development applications in place of local governments, it is appropriate to review the position on the role of third party appeal rights in the WA planning system. A discussion paper on the matter has been released by WALGA and is included as **Attachment 1**. WALGA has requested comments from member local governments on the potential introduction of third party appeal rights for planning matters by 19 July 2017.

DETAILS:

Currently in WA an application to have a development decision reviewed on planning grounds can only be lodged by an aggrieved landowner or applicant. This applies when a development application is refused or a condition of approval is not considered acceptable by the landowner or applicant. Reviews are determined by the SAT with limited opportunity for community involvement, which is at the invitation of the SAT only.

There is currently no avenue for a third party to have a development approval reviewed on planning grounds. Third parties do have the ability to appeal the process behind a planning decision through the Supreme Court as a matter of judicial review. Judicial reviews are a review of the legality of the decisions under challenge, not a review of the planning merits of a proposal. This narrows the focus of the review to look at the process and manner in which the decision was made, rather than whether the decision was necessarily correct or the best outcome.

There are a number of arguments both for and against the introduction of full appeal rights for third parties, which are set out in the WALGA discussion paper included as **Attachment 1**. The main arguments for such a change include:

- The legitimate interest certain parties have in development decisions, such as an adjoining neighbour who is impacted by a discretionary decision or a local government who's policy position is affected by a DAP decision;
- The improved consultation, participation, transparency and decision making that may result from the introduction of appeal rights for third parties; and
- The current prohibitive cost of the judicial review process.

The main arguments against the introduction of third party appeal rights include:

- The loss of representation and accountability that would result from shifting decision making away from the locally elected representative local government to the SAT, which is not representative of, and has a reduced level of accountability to, the local community;
- The potential for individuals who have no direct interest or who oppose a development on non-planning grounds to be able to appeal and generate opposition, placing development proposals on hold while the review is undertaken;
- The promotion of adversarial and single-issue decision making that could create planning outcomes which are not in the longer term interest of the community, rather than broader community collaboration on policy formation and strategic planning that leads to better policy and greater certainty in the process and outcome;
- That the current planning process provides an inclusive public participation process that is not present in the appeals process, which only allows parties invited by the SAT to participate;
- That the SAT review process is not representative of the broader community as it is still highly complex, legalistic and cost prohibitive for many; and
- Increased cost, delays, inefficiency and uncertainty that may result from a system that allows third parties to appeal, particular where these appeals may be lodged because of vexatious or commercial interests, not because of genuine planning matters.

The discussion paper released by WALGA on the role of third party appeal rights in the WA planning system, included as **Attachment 1**, seeks feedback from member local governments on the following points:

- *Would you be in favour of the introduction of some form of Third Party Appeal Rights in Western Australia? Why or why not?*
- *Do you feel your Council is likely to support some form of Third Party Appeal Rights?*
- *Any other comments relating to Third Party Appeal Rights.*

CONSULTATION/ADVERTISING:

Required by Legislation:	No	Required by City of Vincent Policy:	No
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Given the timeframes to provide a submission to WALGA on third party appeals, there has been insufficient time to seek feedback from the community on this matter.

LEGAL/POLICY:

Nil

RISK MANAGEMENT IMPLICATIONS:

There are not considered to be any significant risks associated with the introduction of third party appeal rights by the State Government.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

4.1.5 Focus on stakeholder needs, values, engagement and involvement."

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The introduction of third party appeal rights would likely result in an increase in the number of SAT reviews that the City would need to participate in. This would require additional resources and costs to support these additional reviews, in the form of officer time, specialist advice and legal representation.

COMMENTS:

There has been significant analysis of the value of third party appeal rights in Australia, with a 2009 paper by South Australian Judge Christine Trenorden, Senior Judge of the Environment, Resources & Development Court in South Australia, setting out a series of four questions that are considered relevant to determining whether third party appeal rights are necessary:

1. Does the community have confidence that the policy document for a particular area sufficiently describes the desired future character, and contains a comprehensive set of objectives and principles for development in the area, relevant to the local context including the environment?
2. Does the community have confidence in the decision-makers to make a decision in the best interests of the community now and in the future?
3. Is there a transparency about the decision-making?
4. Is there a guarantee that the decision-makers will assess the development in the context of the desired future character, objectives and principles of development for the area (assuming the adequacy of these policy statements)?

The answer to each of these questions in the context of the planning framework that applies in the City of Vincent is discussed below followed by a discussion of the need for third party appeal rights.

Does the community have confidence that the policy document for a particular area sufficiently describes the desired future character, and contains a comprehensive set of objectives and principles for development in the area, relevant to the local context including the environment?

The WA planning system is based around the State Government's planning framework, which consists of the State Government's strategic planning documents, such as Directions 2031 and Beyond; the deemed provisions, which apply to all local government planning schemes; and the state planning policies, such as the Residential Design Codes (R-Codes). This State framework allows local governments to then develop local planning strategies; local planning schemes; and local planning policies that are based on the local context and set the vision, objectives, principles and requirements for the future character of the local area. The process for the preparation and adoption of local planning strategies, schemes and policies is governed by legislation and mandates community consultation prior to final adoption by a local government.

With the introduction of the City's Policy No. 7.1.1 – Built Form, the City now has a comprehensive set of objectives and principles for development in each of its Built Form Areas that sufficiently describes the desired future character of each of these areas. The extensive consultation undertaken during the two years of development of this policy has ensured that the community has confidence in the policy document that has been developed and that it aligns with the community's vision for each area. However, this confidence has been undermined and impacted by individual decisions of the DAP that do not align with the desired future character described in the objectives and principles of this policy.

The recent decision of the Metro West Joint Development Assessment Panel (JDAP) regarding a five storey multiple dwelling development at No. 66-70 Wright Street, Highgate highlights this issue. The deemed-to-comply height of this area is set at three storeys in the City's Built Form Policy and any proposal that does not meet this standard is required to be considered against the principles of the R-Codes and local housing objectives of the City's Built Form Policy. In this instance the five storey development was not considered by the City to align with the desired future character set out in the principles and objectives of these policies, given the height and size of the development would dominate and overwhelm the neighbouring single detached houses and desired three storey height of the streetscape. Despite this, the five storey development was approved by the JDAP 3 to 2, with all three special JDAP members voting in favour of the development and both Vincent Councillor JDAP members voting against the five storey development. These types of decisions alter the direction of

the future character of an area away from that set by the City's policy and undermine the community's confidence in these policy documents that were developed in collaboration with the community.

Does the community have confidence in the decision-makers to make a decision in the best interests of the community now and in the future?

There are three main decision-makers for development applications in the City of Vincent, being the local government Council, the DAP and the SAT. Decisions on development applications must be made in accordance with the provisions of the planning framework and can be challenged on procedural grounds if the decision maker has not followed proper process. However, the community's confidence in these decision-makers to make a decision in the best interests of the community now and into the future is based on how representative they are of the community, the level of involvement the community has in their appointment and how accountable they are to the community.

The local government Council is an elected democratic body that represents the local community in which the development decisions it is responsible for are made. Through the democratic process the Council is appointed by the ratepayers of the community to be the decision-makers for development applications and is ultimately accountable to the community for its decisions. Given this the Council is both representative and accountable to the community and it can be said that the community has a high level of confidence in the Council to make a decisions in the best interests of the community now and in the future.

Both the DAP and SAT are appointed as decision-makers by an external body. As a result, the DAP and the SAT cannot be said to necessarily be representative of the community. They also have a reduced level of accountability to the community for their decisions. These groups also do not play a role in developing policy documents for the local area that set the desired future character. All of these factors diminish significantly the confidence the community has in these decision-makers to make decisions in their best interests both now and into the future.

Is there a transparency about the decision-making?

Decision-making on significant or controversial planning proposals are made within a public setting by the local government, the DAP or the SAT. These processes are open for the public to attend and the technical information and recommendations from the responsible authority, provided to the decision-maker in reports, is also publically available. Whilst the DAP is not as publically accessible as a local government Council, both of these processes area considered to be transparent.

It should be noted that the mediation process undertaken through the SAT review process is confidential and therefore lacks transparency. However, the all SAT reviews that in a reconsideration or decision are ultimately decided in public.

Is there a guarantee that the decision-makers will assess the development in the context of the desired future character, objectives and principles of development for the area (assuming the adequacy of these policy statements)?

The State Government's deemed-provisions require decision-makers to given 'due regard' to all of the relevant state planning policies, local planning policies as well as the local planning scheme and local planning strategy when assessing a development application, regardless of who the decision maker is. These documents set the desired future character, objectives and principles of development for an area and provide the required guidance for the decision-makers. However, the level of regard given to each of these documents by the different decision-makers varies. As a result, there is no guarantee that a decision-maker will fully assess the development in the context of the desired future character, objectives and principles of development for the area.

The recent decision of the JDAP regarding the five storey multiple dwelling development at Nos. 66-70 Wright Street, Highgate also highlights this issue. The desired future character of the area had been clearly set in the City's Built Form Policy, with a deemed-to-comply height of this area set at three storeys and the objectives of the policy requiring any development to, amongst other things, complement existing dwellings and preserve the existing character of the streetscape. This policy was a direct result of consultation with the community regarding each of the Built Form Areas in the City and was only recently endorsed by the City. However, despite these clear and up-to-date policy statements, the specialist members of the JDAP considered that the State planning framework,

consisting of the R-Codes and its draft replacement, Design WA, were more important considerations and so approved the five storey development.

The State planning framework makes it very clear that local policy documents should set the desired future character, objectives and principles for local areas and that certain elements. In fact, for elements such as building height, the local policy documents supersede the standards set under the State planning framework. However, recent decisions of the JDAP demonstrate that there is no guarantee that the DAP will appropriately assess the development against the desired future character, objectives and principles set by local policy documents for an area.

It is considered that this is a result of the reduced representation, involvement and accountability of external appointed decision making bodies like the DAP have for the community and the local government's policy documents.

Conclusion




In considering the questions put forward by Judge Trenorden it becomes clear that the appointment of decision-makers such as the DAP and the SAT by external bodies, rather than the community in which they serve, has created a need for some form of third party appeal rights in certain circumstances. These concerns only extend to decisions made by bodies who are externally appointed and not local government Councils, who are best placed to make decisions on development application as democratically elected and accountable representatives of the community. Given the above, it is recommended that Council advise WALGA that it supports the introduction of third party appeal rights for DAP applications.

The concerns regarding the SAT process and the potential for individuals who have no relevant interest in a matter to be able to appeal remain valid. As a result it is recommended that Council's support for third party appeal rights extends only to the relevant local government and submitters whose land adjoins the subject development site. The proximity interest section of the *Local Government Act 1995* provides a clear description of where land can be considered to adjoin a development site, being where it shares a common boundary or where it is directly across a thoroughfare.

As part of setting its position on DAPs at the meeting of 8 March 2016, Council noted that "*Previous decisions made by the Metro West Joint Development Assessment Panel have gone well beyond the purpose, intent and application of relevant Local Planning Policies adopted by the City of Vincent.*" Introduction of City's new Built Form Policy was intended to help address this issue by modernising the City's policy framework and ensuring that the policy position reflected the current vision of the community for each area. Given recent decisions of the JDAP, it is clear that these issues have not been addressed. As a result it is recommended that Council reiterate its position set down at the 8 March 2016 Ordinary Meeting. In addition, it is recommended that Council advises the Minister for Planning of its position in relation to both third party appeals and DAP, as well as the concerns regarding the recent JDAP decisions.

It is noted that changing the WA planning system so that third parties can appeal DAP decisions to the SAT will not necessarily address all of the concerns created by externally appointed decision-makers, given the SAT is also made up of specialist members who are not democratically elected by or accountable to the local community. These concerns are exacerbated by the lack of transparency present in the mediation process and the fact that local government and adjoining land owners have no ability to join fully in a SAT review or mediation process and no rights to even participate unless they are invited to by the SAT. As a result it is recommended that Council also advises the Attorney General of its position in relation to both third party appeals and the DAP and requests that the SAT process be changed to ensure the relevant local government and adjoining land owners have the right to join as a party to any review of a DAP decision by the SAT.

9.6 NO. 169 - 171 (LOTS: 5 & 6 D/P: 867) OXFORD STREET, LEEDERVILLE - CHANGE OF USE FROM SHOP TO CINEMA AND ASSOCIATED ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDINGS

TRIM Ref: D17/64809
Author: Rob Sklarski, A/Coordinator Statutory Planning
Authoriser: John Corbellini, Director Development Services
Ward: South Ward
Precinct: 4 – Oxford Centre
Attachments: 1. Attachment 1 - Location and Consultation Map 
2. Attachment 2 - Development Plans 
3. Attachment 3 - Determination Advice Notes 

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 development application for a Change of Use from Shop to Cinema and associated alterations and additions to the existing buildings at No. 169 – 171 (Lots: 5 and 6; D/P: 867) Oxford Street, Leederville in accordance with the development plans included as Attachment 2, subject to the following conditions, with associated determination advice notes provided in Attachment 3:

1. Revised Plans

Revised plans shall be submitted to and approved by the City prior to the commencement of development and shall depict the following to the satisfaction of the City:

- 1.1 To include an awning over the new southern entrance to be contiguous with the existing awning along Oxford Street; and
- 1.2 The visitor bicycle bays relocate so that they are convenient to the entrance, publicly accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

The development shall be undertaken in accordance with the revised plans approved by the City;

2. Interactive Front

Windows and doors fronting Oxford Street shall maintain an active and interactive relationship to the street. Darkened obscured, mirrored or tinted glass or other similar materials as considered by the City is prohibited;

3. Schedule of External Finishes

Prior to commencement of development a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the City for the development, and is to include (in particular) details of varying materials and finishes to the development Façade to Oxford Street. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development;

4. Cash-in-Lieu

Prior to occupation or use of the development, a cash-in-lieu contribution shall be paid to the City for the shortfall of 7.12 car bays, based on the cost of \$5,400 per bay as set out in the City's 2016/2017 Schedule of Fees and Charges being a contribution of \$38,448;

5. External Fixtures

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and surrounding properties to the satisfaction of the City;

6. Waste Management

A plan indicating the location of a bin store of sufficient size to accommodate the City's maximum bin requirement shall be lodged with and approved by the City prior to the commencement of the development. The bin store shall be provided in accordance with the plan approved by the City prior to the occupation or use of the development and to the satisfaction of the City;

7. Noise Management

An Acoustic Report, in accordance with the City's Policy No. 7.5.21 – Sound Attenuation and State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning, shall be lodged with and approved by the City prior to the commencement of the development. All of the recommended measures included in the approved Acoustic Report shall be implemented as part of the development, to the satisfaction of the City prior to the use or occupation of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

8. Construction Management Plan

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

9. Landscape and Reticulation Plan

9.1. A detailed landscape and reticulation plan for the development site and adjoining road verge is to be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:

9.1.1. The location and type of existing and proposed trees and plants;

9.1.2. The provision of mature tree planting with a canopy cover, at maturity, of 17.5% of the rear and side setback area, and the provision of 2.5% of the site area as deep soil zones as shown on the approved plans; and

9.1.3. Areas to be irrigated or reticulated;

9.2. All works shown in the plans as identified in Condition 9.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupation or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

10. Stormwater

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

11. Signage

11.1. Shall not have flashing or intermittent lighting;

- 11.2. All signage shall be safe, non-climbable, and free from graffiti and kept in a good state of repair for the duration of its display on-site;
- 11.3. The signage is to be entirely contained within the property boundary;
- 11.4. The proposed signage is to advertise the cinema and associated services only; and
- 11.5. The glazed area of the windows shall comply with Policy No. 7.5.2 – Signs and Advertising; and

12. General

Conditions that have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.

PURPOSE OF REPORT:

To consider an application for development approval for a Change of Use from Shop to Cinema and Associated Alterations and Additions to the existing buildings at No. 169 – 171 Oxford Street, Leederville.

BACKGROUND:

Landowner:	D S Campbell (Lot 5) and O M Campbell (Lot 6)
Applicant:	TPG and Place Match
Date of Application:	3 March 2017
Zoning:	MRS: Urban TPS1: Zone: Commercial R Code: N/A TPS2: Zone: Regional Centre R Code: N/A
Built Form Area:	Town Centre
Existing Land Use:	Shop
Proposed Use Class:	"P"
Lot Area:	810m ²
Right of Way (ROW):	Not applicable
Heritage List:	Not applicable

The subject site is located on Oxford Street adjoining the existing Luna Cinema in Leederville as shown in **Attachment 1**. The subject site is zoned Commercial as are the surrounding properties.

The subject site has an existing building situated to the front of Lot 5 and across most of Lot 6 with vehicular access provided from Oxford Street along sealed narrow accessways on the northern side of Lot 6 and the southern side of the existing building on Lot 5. A number of small outbuildings are situated at the rear of the subject site which are to be removed as part of this proposal. Parking to the existing building is provided on site although these bays are not marked on the development plans and are currently not accessible for visitor parking. A search of the City of Perth records indicates that the provision of eight (8) parking bays was required at the rear of Lot 5 Oxford Street to service both properties when the shop use for both Lots 5 and 6 Oxford Street was approved in 1990.

The application proposes to change the use of the premises from 'Shop' to 'Cinema' along with associated building alterations and additions to accommodate the proposed use. The proposal seeks to reconfigure the existing shop tenancy, which was previously trading as a fish and tackle shop, by essentially repurposing the existing building to facilitate the development of four cinemas providing a total of 164 seats. Each cinema would range in size from a minimum of 23 seats to a maximum of 74 seats. The Cinemas is proposed to operate from 9:00am to 12:30am seven days a week.

In addition to the proposed change of use, the application proposes modifications to the existing building both internally and externally. The scope of these modifications are as follows:

- Addition of an indoor and outdoor lounge area;
- Addition of a ticketing booth and candy bar;

- Toilet additions and upgrades;
- Modifications to the Oxford Street façade; and
- Removal of existing southern vehicle crossover and outbuildings

With the exception of the building façade, the external modifications will be mainly towards the rear of the property. The development plans proposed are included as **Attachment 2**.

DETAILS:

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 (TPS1), the City's Local Planning Policy No. 7.1.1 – Built Form and the City's Local Planning Policy No. 7.7.1 – Parking and Access. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Ground Floor Design		✓
Awnings, Verandahs and Collonades		✓
Parking and Access		✓
Landscaping		✓

Detailed Assessment

The deemed-to-comply assessment of the elements that require the discretion of Council are as follows:

Ground Floor Design	
Deemed-to-Comply Standard	Proposal
Built Form Policy Clause C1.4.15 Ground floor glazing and/or tinting to be a minimum of 70% visually permeable to provide unobscured visibility	The proposal involves removing existing glazing on part of the front façade and replacing with walls to provide sound insulation to Cinema 1.
Awnings, Verandas and Collonades	
Deemed-to-Comply Standard	Proposal
Built Form Policy Clause C1.5.2 Provide continuous awnings or an alternative pedestrian protection measure along the full length of the building frontage to the primary and secondary streets.	Proposed awning over new side entry door is not fully contiguous with the existing awning in terms of depth or footpath coverage.
Parking and Access	
Deemed-to-Comply Standard	Proposal
Policy No. 7.7.1 – Parking & Access 7.12 parking bays	Nil Parking
Landscaping	
Deemed-to-Comply Standard	Proposal
Built Form Policy Clause C1.7.1 The required deep soil zone shall be 15% of the site area	2.5% deep soil zone provided
Built Form policy Clause C1.7.3 80% of the rear or side setback area is to be provided as canopy coverage at maturity	17.5% of side and rear setback provided as canopy coverage at maturity

The abovementioned elements of the proposal do not meet the specified deemed-to-comply standards and are discussed in the comments section below.

CONSULTATION/ADVERTISING:

Community Consultation was undertaken for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 15 May 2017 until 28 May 2017. A total of 131 letters were sent to owners and occupiers in close proximity of the subject site as shown in **Attachment 1**, in accordance with the City's Policy No. 4.1.5 – Community Consultation.

No submissions were received during the consultation period.

The consultation outlined the proposed car parking shortfall of the application, however, did not specify the departures from the deemed to comply standards of the Built Form Policy. Following the conclusion of consultation the applicant submitted amended plans to provide additional details on the awnings, bicycle parking and landscaping.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Town Planning Scheme No. 1;
- Leederville Town Centre – Masterplan and Built Form Guidelines;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.1 – Built Form Policy;
- 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*.

Delegation to Determine Applications:

This matter is being referred to Council for determination as the proposed use is identified as a Category 2 Planning Application.

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:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:Ground Floor Design and Glazing

The Built Form Policy requires ground floor glazing and/or tinting to be a minimum of 70% visually permeable to provide unobscured visibility. The existing façade is currently not fully glazed, with blank walls fronting the street at either end of the buildings. This proposal involves removing central glazing along the Oxford Street frontage and replacing this with walls to provide sound insulation to Cinema 1. To ensure the remainder of the development appropriately addresses the street, the southern third of the front façade facing Oxford Street proposes bi-fold windows that open into an indoor lounge and lobby area located in this third of the building. These bi-fold windows consist of visually permeable glazing that will activate the frontage and allow passive surveillance over the street environment. The remainder of the façade is proposed to consist of a narrow strip of poster boxes associated with the Cinema advertising, which comply with the City's Signage Policy.

The contemporary design of the façade is in keeping with the core elements of traditional commercial facades in the locality, having a nil setback to the street with an awning/canopy above, and therefore is consistent with Policy which advocates the retention of traditional building design.

Awnings, Verandahs and Collonades

The Built Form Policy requires the developments in Town Centres to provide continuous awnings or an alternative pedestrian protection measure along the full length of the building frontage to the primary and secondary streets. The proposed awning over the new side entry door on the southern side of the building is not fully contiguous with the existing awning in terms of depth or footpath coverage.

The form of the existing awning/canopy abutting the Oxford Street frontage of the site is being largely maintained and will occupy the majority of the street frontage of the building, thereby providing weather protection for pedestrians travelling along this portion of Oxford Street.

The applicant's intention to highlight the entrance to the proposed development is consistent with the Built Form Policy which requires pedestrian entrances to be clearly identified into buildings and to provide a well-designed and functional public realm interface for all users. Notwithstanding, it is considered that the proposed awning is capable of being extended so as to form a contiguous awning with the existing building in terms of depth and footpath coverage. As a result it is recommended that a condition be included on any approval requiring the extension of this awning to fully cover the pedestrian entrance between the existing awnings and to the same footpath depth as those awnings.

Parking and Access

The proposed use generates the requirement for the provision of eight (7.12) parking bays under the City's Local Planning Policy No. 7.7.1 – Parking and Access.

Council may, at its discretion, waive the car parking requirements for change of use applications to provide additional on-site car parking, including waiving cash-in-lieu requirements in the following instances:

- a) where the application does not involve the reduction of existing on-site car parking bays as part of the application;
- b) where the application does not involve any building works that contribute to additional floor area that would be subject to parking requirements; and
- c) where a current planning approval required payment of cash-in-lieu but that approval has not been acted upon in any way including payment of cash-in-lieu in part or in full.

The existing underutilised car parking area that was previously approved to accommodate eight car parking bays is proposed to be removed as part of the application to accommodate the outdoor lounge area with access to the southern boundary designed to be the new point of entry into the building. The proposed development also contemplates modifications to the existing building envelope that would preclude the ability to provide on-site car parking.

Whilst the proposed development is essentially repurposing the existing premises, the proposal removes all eight of the car parking previously required for the show use and the cinema use will attract a higher parking demand than that previous shop use. There is already very significant public car parking demand in the Leederville Town Centre and as the application proposes to rely completely on public car parking to service

the parking demand generated by this development, it is considered that the payment of cash-in-lieu for the 7.12 car parking bay shortfall is required. It should also be noted that the City's Parking and Access Policy does not support waiving of the car parking requirements given the proposed building works and the removal of the existing eight car parking bays required to be provided on site.

Landscaping

The Built Form Policy requires that 15% of the site area be provided as deep soil zone and 80% of the side or rear setback to be provided with canopy coverage at maturity.

The applicant proposes to provide an area of landscaping on the northern elevation of the proposed development adjacent to the projector box, such that it will be visible from Oxford Street. There will also be landscaping treatments in the form of pot plants and a small garden in the outdoor courtyard which abuts the southern boundary of the site. The applicant's proposal equates to 2.5% of the site area being provided as deep soil zone, and 17.5% of the side and rear setback to be provided with canopy coverage at maturity.


It is noted that the scope to provide additional landscaping to the rear of the site is limited given the need to maintain clear wayfinding for emergency egress from the rear of the development, as well as the location of a sewer line along the rear of property, which limits deep soil zone planting and species height. In addition, any smaller tree planting in this area to the rear would be obscured from Oxford Street by the existing and proposed development and would be obstructed from the rear properties by the three storey masonry wall to the rear boundary.

The application contemplates a change of use with some minor internal and external works. As the proposal is effectively repurposing the existing premises for a change of use, the capacity to provide deep soil zone and canopy coverage is limited. The landscaping measures proposed by the applicant are considered to meet the design principles of the Policy and are considered to provide a significantly improved outcome for the site.

The proposed use is considered to be appropriate and consistent with the City's broader objectives for the Leederville Town Centre. The proposal is recommended for approval subject to conditions.

10 TECHNICAL SERVICES

10.1 HYDE STREET RESERVE - PROPOSED EXTENSION

TRIM Ref: D17/61617
Author: Jeremy van den Bok, Manager Parks & Property Services
Authoriser: Craig Wilson, A/Director Technical Services
Attachments: 1. Plan No 3435-CP-01 

RECOMMENDATION:

That Council:

1. **CONSULTS** with the local community on the concept plan to close Hyde Street to through traffic, other than pedestrians and bicycles, between Forrest Street and Alma Road, to facilitate the extension of the Hyde Street Reserve as a 'roads to parks' demolition project, as shown on attachment 1;
2. **LISTS** for consideration an amount of \$120,000 in the Draft 2017/18 Budget to extend Hyde Street Reserve, subject to Councils formal approval after consideration of feedback received during community consultation.

PURPOSE OF REPORT:

To consider a proposal to increase the size of the existing Hyde Street Reserve.

BACKGROUND:

At its Ordinary Meeting held on 20 January 2015 Council considered a report on a number of improvements to the Hyde Street Reserve in Mount Lawley which were subsequently budgeted for and undertaken in 2015/16.

At the time Council also requested that a further report be presented, providing a detailed costing to extend the park by closing a portion of Hyde Street adjacent to the park.

DETAILS:

Hyde Street Reserve:

The Hyde Street Reserve is a local community park located at the corner of Forrest and Hyde Streets in Mount Lawley and is well used by nearby residents.

The park, which comprises a softfall area, play equipment, a small gazebo, pathway and soft landscaping is located on No. 53 (Lot 7) Forrest Street, which is owned by the City of Vincent, and is approximately 610m² in area.

The nearest park to the Hyde Street Reserve is Hyde Park approximately 430m away. There are no other parks in close proximity to the Hyde Street Reserve.

Recent Improvements:

Fencing:

An asbestos fence between the park and adjacent Lot 6 (privately owned) was in decline and replaced during 2015/16 financial year. A 50% contribution was provided by the City for the works, which included removal and appropriate disposal of the existing asbestos sheeting and installation of a new 'colorbond' fence.

Swing set:

A new double swing set was installed on a soft fall base following requests from the local community. The double swing set consisted of a standard strap seat and a secure toddler seat for smaller children.

Landscaping:

Additional trees and shrubs were planted throughout the park. The turfed area remaining following installation of the swing set was minimal, so this was removed and the area mulched in an effort to conserve scheme water which is used to water the park. This decision was somewhat controversial, as some members of the community, whilst agreeing that the remaining turfed area was not practical for any use, enjoyed having a small area of turf for picnicking.

Park Extension Proposal 1: (refer Plan No 3435-CP-01 Attachment 1):Proposal – Civil Works:

Administration have prepared a concept design, elements of which are discussed below, should Council decide to allocate funds in future budgets to extend the Hyde Street Reserves:

- Closure of a section of Hyde Street adjacent to the Hyde Street Park between Forrest and Alma Road to vehicular through traffic;
- Removal of the existing footpaths;
- Construction of a 1.5m wide compacted/stabilised 'gravel' pathway from Forrest Street connecting to a proposed 3.0m wide red asphalt driveway which would link to the existing double crossover from Alma Road;
- The existing road pavement would be utilised by installing flush kerbing 40mm above the existing road surface, with the remaining road beyond the flush kerbing to be saw cut, removed and clean fill imported and placed;
- The existing fence along the eastern boundary of the park would be removed and reinstalled along the northern and southern boundaries of the extended park (including the existing gate at the northern boundary to allow access to the proposed 1.5m wide path. In addition a new section of fencing would be installed abutting the driveway access to ensure that the park remains fully enclosed. This would also entail two additional gates, one connecting into the park and the other the path.
- Other works would include:
 - extending the existing concrete path along Alma and Forrest Street;
 - construction of a vehicle crossover at the Alma Street end with associated kerb extension
 - a kerb extension at the Forrest Street end; and
 - boxing out the verge areas and importing and placing clean fill.

Proposal - Landscaping:

Comments received from the local community following the completion of the 2015/16 improvement works were that while all the works were appreciated, some community members were disappointed that the remaining minimal turfed area had been removed and mulched.

Therefore based on community feedback at the time, it would be prudent to include the following landscaping elements:

- extending the turfed area in the north west corner on the park;
- additional park furniture items; and
- Eco zoned/planted areas to complement existing verge planting areas along the eastern verge of Hyde Street.

Impact upon traffic by of closing Hyde Street:

Hyde Street is classified as an Access Road in accordance with the Metropolitan Functional Road Hierarchy. It commences at Forrest Street, to the north, and terminates at Vincent Street to the south (adjacent to Hyde Park). The section of Hyde Street adjacent to the Hyde Street Reserve (on the western side) comprises a roadway approximately 5.5m wide and 59m long (between Forrest Street and Alma Road). Two strata properties adjoin this section of street on the eastern side with side access onto Hyde Street. The most recent traffic data shows that the average weekly traffic on this section of Hyde Street is 128 vehicles per day.

Should the above short section of Hyde Street be closed to vehicular traffic, motorists traveling north along Hyde Street from Vincent Street, wishing to access Forrest Street would need to either turn left into, Chelmsford, Grosvenor, Raglan or Alma Road and then right into Norfolk Street or travel along William Street and turn left into Forrest Street. South bound vehicles, from Forrest Street, down Hyde Street would have similar options. The two adjacent strata properties with side access to Hyde Street would be able to access Alma Road via a proposed driveway.

Given the low traffic volume in the northern section of Hyde Street (128 vehicles per day), it is considered that the traffic redistribution on individual streets would be negligible when spread over the other streets. The following table outlines current traffic volumes and possible volumes should the section of Hyde Street be closed to vehicular traffic.

Street	Section	Vehicles per day	Comments
Forrest St	Norfolk St to Hyde St	1426	
Forrest St	Hyde St to William St	1397	
Alma Rd	Norfolk St to Hyde St	260	
Alma Rd	Hyde St to William St	326	
Raglan Rd	Norfolk St to Hyde St	473	
Raglan Rd	Hyde St to William St	525	
Grosvenor Rd	Norfolk St to Hyde St	540	
Grosvenor Rd	Hyde St to William St	581	
Chelmsford Rd	Norfolk St to Hyde St	310	
Chelmsford Rd	Hyde St to William St	317	
Hyde St	Alma Rd to Forrest St	128	possible park area
Hyde St	Raglan Rd to Alma Rd	119	

Note: All of the above street are classified as access road and are classified to carry up to 3,000 vehicles per day.

It is envisaged that the park extension landscaping would consist of a simple design reflecting and adding to what already exists.

CONSULTATION/ADVERTISING:

The local community in streets surrounding the park would be consulted regarding the proposal to extend the park.

LEGAL/POLICY:

The City has the power to close a thoroughfare to vehicles in accordance with Section 3.50 of the *Local Government Act 1995* 'Closing certain thoroughfares to vehicles'.

RISK MANAGEMENT IMPLICATIONS:

Low: No implications.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

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

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

The estimated cost to undertake the works as discussed in the report is as follows:

Item	Total
Removals/demolition/preparation	\$30,000
Civil Works	\$45,000
Landscaping/furniture	\$25,000
Traffic management/services/contingency	\$20,000
Estimated Total Cost	\$120,000



COMMENTS:

Hyde Street Reserve is a small park located at the corner of Hyde and Forrest Streets in Mount Lawley.

In 2015 Council requested that a further report be presented, providing a detailed costing to extend the Hyde Street Reserve by closing a portion of the adjacent Hyde Street.

The report details a concept plan for a potential street closure and the associated traffic implications and costs. The report does not provide information of a needs analysis or justification for creating additional public open space in this locality as this was not requested by Council at the time.

10.2 PROPOSED ROAD SAFETY AND TRAFFIC MANAGEMENT IMPROVEMENTS IN REDFERN STREET, NORTH PERTH AND RANDELL STREET, PERTH

TRIM Ref: D17/66238
Author: Craig Wilson, A/Director Technical Services
Authoriser: Craig Wilson, A/Director Technical Services
Attachments: 1. Plan No 2724-LM-01A 
2. Plan No 3432-CP-01 

RECOMMENDATION:**That Council:**

1. **CONSULTS** with the residents of Redfern Street, North Perth, on the proposed raised plateau to be constructed at the intersection of Redfern and Hunter Streets, as shown on Plan No 3432 (Attachment 1);
2. **APPROVES** the modifications to the intersection of Redfern and Walcott Streets, as shown on Plan No 3432 (Attachment 1), to be funded from the 2017/2018 Miscellaneous Traffic Management budget;
3. **CONSULTS** with the residents of Randell Street, Perth, on the proposed traffic calming measures as shown Plan No 2724-LM-01A (Attachment 2); and
4. **RECEIVES** a further report at the conclusion of the consultations.

PURPOSE OF REPORT:

To consider resident initiated road safety and traffic calming improvements in Redfern Street, North Perth and Randell Street, Perth.

BACKGROUND:

The City regularly receives requests from members of the community for road safety and traffic management improvements on the local road network. Each request is assessed based upon a site inspection and desktop analysis of the available data, and where appropriate the matter is then referred to the Road Safety Advisory Group (RSAG) for consideration.

The Terms of Reference for RSAG requires it to operate in accordance with the City's Policy No. 4.2.12 – Advisory Groups.

“Any items which have been dealt with by an Advisory Group will not be implemented by the City's Administration until a report has been submitted to the Council for a decision.”

The RSAG last met on 27 April 2017 where it considered two such requests from residents of Redfern Street, North Perth and Randell Street, Perth.

DETAILS:**Redfern Street, North Perth:**

Redfern Street is classified as an Access Road in accordance with the Western Australian Functional Road Hierarchy, linking Charles Street to Walcott Street, and is subject to the 50kph urban speed limit.

The function of an Access Road is defined as:

‘Providing access to abutting properties with safety aspects having priority over the vehicle movement function. In urban areas, these roads are bicycle and pedestrian friendly, with aesthetics and amenity also important. Access Roads are managed by local government’.

In the later part of 2016 a number of residents of Redfern Street approached the City raising concerns about traffic speeds and volumes, and in particular the number of trucks using the street.

The resident's primary concerns related to the intersections of Redfern and Walcott Streets and Redfern and Hunter Streets.

The residents were subsequently invited to attend the RSAG meeting of 27 April 2017.

Previous Works:

In the late 1980's the (then) City of Perth installed a series of speed humps the length of Redfern Street (between Charles and Walcott Streets), to regulate the speed of through traffic. The works were part of a larger area wide traffic calming scheme in which some 90+ speed humps were installed in the precinct bounded by Angove, Charles and Walcott Streets.

Intersection of Redfern and Walcott Streets:

The geometry of the intersection is such that Redfern Street does not intersect with Walcott Street at 90° and as a result the road pavement is very wide at the junction with a larger than standard radius, or sweep, for the left turn into the Redfern Street from Walcott Street.

The concerns raised were twofold:

- vehicles do not have to slow down appreciably through the turning movement making it hazardous for pedestrians crossing Redfern Street, who legally have 'right of way'.
- there is a vehicle crossover providing access to the local neighbourhood shopping centre located on the southern side of Redfern Street, within 20m of Walcott Street, and that Walcott Street traffic is upon vehicles entering and exiting the car park before either driver is aware.

RSAG Discussion:

The suggested solution, as supported by the RSAG, is to improve the alignment of the intersection by 'nibbing out' the kerb-line on the southern side of the intersection, as shown on Plan 3432-CP-01, Attachment 1. This provides the opportunity to reduce the speed of the turning traffic, provide a protected bicycle 'slip lane' while reducing the width of road a pedestrian has to cross.

Intersection of Redfern and Hunter Streets:

Redfern Street is an undulating street with the above intersection located at a valley point. In addition Hunter Street grades down from north to south through the intersection, with the Hunter Street traffic movement regulated by a Stop Control.

The resident's concerns centred on the speed of traffic through the intersection, and in particular trucks. From either direction in Redfern Street it is a decline to the intersection so that potentially a vehicle is at maximum speed (50 kph) in the intersection before slowing on the incline (on the way out of the intersection). The residents were requesting that additional traffic measures be considered to improve the safety of the intersection and thereby the neighbourhood.

Further, prior to the meeting the residents requested traffic data for the adjacent parallel streets. They were given the data for Paddington and Cliveden Streets, however Elizabeth Street was not provided as the data was considered too old to be of relevance (pre 2000). New data has since been collected in Elizabeth Street and included in Table 2 below. The residents are of the opinion that the data reinforces their argument that Redfern Street is unfairly burdened by a greater volume of through traffic, and in particular commercial vehicles, than the adjacent streets.

Redfern Street Traffic Data:

Location	Date	Vehicles per day	85% speed	% Commercial
Charles - Union	Feb 2017	928	42.0	3.7
Union - Hunter	Feb 2017	954	42.1	2.9

Charles - Union	June 2011	864	41.0	2.7
Union - Hunter	Mar 2014	859	37.8	3.0

Table 1.

Parallel streets traffic data

Street	Date	Vehicles per day	85% speed	% Commercial
Elizabeth Street Charles - Hunter	May 2017	598	43.3	3.5
Paddington Street Hunter - Norham	Dec 2015	691	42.5	2.6
Clieveden Street Hunter - Union	Dec 2014	803	42.5	3.0

Table 2.

Analysis of the Traffic Data

The traffic volumes in Redfern Street, including that of trucks, has increased but is generally in-line with population and vehicle growth, while the 85% speed has remained reasonably consistent.

In respect of traffic accidents for the five year reporting period 1 January 2012 to 31 December 2016, there has been one reported accident at the intersection of Redfern and Hunter Streets, in 2014, resulting in minor damage only.

The number of accidents is below the 'network average', as defined by Main Roads.

In respect of a comparison of the traffic data with that of the adjoining streets Elizabeth Street does not provide a direct link between Walcott and Charles Streets and as would be expected carries fewer vehicles than Redfern Street, while the 85% speed is comparable. Paddington and Clieveden Streets do however provide the some connectivity as Redfern Street and the speed is also governed by a series of 'speed humps'. In addition Clieveden Street provides an indirect link to Kyilla Primary School.

The anecdotal evidence as to why Redfern Street carries more traffic than that of Paddington and Clieveden Streets is that it is the most convenient and direct link for Walcott Street and Alexander Drive traffic heading in a westerly direction. For vehicle turning right from Alexander Drive south into Walcott Street west it is the closest direct through route to Charles Street and Scarborough Beach Road.

RSAG Discussion:

The Group, while acknowledging that the data did not indicate a problem with speed, traffic volumes or accidents, shared the resident's concerns about the potential for an accident involving a fully laden truck at the intersection. Having discussed, and discounted, a number of possible traffic calming measures the Group supported a 'raised plateau' through the intersection, as shown on plan 3432-CP-01, Attachment 1.

Officer Comment:

As indicated above the data does not support the residents assertion that traffic volumes, speed and the potential for accidents in Redfern Street is excessive or exceeds that of the network average. However they have followed the City's process in seeking to have their concerns considered, first by the RSAG, and then by the Council. The RSAG meeting allowed them an opportunity to 'put their case' and in general the group agreed with them.

However, prior to the matter coming before the RSAG several other residents of Redfern Street contacted the City voicing their opposition to any more traffic calming.

Therefore, in light of the above, the recommendation is to consult, rather than approve, the raised plateau at the intersection of Redfern and Hunter Streets and to list it for consideration in the 2018/19 'draft' budget, pending the outcome of the consultation and a future Council approval.

Randell Street, Perth:

Randell Street is classified as an Access Road under the Western Australian Functional Road Hierarchy, linking Fitzgerald Street to Palmerston Street, and is subject to the 50kph urban speed limit.

The function of an Access Road is defined as:

'Providing access to abutting properties with safety aspects having priority over the vehicle movement function. In urban areas, these roads are bicycle and pedestrian friendly, with aesthetics and amenity also important. Access Roads are managed by local government'.

In the later part of 2016 a number of residents of Randell Street approached the City raising concerns about traffic speeds and volumes and in particular the increasing number of 'rat runners' using their street.

The residents were subsequently invited to attend the RSAG meeting of 27 April 2017.

Previous Works:

In the early 2000's median islands and low profile speed humps had been installed at either end of Randell Street, at the respective intersections, with 'painted' embayed parking installed both sides. Further, in 2015 the City consulted with the residents (of Randell Street) in regards installing a mid-block speed hump, as shown on Plan No. 2724-LM-01, Attachment 3. The works were subsequently cancelled due to concerns raised by some of the residents who live in the immediate vicinity of the proposed speed hump.

Analysis of Data:

The data, collected in March 2017, showed the average weekday traffic to be in order of 1113 vehicles per day, while the 85% speed is in the order of 50.4kph, therefore within an acceptable degree of tolerance for the 50kph urban speed limit. However a larger than average 17% of traffic was travelling at 50 kph and above, commonly referred to as low level speeding.

Further, there was a pronounced AM peak period, 160 vehicles between 7.00 and 9.00am, and PM peak period, 196 vehicles between 4.00 and 6.00pm (Monday to Friday) with motorists either avoiding the traffic signals at the intersection of Fitzgerald and Bulwer Streets of using Randell Street to access Palmerston and/or Brisbane Streets.

RSAG Discussion:

The Group had a general discussion about the Randell Street road environment and resident amenity, and while acknowledging that the data did not indicate a problem with speed or traffic volumes across the course of a day, it shared the resident's concerns about the rat running and the need for a deterrent.

The residents, who attended the meeting, appreciated that not all their neighbours were likely to support additional traffic calming but having discussed it widely (with other residents) suggested the traffic calming measures they thought most appropriate.

The residents own research lead them to request consideration of a series of regularly spaced, i.e. 60m apart, low profile speed humps. The theory being that it keeps the speed constant rather than the acceleration/deceleration noise associated with a vehicle passing over a speed hump. The wider low profile nature of the speed hump further reduces the noise factor, as shown on Plan No. 2724-LM-01A, Attachment 2.

The resident advised that they had considered and discounted chicane style traffic calming devices and single lane slow points, as per the existing ones in Palmerston Street.

The Group subsequently agreed that while the residents had canvassed the views of their neighbours any additional traffic calming measures would require the City to undertake further consultation.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Both Redfern Street and Randell Street are local access roads in accordance with the Western Australian Functional Road Hierarchy and are under the care, control and management of the City of Vincent.

RISK MANAGEMENT IMPLICATIONS:

Medium: The proposals will improve safety and amenity for residents in the various streets which are the subject of this report.

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:

Street	Estimated Cost	Funding Source	2017/18 Budget	Expend to date
Redfern St, inter. Walcott St	\$10,000	2017/18 Miscellaneous Traffic Management	\$100,000	Nil
Redfern St inter. Hunter St	\$30,000	List for consideration 2018/19 budget		Nil
Randell St, Fitzgerald St to Palmerston St	\$12,000	2017/18 Miscellaneous Traffic Management	\$100,000	Nil

COMMENTS:**Redfern Street:**

The suggested modifications at the intersection Redfern and Walcott Streets will improve both the geometry and safety of the intersection with minimal impact upon traffic flow and is relatively simple and inexpensive to construct. However the raised plateau at the intersection of Hunter and Redfern Street, thought by the Group to be the most an appropriate treatment, will be considerably more expensive and harder to justify given the traffic data.

Therefore if supported by the community, and ultimately approved by Council, it will be recommended that the Walcott Street intersection proceed in 2017/18, funded from the Miscellaneous Traffic Management budget and the Hunter Street raised plateau be listed for consideration in the 2017/18 'draft' budget.

Randell Street:

Speed humps, as suggested by the residents who attended the RSAG meeting, as their preferred traffic calming measure, tend not to be popular with those living adjacent.

However if broadly supported by the 'street', and ultimately approved by Council, it will be recommended that the works proceed in 2017/18, funded from the 2017/18 Miscellaneous Traffic Management budget.

10.3 BEATTY PARK LEISURE CENTRE - REMEDIAL WORKS

TRIM Ref: D17/57319
Authors: James Hopper, Asset Management Coordinator
Len Kosova, Chief Executive Officer
Authoriser: Len Kosova, Chief Executive Officer
Attachments: Nil

RECOMMENDATION:**That Council:**

1. **APPROVES BY ABSOLUTE MAJORITY**, in accordance with section 6.8(1) of the *Local Government Act 1995*, the unbudgeted expenditure of \$400,000 to carry out the remedial works outlines in this report to the Beatty Park Leisure Centre plant rooms and two pool deck light towers, to ensure they are operationally safe and structurally sound; and
2. **REQUIRES** a further report to be submitted to Council by March 2018 outlining a long term asset management plan for Beatty Park Leisure Centre.

PURPOSE OF REPORT:

To consider approving un-budgeted expenditure to address a number of significant structural issues at Beatty Park Leisure Centre in the current financial year.

BACKGROUND:**1960s – 1980s:**

The Beatty Park Leisure Centre has an extensive history dating back to its opening in 1962 – as the then Perth Aquatic Centre – for the VIIth Commonwealth and British Empire Games. At that time the centre comprised an Olympic standard swimming and diving pool surrounded on three sides by a three story / two tier grandstand structure incorporating poolside concourse and mezzanine level spectator seating, capable of holding 6,500 spectators.

Located within the grandstand lower levels were the male and female change rooms, plant room, office space and the original Vincent Street entrance. A training pool, additional toilets and kiosk were located external to the main structure but within the grounds of the complex.

In the mid-1980s the (then) City of Perth sought State Government funding to refurbish the grandstand and main pool and to upgrade pool plant. The funding request was unsuccessful and the State Government instead chose to fund construction of Challenge (now HBF) Stadium, which opened in 1986. As a result, the City abandoned the proposed refurbishment of the grandstand and main pool and plant room upgrade.

1990s:

In the early 1990s, the City of Perth developed the Beatty Park Leisure Centre in response to declining demand for swimming competitions and carnivals due to the opening of Challenge Stadium. This entailed demolition of the northern training pool and construction (in its place) of an indoor passive use and children's pool. At that time, a second floor addition was built atop the existing 1962 ground floor plant room to house equipment used to supply heated air to the indoor pool area. During this time, the remaining 1962 grandstand and northern toilets remained largely untouched, with the exception of minor fit out on the ground floor of the grandstand.

In 1994, responsibility for Beatty Park Leisure Centre transferred to the then new Town of Vincent.

2004 – 2007:

In 2004 the Town of Vincent successfully applied to have the entire Beatty Park reserve included on the State Heritage Register, with Beatty Park becoming the 1,000th Place on the Register. A condition of this listing required the Town to develop and implement a Heritage Conservation Plan. A site-wide Conservation Plan was subsequently prepared by Phillip Griffiths Architects in 2007, outlining the heritage requirements for maintaining the facility.

The 2007 Heritage Conservation Plan noted the poor general condition of fixtures within the grandstand which had been caused or exacerbated by failing render from the concrete roof structures that had allowed water ingress to damage timber and steel. At that time it was noted that all rendered surfaces, including that of the underside first level seating concourse, were drummy and at risk of delaminating.

2008 – 2012:

Demand for spectator attended swimming events continued to decline and with most school carnivals held poolside, general public access to the grandstand second and third levels ceased around 2008. Maintenance of the grandstand structure appears to have largely ceased around this time.

The Town embarked upon developing a business case and funding model for a proposed \$17 million 'renewal and new build' of the north eastern corner of the site. A four stage improvement plan to increase patronage was also developed at the time.

2013 – 2016:

In 2013, the City undertook the \$17 million redevelopment of Beatty Park Leisure Centre, which involved:

- Construction of stages one and two from the four stage improvement plan (incorporating gym and group fitness facilities); and
- Partial completion of stage three (hot spa and steam room refurbishment).

Stage four (which included renewal of the ground floor plant room, northern indoor pool deck toilets, and repurposing of the grand stand) was never progressed, despite those structures remaining largely unchanged since 1962.

DETAILS:

In mid-December 2016, a large section of render on the underside of the eastern grandstand area failed (overnight while the centre was closed) causing sheets of render rubble to fall onto the eastern pool deck spectator tiled concourse seating. In response to this event, Administration took the following action:

- a) The affected area was fenced and made safe;
- b) Structural engineers were commissioned to:
 - determine the integrity of all other rendered surfaces of the 1962 building;
 - structurally assess all 1962 building components – particularly the grandstand, plant room and northern toilets; and
 - structurally assess all 1994 building components;
- c) Consultants were commissioned to audit and make recommendations on mechanical, electrical, hydraulic and fire services;
- d) Consultants were commissioned to undertake a site-wide Building Code of Australia (BCA) and general compliance audit;
- e) The City's insurers were commissioned to undertake an independent risk assessment of the plant room; and
- f) Structural engineers were commissioned to assess the structural integrity of the pool deck 15m light structures.

The findings from the above body of work have illustrated that asset management and maintenance of the Beatty Park grandstand and plant room has been both inadequate and uncoordinated over many decades, and has been characterised by reactive ad-hoc repairs or replacements at the point of failure. These factors, coupled with the age of the structures, their unmitigated deterioration over several decades and the exposed and corrosive environment in which they exist, have resulted in parts of the grandstand and plant room

exhibiting signs of serious structural failure, which now urgently need to be addressed to secure the structural integrity of other elements of the facility.

The urgent structural work required at Beatty Park Leisure Centre comprises three components, as follows:

1. Demolition of Northern Plant Room (adjoining Swimming Lane):

The City's appointed structural engineer (Structerre Consulting Engineers) has recommended that the northern plant room, adjoining Swimming Lane, be demolished due to *"the poor structural condition of the concrete roof, risk of spalling concrete damaging the plant machinery, the masonry cracking noted in the external walls, cracked and spalled render, and corroded reinforcement"*. Cracking and shearing of the external walls of this building can be seen in Fig. 1 below.

Fig. 1 – Masonry cracks and shearing of external wall



Although this plant room is now disused, there are a number of challenges associated with its removal, including:

- Location – The plant room abuts the Swimming Lane public road reserve, so any demolition of the structure will require full or partial closure of that road;
- Services – The 2011 fire ring main installation runs over the concrete roof and would need to be relocated. Water, gas and waste services are also located under the building footprint. These will need to be protected from damage during demolition and may need to be relocated post-demolition;
- Balance tanks – Subterranean balance tanks constructed in 1962 are immediately adjacent to the parts of the plant room building that need to be demolished. Care will therefore need to be taken to ensure that demolition of the plant room does not impact the structure and function of these tanks, as that will impact aquatic operations at the Leisure Centre;
- Adjoining building – The 1994 upper plant room and steel indoor pool wall/roof structure have been built above, beside and structurally integrate into the failed plant room building. Demolition of the plant room will therefore need to delicately manage the interconnected 1994 structure to ensure it remains intact. It is expected that new walls or bracing structures will need to be built in place of the demolished plant room to shore-up the 1994 build; and
- Preservation of internal plant and equipment – Demolition of the plant room will need to be carefully planned and executed to avoid the risk of collapse onto the critical plant and equipment that sits within or adjacent to any part of the building footprint that needs to be demolished.

2. Structural Reinforcement of Main (north eastern) Plant Room:

The main Beatty Park plant room is critical to all aquatic and air heating functions at Beatty Park Leisure Centre. The concrete slab roof of the main plant room has been cut and punctuated over many years to replace plant and equipment, install new or realigned services and accommodate building modifications. This has significantly compromised the structural integrity of the plant room roof, and now requires structural reinforcement to make it safe.

Fig. 2 – Main Plant Room showing internal (left) and external (right) view of perforated and cut slab with fire ring main attached



The following challenges are associated with the urgent work needed to structurally reinforce the plant room:

- Use – It is still fully functional and is in use 24 hours a day; is the only source of water treatment, recirculation and heating for all pools at the centre; and air supply to the indoor pool area. Interruption to this plant would necessitate the aquatic centre shut down;
- Life of plant – Some plant within the room is reaching or is beyond the end of its engineered life (gas boiler, air handling unit in particular) and will require major alterations to the structure in future to remove and replace that plant. Consideration therefore needs to be given to this when shoring up the structure so the plant does not become inaccessible for future servicing/renewal;
- Structure – The integrity of the walls and spalled concrete roof are showing severe signs of degradation and being past their engineered lifespan. Careful consideration will therefore need to be given to the location and type of shoring and structural bracing employed, which will ultimately rely on having a sound structural element to attach to;
- Integration – The ground floor plant room structure is integrated into the 1962 grand stand, 1994 additions and 1994 upstairs plant room. This only adds to the complexity of the exercise to remove, replace or reinforce the structurally compromised parts of the plant room slab roof and walls;
- Subterranean balance tanks – The main plant room is built over several underground concrete tanks required to balance inflow and outflow pool water. The integrity of the tanks remains largely unknown and any shoring of the plant room structure above the tanks will need to be carefully undertaken to not increase load on the tanks;
- Location – The northern section of the main plant room abuts Swimming Lane road reserve and, as such, any works involving the plant room may require full or partial closure of that road;
- Services – The 2011 fire ring main installation is attached to the cut/perforated concrete slab roof of the plant room and will require relocation. Water, gas and waste services are also located under the building footprint. The Western Power high voltage main switchboard is also located within the plant room. These will need to be protected from damage during the structural reinforcement works and may need to be relocated as a consequence;
- Preservation of internal plant and equipment – Removal of structurally compromised sections of the concrete slab roof and walls and reinforcement of the remaining structure will need to be carefully planned and executed to avoid the risk of collapse onto the critical plant and equipment contained within the plant room.

3. Replacement of pool deck light poles:

The two 15 metre tall pool deck light poles were successfully removed on 13 June 2017. Both light poles were exhibiting severe corrosion at their bases (see Fig. 3 below) and the City's appointed structural engineer had recommended that both poles be removed and (if required) replaced with new poles.

Fig. 3 – Pool deck lighting poles



Prior to removing the light poles, the City sought further specialist advice on the structural integrity of the poles from a metallurgist and this also confirmed the corrosion had significantly impacted the structural integrity of both poles. Therefore, in the interests of public safety the poles were removed.

Challenges associated with these works included:

- Use – The lights are a statutory requirement to operate an aquatic centre outside of day light hours, so arrangements have been made to provide temporary lighting in the meantime, until new poles are installed;
- Location – The light poles are located within the public use areas of the swimming pool, which required careful management to enable their replacement;
- Design and Installation – The current light poles were concreted into the pool deck and had corroded at their bases. Additionally, because the pool deck had been built up over time, layers of corrosion also existed in deeper layers of the pool deck. The existing poles could not simply be replaced with new poles erected in the same fashion or location, because an engineered elevated footing will need to be constructed in their place before replacement lights can be installed; and
- Access – A crane was required to 'jib' over the grandstand roof from both the eastern and western elevations to remove the light poles.

Cost and Scope of Work:

Structerre Consulting Engineers has estimated the cost of undertaking the three bodies of work described above as being in the order of \$250,000 - \$500,000. However, given the complexity of each of those works a more definitive cost cannot yet be determined. Structerre has therefore been commissioned to assist Administration in compiling the following, which will enable the City to more accurately estimate the likely cost involved in carrying out the works and to then invite tenders for the same:

- Design and scope of works to secure the current roof and structure of the main plant room to ensure safe access to staff and contractors;
- Design and scope of works to demolish, remove and replace the redundant concrete roof in the main plant room and design a new roof structure that is to be placed over the plant room to support the existing sheet metal roof;
- Design and scope of works to demolish and rebuild northern plant room;
- Design and scope of works to demolish and rebuild the north plant rooms;

- Design and scope of works to repair and stop the significant moisture damage as a result of moisture penetrating the masonry walls that form the sauna and steam room; and
- Design and scope of works to ensure there is no damage to the current plant machinery whilst these works are undertaken.

It is intended that a tender to conduct works numbered one and two above will be scoped and awarded as per the Act. To ensure independence and integrity in this exercise, Structerre Consulting Engineers will be prohibited from tendering for this work.

The pool deck lamp posts are being removed on 13 June 2017 and will take approximately 10-12 weeks to replace. The total cost of replacing the pool deck lighting poles is in the order of \$44,000 and will be arranged by Administration through the City's quotation and procurement process, in accordance with relevant policy.

Beatty Park Long Term Asset Management Plan

Beatty Park Leisure Centre is a complex site, requiring significant further investigation to understand both the asset maintenance and renewal backlog and forward asset management and renewal requirements.

Administration has already gathered a range of asset condition information for Beatty Park Leisure Centre, including:

- Structural investigation of all 1962 components, grandstand, plant room, northern toilets and all rendered surfaces;
- Structural investigation of all 1994 components;
- Mechanical, electrical, hydraulic and fire services audit report and recommendations;
- Building Code of Australia compliance inspection and report site wide; and
- Risk assessment of the plant room.

To supplement this work, Administration is collecting further asset condition data across all asset component groups, in order to present a comprehensive asset management plan for Beatty Park Leisure Centre to Council in early 2018.

CONSULTATION/ADVERTISING:

Nil related to the recommendations of this report.

Owners/occupiers of properties near Beatty Park Leisure Centre, as well as customers and stakeholders of the Centre, will be notified of any impact or inconvenience that the three different bodies of (structural) work outlined in this report may have on them.

LEGAL/POLICY:

Under section 6.8(1) of the *Local Government Act 1995*, a local government is not to incur expenditure from its municipal fund for a purpose for which no expenditure estimate is included in its annual budget, unless that expenditure is:

- (a) incurred in a financial year before the adoption of the annual budget ; or
- (b) authorised in advance by a resolution of Council (by absolute majority); or
- (c) authorised in advance by the Mayor or President in an emergency.

The recommendation of this report is seeking a resolution of Council in line with s. 6.8(1)(b) above, which will authorise Administration to incur expenditure on these three bodies of work (up to \$400,000). In the meantime, to allow for the urgent removal of the two 15m tall pool deck light poles, Administration sought and obtained the Mayor's authorisation in accordance with s. 6.8(1)(c) to incur costs associated with those works up to the date of the 27 June 2017 Council Meeting.

RISK MANAGEMENT IMPLICATIONS:

High: Left unaddressed, the likelihood of localised structural component failure in the three areas outlined in this report is almost certain. The consequence of localised structural failure in these areas (again, if left unaddressed) is major.

STRATEGIC IMPLICATIONS:

This report aligns with the City's *Strategic Plan 2013-23* as follows:

- 1.1.4 Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.
- 4.1.4 Plan effectively for the future.

SUSTAINABILITY IMPLICATIONS:

Addressing the structural issues identified in this report will enable Beatty Park Leisure Centre to continue operating and providing a range of leisure services to the community, pending delivery of a more comprehensive asset management plan for the facility.

FINANCIAL/BUDGET IMPLICATIONS:

The estimated cost of undertaking the three bodies of work described in this report is in the order of \$250,000 - \$500,000. Administration is therefore seeking Council's approval to approve the allocation of \$400,000 from the City's forecast 2016/17 annual budget closing balance to enable the urgent works to be initiated immediately, with the bulk of the works actually undertaken in the next financial year.

COMMENTS:

As mentioned earlier in this report, it was recognised as early as the 2004 planning phase, that the plant room function, structure and plant had reached end of life; however this was not addressed due to the City abandoning parts three and four of the planned redevelopment in 2013. This has in turn magnified the severity of those issues and the urgency with which they must now be addressed.

During the remainder of 2017, Administration will continue to gather more detailed condition data in order to present a whole-of-site asset management plan for Beatty Park Leisure Centre to Council early in 2018.

11 CORPORATE SERVICES**11.1 INVESTMENT REPORT AS AT 31 MAY 2017**

TRIM Ref: D17/65127
Author: Sheryl Teoh, Accounting Officer
Authoriser: John Paton, Director Corporate Services
Attachments: 1. Investment Report 

RECOMMENDATION:

That Council **NOTES** the Investment Report for the month ended 31 May 2017 as detailed in Attachment 1.

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

Total funds held for the period ended 31 May 2017 including on call in the City's operating account were \$27,412,051 as compared to \$24,348,546 for the period ended 31 May 2016.

Total Investments for the period ended 31 May 2017 were \$25,718,292 as compared to \$26,206,328 for the period ended 30 April 2017 and \$23,486,917 for the period ended 31 May 2016 respectively.

Investment comparison table:

Month Ended	2015/16		2016/17	
	Total Funds Held	Total Investments	Total Funds Held	Total Investments
July	\$17,885,002	\$14,961,000	\$19,683,412	\$18,420,252
August	\$32,600,029	\$26,961,000	\$26,167,645	\$22,573,297
September	\$33,331,757	\$31,361,000	\$36,754,571	\$34,302,896
October	\$32,212,324	\$30,701,564	\$37,581,885	\$34,521,542
November	\$32,694,298	\$31,206,505	\$37,034,885	\$35,775,011
December	\$29,737,925	\$27,239,542	\$33,692,431	\$31,165,443
January	\$30,282,430	\$29,229,172	\$34,645,041	\$33,201,749
February	\$31,529,914	\$29,221,565	\$34,028,716	\$32,316,251
March	\$28,785,278	\$27,983,289	\$32,070,200	\$31,424,409
April	\$27,011,580	\$26,587,166	\$30,661,122	\$26,206,328
May	\$24,348,546	\$23,486,917	\$27,412,051	\$25,718,292
June	\$23,024,830	\$21,005,952		

Total accrued interest earned on Investments as at 31 May 2017:

	Revised Budget	YTD Budget	YTD Actual	% of FY Budget
Municipal	\$436,000	\$416,000	\$469,028	107.58%
Reserve	\$206,000	\$186,000	\$186,779	90.67%
Leederville Gardens Inc Surplus Trust*	\$0	\$0	\$119,355	0.00%
Total	\$642,000	\$602,000	\$775,162	120.74%

*Interest estimates for Leederville Gardens Inc Surplus Trust was not included in 2016-17 City of Vincent's budget; actual interest earned is restricted.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

City of Vincent Investment Report Grouping*	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	A1+	30%	Nil	45%	Nil	100%	Nil
Group A	AA	A1+	30%	32.0%	30%	Nil	90%	56.7%
Group B	A	A1	20%	15.6%	30%	Nil	80%	32.8%
Group C	BBB	A2	10%	10.4%	n/a	Nil	20%	10.5%

*As per subtotals on **Attachment 1**

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:

Not applicable.

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 management.

COMMENTS:

The funds for investment have decreased from the previous period due to excess of payments to creditors and other expenditures over cash receipts, which is the expected seasonal cash flow.

The City has obtained a weighted average interest rate of 2.67% for current investments including the operating account, and 2.74% excluding the operating account respectively. The Reserve Bank 90 days Accepted Bill rate for April 2017 is 1.73%.

As at 31 May 2017, the City's total investment earnings exceed the year to date budget estimate by \$173,162 (28.76%). However, of this, \$119,355 was earned by the Leederville Gardens Inc Surplus Trust and funds in this trust are restricted. Investment earnings from this trust were excluded from the 2016/17 budget calculations. Excluding this Trust income, the balance of the investment revenue is exceeding year to date budget by 8.94%.




Funds invested with the Westpac Banking Corp exceed 30% at the end of May 2017. This is due to decrease in total invested funds after the investments maturing with other banks have progressively been withdrawn for cash flow purposes.

In response to the August 2016 amendment to the City's Investment Policy that provided for preference "to be given to investments with institutions that have been assessed as to have a higher rating of demonstrated social and environmental responsibility, providing that doing so will secure a rate of return that is at least equal to alternatives offered by other institutions", administration has actively sought investment offerings from relevant institutions. As a result, 43.26% of the City's investments were held in non-fossil fuel lending institutions as at 31 May 2017.

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

- Investment & Earnings Charts;
- Investment Portfolio;
- Investment Interest Earnings; and
- Investment Current Investment Holding.

11.2	AUTHORISATION OF EXPENDITURE FOR THE PERIOD 01 MAY 2017 TO 31 MAY 2017
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TRIM Ref: D17/65183
 Author: Nikki Hirrill, Accounts Payable Officer
 Authoriser: John Paton, Director Corporate Services
 Attachments: 1. Payment by EFT 
 2. Payment by Cheque 
 3. Payment by Credit Card 

RECOMMENDATION:

That Council RECEIVES the list of accounts paid under delegated authority for the period 1 May 2017 to 31 May 2017 as detailed in attachment 1, 2 and 3 as summarised below:

Cheque Numbers 81172 – 81293	\$151,820.65
Cancelled Cheques 81044, 81141, 81052 & 81244	-\$4,405.49
EFT Documents 2079 - 2091	\$4,436,725.22
Payroll	\$1,717,218.00

Direct Debits

- Lease Fees \$1,101.28
- Loan Repayments \$147,111.01
- Bank Fees and Charges \$16,680.23
- Credit Cards \$7,206.47

Total Direct Debit	\$172,098.99
Total Accounts Paid	\$6,473,457.37

PURPOSE OF REPORT:

To present to Council the expenditure and list of accounts paid for the period 01 May 2017 to 31 May 2017.

BACKGROUND:

Council has delegated to the Chief Executive Officer (Delegation No. 1.14) 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, 2 and 3)		
Cheques	81172 – 81293	\$151,820.65
Cancelled Cheques	81044, 81141, 81052 &	-\$4,405.49

	81244	
EFT Payments	2079 - 2091	\$4,436,725.22
Sub Total		\$4,584,140.38
Transfer of Payroll by EFT	02/05/17	\$574,369.43
	16/05/17	\$577,713.70
	19/05/17	\$341.85
	30/05/17	\$564,793.02
	May 2017	\$1,717,218.00
Bank Charges and Other Direct Debits		
Lease Fees		\$1,101.28
Loan Repayments		\$147,111.01
Bank Charges – CBA		\$16,680.23
Credit Cards		\$7,206.47
Total Bank Charges and Other Direct Debits (Sub Total)		\$172,098.99
Less GST effect on Advance Account		0.00
Total Payments		\$6,473,457.37

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Regulation 12(1) and (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 Council.*
- (2) *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 Council.*

Regulation 13(1) and (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 Council at the next ordinary meeting of 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:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

All Municipal Fund expenditure included in the list of payments is in accordance with Council's revised Annual Budget.

COMMENTS:

If Councillors require further information on any of the payments, please contact the Manager Financial Services.

11.3 FINANCIAL STATEMENTS AS AT 31 MAY 2017

TRIM Ref: D17/67452
Author: Sheryl Teoh, Accounting Officer
Authoriser: John Paton, Director Corporate Services
Attachments: 1. Financial Statements as at 31 May 2017 

RECOMMENDATION:

That Council:

1. **RECEIVES** the Financial Statements for the month ended 31 May 2017 as shown in Attachment
2. **NOTES** the following over-expenditure on two capital expenditure projects:
 - \$39,859 - Raglan Road Roadworks (Leake to Fitzgerald)
 - \$42,605 - Ellesmere Street Footpath
3. **APPROVES** the reallocation of \$82,464 to cover the over-expenditure identified in item 2 above as follows:
 - (a) **from:**
 - \$12,310 – Vincent Street Traffic Calming
 - \$27,000 – Miscellaneous Traffic Management
 - \$ 3,760 – Paddington Street Roadworks (Charles to Hunter)
 - \$ 8,800 – Shakespeare Street Footpath (Wilberforce to Anzac)
 - \$30,594 – Les Lilleyman Reserve Perimeter Path
 - (b) **to:**
 - \$39,859 - Raglan Road Roadworks (Leake to Fitzgerald)
 - \$42,605 - Ellesmere Street Footpath

PURPOSE OF REPORT:

To present the Financial Statements for the period ended 31 May 2017.

BACKGROUND:

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

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

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

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

DETAILS:

The following documents, included as **Attachment 1** represent the Statement of Financial Activity for the period ending 31 May 2017:

Note	Description	Page
1.	Statement of Financial Activity by Programme Report and Graph	1-3
2.	Statement of Comprehensive Income by Nature and Type Report	4
3.	Net Current Funding Position	5
4.	Summary of Income and Expenditure by Service Areas	6-64
5.	Capital Expenditure and Funding and Capital Works Schedule	65-81
6.	Cash Backed Reserves	82
7.	Rating Information and Graph	83-84
8.	Debtor Report	85
9.	Beatty Park Leisure Centre Financial Position	86

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

Summary of Financial Activity by Programme as at 31 May 2017

	Revised Budget	YTD Budget	YTD Actual	Variance	Variance
	2016/17	May-17	May-17	May-17	May-17
	\$	\$	\$	\$	%
REVENUE	26,739,078	24,198,667	22,873,766	(1,324,901)	-5%
EXPENDITURE	(55,377,260)	(50,715,822)	(48,351,302)	2,364,520	-5%
Add Deferred Rates Adjustment	0	0	51,605	51,605	0%
Add Back Depreciation	9,833,560	9,014,058	8,881,224	(132,834)	-1%
(Profit)/Loss on Asset Disposals	(1,020,686)	(562,353)	(582,742)	(20,389)	4%
	8,812,874	8,451,705	8,350,087	(101,618)	-1%
"Percent for Art" and "Cash in Lieu" Funds Adjustment	1,544,740	0	0	0	0%
NET OPERATING EXCLUDING RATES	(18,280,568)	(18,065,450)	(17,127,449)	938,001	-5%
CAPITAL REVENUE					
Proceeds from Disposal of assets	1,519,273	1,060,940	756,823	(304,117)	-29%
Transfers from Reserves	1,168,944	1,094,977	732,142	(362,835)	-33%
	2,688,217	2,155,917	1,488,965	(666,952)	-31%
Capital Expenditure	(13,363,904)	(8,660,662)	(7,909,172)	751,490	-9%
Repayments Loan Capital	(818,840)	(748,213)	(748,213)	0	0%
Transfers to Reserves	(5,112,045)	(4,892,121)	(2,897,425)	1,994,696	-41%
	(19,294,789)	(14,300,996)	(11,554,810)	2,746,186	-19%
NET CAPITAL	(16,606,572)	(12,145,079)	(10,065,845)	2,079,234	-17%
TOTAL NET OPERATING AND CAPITAL	(34,887,140)	(30,210,529)	(27,193,294)	3,017,234	-10%
Rates	31,208,530	31,208,530	31,234,580	26,049	0%

Opening Funding Surplus	4,251,223	4,251,223	4,251,223	0	0%
CLOSING SURPLUS/(DEFICIT)	572,613	5,249,224	8,292,509	3,043,284	58%

Comments on Summary of Financial Activity by Programme:

Operating Revenue

There is a difference in classification in revenue reported by programme or by nature and type. Operating revenue in programme reporting includes 'Non-Operating Grants, Subsidies and Contributions' and 'Profit on Sale of Assets'. Revenue reporting by nature and type excludes these, but adds 'Rates Revenue'.

Revenue by programme is showing a negative variance of 5% (\$1.32m). This is due to reduced revenue in Recreation and Culture \$618k, Transport \$460k, Law, Order, Public Safety \$154k, and Community Amenity \$114k.

Operating Revenue as presented on the 'Nature and Type' report (Page 4 of **Attachment 1**) is showing a negative variance of 2%.

Operating Expenditure

Expenditure by programme is showing a favourable variance of 5% (\$2.3m). This is due to lower expenditure in Community Amenities \$710k, Recreation and Culture \$673k, Transport \$329k, Governance \$269k, Other Property and Services \$110k, Education and Welfare \$103k, Law, Order, Public Safety \$68k, and Economic Services \$65k.

Transfer from Reserves

This is lower than budget for the month ended May 2017, mainly due to delay on Capital Works projects that are Reserves funded.

Capital Expenditure

The variance is attributed to the budget phasing and timing on receipt of invoices for the projects. For further detail, refer to Note 5 on **Attachment 1**.

Transfer to Reserves

Monthly transfer to reserves commenced in July 2016, based on budget phasing. This will be reviewed quarterly and transfers based on actuals will be adjusted after the review.

Opening Funding Surplus/(Deficit)

The surplus Opening Balance brought forward from 2015/16 is \$4,251,223, as compared to adopted budget opening surplus balance of \$4,259,422.

Closing Surplus/(Deficit)

There is currently a surplus of \$8,292,509, compared to year to date budget surplus of \$5,249,224. This is substantially attributed to the positive variance in operating expenditure and the current level of capital expenditure.

It should be noted that the closing balance does not represent cash on hand (please see the Net Current Funding Position on page 5 of the attachment).

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

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

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

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

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

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

Net Current Asset is the difference between the current asset and current liabilities, less committed assets and restricted assets. This amount indicates how much capital is available for day to day activities. The net current funding position as at 31 May 2017 is \$8,292,509.

4. Summary of Income and Expenditure by Service Areas (Note 4 Page 6 – 64)

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

5. Capital Expenditure and Funding Summary (Note 5 Page 65 - 81)

The following table is a Summary of the 2016/2017 Capital Expenditure Budget by programme, which compares Year to date Budget with actual expenditure to date. The full Capital Works Programme is listed in detail in Note 5 of Attachment 1.

	Adopted Budget	Revised Budget	YTD Budget	YTD Actual	Remaining Budget
	\$	\$	\$	\$	%
Land and Buildings	1,597,398	1,595,624	1,285,016	1,159,063	27%
Infrastructure Assets	7,890,080	7,457,868	4,347,241	4,041,277	46%
Plant and Equipment	3,537,050	3,219,989	2,155,560	2,117,116	34%
Furniture and Equipment	737,070	1,090,423	872,845	591,717	46%
Total	13,761,598	13,363,904	8,660,662	7,909,172	41%

	Adopted Budget	Revised Budget	YTD Budget	YTD Actual	Remaining Budget
	\$	\$	\$	\$	%
Own Source Funding - Municipal	9,389,209	8,866,292	4,620,895	4,903,318	45%
Cash Backed Reserves	1,287,534	1,166,458	1,094,977	732,142	37%
Capital Grant and Contribution	2,551,355	2,728,547	2,342,183	1,933,555	29%
Other (Disposals/Trade In)	533,500	602,607	602,607	340,157	44%
Total	13,761,598	13,363,904	8,660,662	7,909,172	41%

Note: Detailed analysis are included on page 65 - 80 of Attachment 1.

6. Cash Backed Reserves (Note 6 Page 82)

The Cash Backed Reserves schedule details movements in the reserves, including transfers and funds used, comparing actual results with the annual budget. The balance as at 31 May 2017 is \$8,386,698.

7. Rating Information (Note 7 Page 83 - 84)

The notices for rates and charges levied for 2016/17 were issued on 08 August 2016. *The Local Government Act 1995* provides for ratepayers to pay rates by four (4) instalments. The due dates for each instalment are:

First Instalment	14 September 2016
Second Instalment	14 November 2016
Third Instalment	16 January 2017
Fourth Instalment	20 March 2017

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

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$13.00 per instalment
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

The Rates debtors balance as at 31 May is \$427,049 (this includes deferred rates of \$103,602). This represents 1.38% of the collectable income compared to 0.75% at the same time last year. It should be noted that the rates notices were issued on 8th August 2016, which is three weeks later than the previous year due to the delayed budget adoption.

8. Receivables (Note 8 Page 85)

Receivables of \$3,567,231 are outstanding at the end of May 2017, of which \$2,623,966 has been outstanding over 90 days. This is comprised of:

- \$2,067,726 (78.8%) relates to unpaid infringements (plus costs) over 90 days. Infringements that remain unpaid for more than two months are sent to Fines Enforcement Registry (FER), who then collect the outstanding balance and return the funds to the City for a fee.
- \$378,183 (14%) relates to Cash in Lieu Parking. Some Cash in Lieu Parking debtors have special payment arrangements over more than one year.
- \$174,134 (7.1%) relates to Other Receivables, including recoverable works and property.

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

9. Beatty Park Leisure Centre – Financial Position Report (Note 9 Page 86)

As at 31 May 2017 the operating deficit for the Centre was \$644,493 in comparison to the year to date budgeted deficit of \$281,684.

The cash position showed a current cash surplus of \$281,684 in comparison to year to date budget estimate of a cash surplus of \$58,317.

10. Explanation of Material Variances

All material variance as at 31 May 2017 has been detailed in the variance comments report in **Attachment 1**.

The materiality thresholds used for reporting variances are 10% and \$10,000. This means that variances will be analysed and separately reported when they are more than 10% (+/-) of the YTD budget, where that variance exceeds \$10,000 (+/-). This threshold was adopted by Council as part of the Budget adoption for 2016-17 and is used in the preparation of the statements of financial activity when highlighting material variance in accordance with *Financial Management Regulation 34(1) (d)*.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of two capital works projects has significantly exceeded the budget allocated to these projects. Whilst expenditure on the projects have previously been authorised, Administration is recommending the reallocation of \$82,464 of surplus funds to cover the over-expenditure as follows:

Project	Budget	Actual 13 June	Forecast 30 June	Funds available	Reallocat ion
Raglan Rd Roadworks (Leake to Fitzgerald)	\$1,000	\$40,859	\$40,859	(\$39,859)	\$39,859
Ellesmere St Footpath	\$40,000	\$82,605	\$82,605	(\$42,605)	\$42,605
Total				(\$82,464)	\$82,464
Vincent St Traffic Calming	\$30,000	\$9,543	\$9,543	\$20,457	(\$12,310)
Miscellaneous Traffic Management	\$112,000	\$72,675	\$85,000	\$27,000	(\$27,000)
Paddington St Roadworks (Charles to Hunter)	\$105,000	\$101,240	\$101,240	\$3,760	(\$3,760)
Shakespeare St Footpath (Wilberforce to Anzac)	\$8,800	\$0	\$0	\$8,800	(\$8,800)
Les Lilleyman Reserve Perimeter Path	\$75,000	\$44,406	\$44,406	\$30,594	(\$30,594)
Total				\$90,611	(\$82,464)

COMMENTS:

All expenditure included in the Financial Statements is incurred in accordance with Council's adopted budget or subsequent approval in advance.

The net operating result is reflecting favourably compared to the year to date Budget, however it is anticipated this will progressively come in line with the budget. In respect to capital works, expenditure to 31 May 2017 is ahead of the same period last financial year. Administration undertook a review of the 2016/17 Capital Works Schedule, and adjustments resulting from this review are reflected in the revised budget.

11.4 DELEGATED AUTHORITY REVIEW 2017

TRIM Ref: D17/65088

Author: Tim Evans, Manager Governance and Risk

Authoriser: Len Kosova, Chief Executive Officer

Attachments: 1. Council Delegated Authority Register 2017/18 - with tracked changes. 
2. Council Delegated Authority Register 2017/18 - For Council Adoption 

RECOMMENDATION:

That Council:

1. **NOTES** the annual review of its Delegations in accordance with Section 5.46(2) of the *Local Government Act 1995*, as outlined in this report; and
2. **DELEGATES BY ABSOLUTE MAJORITY** the local government functions listed in the City's Council Delegated Authority Register 2017/18 included as Attachment 2; and
3. **NOTES** that a separate report will be presented to Council in the second half of 2017 to amend and rationalise delegations relating to planning.

PURPOSE OF REPORT:

To consider amendments to the City's Delegated Authority Register (the Register), following a review as required under the *Local Government Act 1995* (the Act).

BACKGROUND:

Powers and duties are conferred on a Local Government by the Act and other enabling legislation. In the interests of organisational efficiency, it is possible for many of those powers and duties to be delegated from Council to the Chief Executive Officer (CEO). A power can only be delegated if it exists under legislation, and that legislation specifically allows the delegation to take place. Council may impose conditions on the exercise of any powers that they delegate.

All delegations made under the Act must be made by absolute majority as prescribed by Section 5.42 of the Act and the City is required to record delegations in written instruments of delegation contained in the Register.

Sections 5.18 and 5.46(2) of the Act require that the City's delegated statutory authorities be reviewed at least once each financial year by the delegator (Council and the CEO). The current Register was last reviewed by Council at its meeting on 28 June 2016 and the delegations have not yet been reviewed in the 2016/17 financial year.

DETAILS:

The annual review of delegations by Council and the CEO is necessary (other than as required by legislation) to ensure the delegations remain consistent with legislation and applicable to the City's current operational needs.

The Act does not specify the manner in which Council must 'review' its delegations and simply states that a review must occur.

As a result of this year's review, a number of changes are being proposed to the current register, including:

1. A change to the structure of the Delegated Authority Register.

To date, all Council delegations, CEO delegations and authorisations are contained within a single document which is adopted by Council. In the event that the CEO wishes to delegate his/her own functions, this is currently difficult as it would change a document which has been adopted by Council.

It is therefore proposed that the Council Delegated Authority Register will contain powers and duties that are delegated by Council, while a CEO Delegations and Authorisations Register will contain powers and duties that are delegated by the CEO. This document will be maintained by the CEO, but will still be published on the website in the interests of accountability and transparency.

2. Focus on the delegation of powers within the Local Laws

Following the local law review 2016, it was noted that the delegations related to local laws could be made clearer and a number of more explicit delegations have been developed to achieve this.

3. Disposing of Property delegation

Section 3.58 of the Act sets out provisions for how local governments can dispose of property (i.e. assets), with Regulations providing an exemption for disposals other than land valued at under \$20,000. No delegation currently exists for this which means that a Council decision is required for asset disposals greater than \$20,000. It is proposed that the CEO be delegated the power to dispose of property up to the value of \$250,000 which is in line with the delegation for acceptance of tenders. It should be noted leases are currently excluded from the delegation and furthermore that even with the delegation in place, section 3.58 of the Act still applies. Section 3.58 mandates a due process for property disposal which must be carried out through auction, public tender or private treaty following public advertising and a call for public submissions. This delegation would not allow the disposition of any land or building assets unless this was approved by Council via the CBP, budget or a separate Council resolution.

4. Planning Delegations

Upon review, it has been recognised that the planning delegations are in parts, lengthy and confusing. The Director Development Services has identified a number of opportunities to reduce the number of planning delegations without impacting the extent of the authority that is being delegated. However, some additional work needs to occur around this and it will therefore be presented in a separate report to Council in the second half of 2017.

5. Minor administrative amendments

A number of minor administrative changes have been proposed such as title changes, legislative referencing and the like. None of these have any effect in terms of the extent of powers and duties delegated.

The specific changes proposed are included as tracked changes as **Attachment 1**. A clean copy of the proposed Council Delegated Authority Register 2017/18 is provided as **Attachment 2**.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Section 5.46(2) of the Act requires Council to carry out a review of its delegations at least once every financial year.

RISK MANAGEMENT IMPLICATIONS:

Medium: Delegating the powers of a local government introduces a risk that those powers may be used in a manner that is contrary to Council's view. This risk is mitigated by imposed conditions on delegations, guiding policies, appropriate training which define clear authorities and

accountabilities for City officers. The risk is also mitigated by the requirement to record and report decisions made under delegated authority.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan 2013-2023:

"4.1 Provide good strategic decision-making, governance, leadership and professional management;"
and in particular;

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

A "tracked changes" version of the document has been provided as **Attachment 1**. The table below shows any delegations that have been removed, added or is proposing increased or decreased levels of delegation:

Delegation	Action	Notes
No: 1.23 - Disposing of Property	New	As described in the Details section of the report.
No: 2.2 Local Government Act 1995 – Appointment of Authorised Persons	Removed	Moved to Register of CEO Delegated Authority and Authorisations because authorisations are approved by the CEO.
No: 2.3 Local Laws – Appointment of Authorised Persons	Removed	As above
No 2.3A Trading in Public Places Local Law 2008 – Issuing Permits	New	Added to specifically delegate various powers relating to issuing permits under this local law.
No 2.3B Trading in Public Places Local Law 2008 – Reinstatement Works	New	Added to specifically delegate various powers relating to reinstatement works under this local law.
No 2.4 Parking and Parking Facilities Local Law 2008 – Powers of a Local Government	New	Added to specifically delegate various powers under this local law.
No 2.5A Local Government Property Local Law 2008 – Issuing Permits	New	Added to specifically delegate various powers relating to issuing permits under this local law.
No 2.5B Local Government Property Local Law 2008 – Reinstatement	New	Added to specifically delegate various powers relating to reinstatement works under this local law.
No: 3.1 Dog Act 1976 – Appointment of Authorised Persons	Removed	Moved to Register of CEO Delegated Authority and Authorisations because authorisations are approved by the CEO.
No: 3.2 Dog Act 1976 – Appointment of Registration Officers	Removed	As above
No: 3.3 Cat Act 2011 – Appointment of Authorised Persons	Removed	As above
No: 4.2 Food Act 2008 – Functions of the CEO	Removed	Moved to Register of CEO Delegated Authority and Authorisations because these are functions of the CEO and can only be delegated by the CEO.
No: 4.3 Food Act 2008 - Appointment of Authorised Officers	Removed	Moved to Register of CEO Delegated Authority and Authorisations because authorisations are approved by the CEO.

No: 4.4 Food Act 2008 - Appointment of Designated Officers	Removed	As above
No: 4.8 Caravan Parks and Camping Grounds Act 1995 – Authorised Officers	Removed	As above
No: 7.1 Audit Committee	Removed	This delegation is essentially a repeat of the terms of reference and is unnecessary.

It is recommended that Council adopt the Council Delegated Authority Register which is included as **Attachment 2** in order to facilitate the smooth functioning of the City on a day-to-day basis.

12 COMMUNITY ENGAGEMENT**12.1 NO. 34 (LOT 1) CHERITON STREET, PERTH - PROGRESS REPORT NO. 8**

TRIM Ref: D17/55850

Author: Angela Birch, Senior Community Development Officer

Authoriser: Michael Quirk, Director Community Engagement

Attachments: 1. Norwood Community Facility Needs Analysis - Outcomes Report 

2. Norwood Community Facility Needs Analysis - Study Area Map 

RECOMMENDATION:

That Council:

1. RECEIVES Progress Report No. 8 relating to No. 34 (Lot 1) Cheriton Street, Perth;
2. ADVISES the Department of Lands that the City of Vincent will not be extending the Management Order for No. 34 (Lot 1) Cheriton Street, Perth beyond the 30 June 2017 expiry date;
3. REQUESTS the Chief Executive Officer to liaise with the Department of Lands in order to seek approval for the Norwood Neighbourhood Garden portion of No. 34 (Lot 1) Cheriton Street, Perth to be excised through an agreement acceptable by all parties;
4. NOTES that Administration will;
 - 4.1. Review the amenities at Gladstone Reserve and Norwood Park following completion of the Public Open Space Strategy in 2017/18; and
 - 4.2. Facilitate improved access by the Norwood Neighbourhood Association to City owned community buildings within close proximity to No. 34 (Lot 1) Cheriton Street, Perth and the broader Norwood Precinct.

PURPOSE OF REPORT:

To consider not extending the Management Order for No. 34 (Lot 1) Cheriton Street, Perth and seeking approval for the Norwood Neighbourhood Garden portion of the site to be excised to ensure ongoing community use.

BACKGROUND:

The property at No. 34 (Lot 1) Cheriton Street is Crown Land in the name of the State of Western Australia with management granted to the City in 2012 under Section 46 of the *Lands Administration Act 1997*. The use of this property has been subject to consideration and decision making by Council in collaboration with the Norwood Neighbourhood Association over an extended period of time, as follows:

Date	Action
January 2010	The State Government advises the Town of Vincent that this property has been deemed surplus to requirements and proposed to be sold on the open market.
August 2010	The Town of Vincent requests that the land be transferred free of cost to the Town of Vincent.
October 2010	The State Government advises that the land cannot be transferred free of cost under Government Policy, and therefore must be disposed of at market value.

Date	Action
May 2011	The Norwood Neighbourhood Association requests that the Town of Vincent revisit use of the property as a community facility.
June 2011	The Town of Vincent advises the State Government that it wishes to lease the property on a peppercorn basis which will allow investigation of a community use for the property, and the seeking of Lotterywest funding for a public facility.
July 2011	The Norwood Neighbourhood Association presents a proposal to the Town of Vincent that involves refurbishment of the house at 34 Cheriton Street for use as a 'railway themed' neighbourhood centre and integration with a proposed community garden.
November 2011	The State Government seeks advice from the Town of Vincent on its financial capacity to refurbish the property within a two year period for use as a community facility.
November 2011	Council resolves to advise the State Government of its preliminary interest in refurbishing the property, to investigate community needs and service gaps, and investigate sources of external funding.
March 2012	Council accepts a Management Order for the property with the conditions that it is refurbished for community purposes within two years, and forms the Cheriton Street Advisory Group to investigate the project.
December 2012	Council resolves to enter into an MOU with the Central Institute of TAFE for the purposes of refurbishing the property, and approves use of the site as a community garden by Norwood Neighbourhood Association.
May 2013	Council resolves to apply for a Lotterywest Grant and approves in-principle to the management of the facility by Norwood Neighbourhood Association as the Norwood Neighbourhood Centre.
March 2014	The Town of Vincent receives a Lotterywest Grant for \$271,447 towards the Norwood Neighbourhood Centre.
July 2014	Tenders are called for refurbishment of the property at 34 Cheriton Street.
September 2014	Due to changes in the City's 2014/15 budget, Council resolved to defer the completion of this project until the 2015/16 financial year.
October 2014	Council resolves to not accept any tender received in response to the tender call out in July 2014.
February 2015	The City of Vincent formally seeks an extension of time to draw down payment of the Lotterywest Grant which is approved subject to completion of the project and acquittal of funds by March 2016.
March 2015	Norwood Neighbourhood Association submits a business plan for the proposed neighbourhood centre seeking funding from the City of Vincent for facility management, rent, utilities, maintenance and other building related costs.
February 2016	Administration meets with Lotterywest to discuss the lack of identified community need and limited capacity of the Norwood Neighbourhood Association to operate the facility.
April 2016	Council resolves to withdraw from the Lotterywest Grant Agreement and defer the project until appropriate analysis of community needs in the local area is undertaken

Date	Action
November 2016	The State Government approves extension of the Management Order until 30 June 2017 to allow completion of necessary community needs assessments and feasibility studies.

Importantly, at the Ordinary Meeting of Council on 5 April 2016 it was resolved to defer the proposed building development project until appropriate analysis was completed to identify the needs of the local community. Administration appointed an independent Consultant in January 2017 to undertake a community facility needs analysis including suitable collaboration and consultation with the Norwood Neighbourhood Association. This needs analysis has now been completed as the basis for well-informed decision making regarding the No. 34 (Lot 1) Cheriton Street property.

DETAILS:

The purpose of the Community Facility Needs Analysis was to better understand what facilities are available for the local neighbourhood, to determine whether these facilities can meet current and future community needs, and identify strategies to address any gaps. The project scope included:

- 34 Cheriton Street Site Analysis
- Community Facilities Audit
- Local Demographics and urban Area Profile
- Community Consultation
- Norwood Neighbourhood Association Analysis - governance, objectives, membership and financial position; and
- Needs Analysis Recommendations

The resultant Norwood Community Facility Needs Analysis – Outcomes Report has been included as **Attachment 1** and the Project Study Area has been included as **Attachment 2**. A summary of the key findings is also provided below.

Cheriton Street Site and Norwood Precinct

The property at 34 Cheriton Street is located in a small pocket of Perth bounded by Lord Street to the west, Graham Farmer Freeway to the south, Chertsey Street to the north and the Perth to Midland train line to the east. The majority of the 'Norwood Precinct' is zoned residential however there is clear split with the area north of Summers Street being residential and the area south being residential/commercial/light industrial.

While access west of the Norwood Precinct is relatively easy across Lord Street the Perth to Midland train line and Graham Farmer Freeway create significant barriers. Lord Street is not considered to be a significant barrier as local residents need to regularly navigate on foot and by car at intersections.

Beyond the immediate Norwood Precinct the area is generally well serviced at a neighbourhood scale when taking into account adjacent community facilities and transport routes given the close proximity to the Perth CBD. A number of small pocket parks are located within the area and nib Stadium is immediately adjacent.

No. 34 (Lot 1) Cheriton Street is a 610m² property and contains a 136m² building. Lot 1 was originally included in a parcel of land reserved by the State Government in 2004 as Public Purposes (Special Use) under the MRS to facilitate the construction of public housing by the Department of Housing on land leased from the Public Transport Authority adjacent to the East Perth Railway Complex. The public housing project is now complete and the State Government has indicated that the land contained on Lot 1 is surplus to the requirements of the Department of Housing and is likely to be sold. The site was transferred to the Urban Zone under the MRS in July 2016. The land currently falls within the East Perth Redevelopment Authority Scheme (EPRA Scheme) and is proposed to be zoned as Public Purposes (Special Uses) in the City's draft Town Planning Scheme No. 2.

This building currently comprises a passage running down the west of the house, four rooms, a kitchen and a bathroom. The building is not universally accessible and does not conform to the current Building Code of Australia. The building materials comprise of brick, timber and tin in a current dilapidated state.

Norwood Neighbourhood Association (NNA)

The NNA is a not for profit organisation working to foster a connected, strong and involved community in this local area. The use of the Cheriton Street property as a neighbourhood hub remains their preferred option due its central location and perceived heritage value.

While the NNA was established as an incorporated group in 2012 they remain in the early stages of development with a relatively small membership base of 37 members. Membership is inexpensive to join at \$30 per family or \$15 per family for concession cardholders. Their current financial capacity is very limited.

The NNA perceives that the lack of an easily accessible meeting place is a key factor that has limited their growth and enhancement of services. Their preferred amenities include a commercial kitchen, office spaces and event/workshop spaces. The NNA has established the Norwood Neighbourhood Garden which is located on the northern portion of the 34 Cheriton Street property, adjacent to Norwood Park. The community garden is located behind a locked fence and gate.

Local Community Profile

The local population is approximately 600 people with a relatively low density of 17.5 persons per hectare. The highest age cohort within the Norwood Precinct is 25 to 34 year olds who comprise 25% of the local population followed by 35 to 44 year olds at 15%. The area has a notably lower proportion of 0 to 14 year olds and lower proportion of family households when compared to the broader City of Vincent area, and there is a significantly higher proportion of lone person households.

Nearly a quarter of residents living in the Norwood Precinct are characterised as the 'young workforce' (25 to 34 years) with the typical young person working in a white collar profession, and indeed nearly two thirds of all residents are regarded as white collar.

Local Community Facilities and Services Audit

While the focus on the needs analysis was concentrated on the Norwood Precinct the audit took into account nearby facilities that service the area which residents are likely to use or have the ability to use. This audit identified a range of nearby community facilities including Norwood Park, Gladstone Street Reserve, Meela Child Care, Claisebrook Design Community, and Youth With A Mission. Other nearby and accessible facilities identified by Administration include Loton Park Tennis Club, Highate Playgroup, Jack Marks Reserve and Forrest Park. Banks Reserve and Banks Reserve Pavilion are also in relatively close proximity, however East Parade and the Perth to Midland train line pose a significant barrier.

Overall, the study identified that there are a multitude of community facilities servicing the population both in and adjacent to the Norwood Precinct although the following observations were made regarding potential service delivery gaps:

Multi-Purposes Community Facilities – there are few publicly accessible multi-purpose indoor spaces immediately within the Norwood Precinct although the Claisebrook Design Community on Gladstone Street offers flexible meeting and event spaces that can be hired for a fee. Both Loton Park Tennis Club and Forrest Park Croquet Club are also located less than one kilometre away and are accessible upon request.

Parks and Play Spaces – the local community is well serviced by open spaces with both Norwood Park and Gladstone Reserve providing a range of amenities including play equipment, BBQs and seating. There is no access to public toilets within these pocket parks.

Health and Fitness Facilities – there is a relatively high number of health and fitness facilities in the area although these are all privately operated which may impact accessibility for those who are financially disadvantaged.

Arts and Culture Facilities – there is a lack of dedicated arts and culture facilities within the precinct, however through a 2 kilometre walk or short train journey residents can access the Perth Cultural Centre where museums, galleries, theatre and artistic programs are available.

Libraries and Learning – the Vincent Library is not easily accessible for those in the Norwood Precinct, however through a 2 kilometre walk or short train journey residents can access the State Library where a range of learning and information resources are available.

Facilities for Youth – the Norwood Precinct has a general lack of open access youth services and facilities with those located in the local area such as Young Carers and Youth With A Mission providing specialised services only.

Child Care Centres – the Norwood Precinct is currently serviced by two child care facilities with additional child care and kindergarten facilities located within easy walking distance across Lord Street.

Community Consultation

Community consultation was undertaken independently by the Consultant and included a community workshop, hard copy and online surveys, and Norwood Neighbourhood Association meeting/s. A total of 21 residents attended the community workshop and 126 community members responded to the survey. The key themes that emerged from the consultation were as follows:

- Parks and green spaces are highly regarded by the community, and their priorities are to upgrade play equipment and installing public toilets as well as improved maintenance.
- Opportunities exist to enhance the pedestrian experience throughout the area.
- The local community is keen to increase and enhance activities within the public realm, and in particular, at Gladstone Reserve.
- There is a gap in activities for teenagers and young adults that may be resolved through improved amenities such as fitness facilities or basketball courts within or near Gladstone Reserve.
- Strategies are needed to allow people to feel safer including improved lighting in local parks.
- Increased art and cultural opportunities are required, and a new art facility could draw people to the area

Needs Analysis Outcomes and Recommendations

Upon completing the local demographic and urban context review, community facilities audit and community consultation the Consultant presented four strategic recommendations which have been reviewed and discussed within Administration, as follows:

1. Upgrade and Enhance Existing Public Open Spaces

The two pocket parks within the Norwood Precinct, Norwood Park and Gladstone Reserve, are well-used by the community and contribute to neighbourhood cohesiveness. The local community has identified the need to improve the infrastructure within these parks and to improve ongoing maintenance to cater to growing user group needs.

The quality and condition of playground equipment in these parks requires improvement with Gladstone Reserve being a higher priority than Norwood Park. Improved lighting within both parks and along key pedestrian connections should be considered. The community has also identified the need for the installation of public toilets to allow user groups to stay longer in the park particularly those with young children and the elderly.

Administration supports improvement of these parks as they are the two key public spaces that directly service the Norwood community. Completion of the Public Open Space Strategy in 2017/18 will determine the level of service appropriate for Norwood Park and Gladstone Reserve although public toilets are unlikely to be deemed suitable for such localised parks. Any subsequent capital projects can then be listed for consideration within the 2018/19 budget. Playground and lighting audits will be undertaken in the meantime to identify any opportunities for immediate improvement.

2. Investigate options for open-access, multi-use indoor spaces for the community to meet and gather within the Norwood Precinct

An opportunity exists to make available publicly accessible multi-use indoor spaces both for the community group use and private hire neighbourhood scale events. Development of the Cheriton Street property provides one option for such a space due to its proximity although it is acknowledged that while this space would add greatly to the social capital of the community it needs to be financially sustainable. The NNA do not have the capacity to manage the facility on a day to day basis. Attracting another anchor tenant would be necessary.

Administration has identified that both Forrest Park Croquet Club and Loton Park Tennis Club (directly adjacent to the Norwood Precinct on Bulwer Street) are located in very close proximity, and each of these sporting clubs are open to facilitate facility access by the NNA. While the community consultation process identified that Lord Street is considered a barrier there are numerous safe crossing points at key intersections and residents would navigate Lord Street by car on a daily basis. It is recommended that Administration facilitate partnerships between Forrest Park Croquet Club, Loton Park Tennis Club and the NNA to ensure facility accessibility.

In addition, the Claisebrook Design Community is located within the Norwood Precinct on Gladstone Street. This co-working space provides a function centre, meeting rooms, boardroom, storage options, kitchen, lockers, showers, free bike hire, café and high speed internet. It provides a range of flexible hire or leasing arrangements for individuals and groups. Subject to how NNA may use the Claisebrook Design Community, they may be eligible for financial support through the City's community grants.

3. Provide More Community Facilities, Services and Programs for Local Youth

Within the Norwood Precinct there is a lack of facilities and activities that appeal to and specifically service young people aged between 12 and 25. During the community consultation process there was a number of submissions requesting publically accessibly sport and recreation equipment. However the consultation revealed participants or respondents did not identify as young people aged between 12 and 25.

Demographics in the Norwood Precinct do not demonstrate a significant need for facilities, services and programs for young people although it is acknowledged that this may be required in the future through the emergence of young families given that the highest age cohorts are 25 to 34 years old followed by 35 to 44 year olds. Participation by organisations such as Youth With A Mission in the consultation process most likely led to the submissions regarding improved facilities for young people.

It is considered that the most appropriate way to improve facilities for young people is through upgrades to Norwood Park and/or Gladstone Reserve. The community has identified the need to introduce infrastructure such as basketball or volleyball courts within these parks. Opportunities for improvement will be led by completion of the Public Open Space Strategy in 2017/18 and subsequent projects considered within future capital budgets. Outcomes of the current petition for multi-purpose courts at Birdwood Square will also need to be taken into account.

4. Provide more opportunities for the community to engage in culture and the arts

There is a significant lack of arts and cultural facilities within the Norwood Precinct and community engagement identified a general desire to introduce such facilities, programs and activities.

It is not considered feasible to locate such a specific purpose facility within the immediate local area. The most appropriate course of action would be to link the NNA, and other local residents, with nearby art facilities such as the Robertson Park Art Studio that is located approximately 1.5 kilometres away and the co-working spaces at Claisebrook Design Community on Gladstone Street. Any specific art programs or initiatives from the local community can be supported through the City's community grants.

CONSULTATION/ADVERTISING:

A community workshop was held on Tuesday, 28 February 2017 with 21 community members in attendance, and both an online and hard copy survey was made available for those unable to attend the workshop. There were 126 responses received from this survey out of approximately 600 local residents. Out of the respondents, 77% identified themselves as City of Vincent residents. Two stakeholder meetings were held with the Norwood Neighbourhood Association.

The opportunity for community input and consultation was advertised through the City's website and Facebook page, notices in the Guardian and Perth Voice, letter drop to approximately 650 properties in the Norwood Precinct, and through both the Norwood Neighbourhood Association and Norwood Neighbourhood Garden.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Medium: Not extending the Management Order for the purposes of refurbishing the No. 34 (Lot 1) Cheriton Street site may have the unintended consequence of displacing the Norwood Neighbourhood Garden. While the City has already written to the Department of Lands requesting that a portion of the site be excised to enable the community garden to remain insitu it is also considered necessary for Administration to liaise directly with key State Government decision makers.

STRATEGIC IMPLICATIONS:

This project, and in particular the recommendations contained within this Report, align with the following objectives within the City's *Strategic Community Plan 2013-2023*:

'Natural and Built Environment

- 1.1.4 *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional eProvide environment; and*
- 1.1.6 *Enhance and maintain the City's parks, landscaping and the natural environment.'*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The City of Vincent has invested approximately \$147,000 on No. 34 (Lot 1) Cheriton Street site to date, and the indicative cost to refurbish the building as the Norwood Neighbourhood Centre was \$653,000 (in October 2014). Completion of the Norwood Community Facility Needs Analysis was undertaken at a cost of \$16,596.60 (excluding GST).

COMMENTS:

The City must advise the Department of Lands whether it intends to seek a new Management Order for No. 34 (Lot 1) Cheriton Street for the purposes of refurbishing the existing building as a community facility no later than 30 June 2017. The recently completed Norwood Community Facility Needs Analysis has identified redevelopment of the building on this property will adequately respond to the gaps in facilities, services and programs accessibility or the specific gaps identified by the local Norwood community.

While there may have initially been some merit in developing the building as a Neighbourhood Centre or 'Community Hub' it is no longer considered feasible or sustainable to develop and manage the building for this purpose. In addition, it is evident that the Norwood Neighbourhood Association does not have the resource or financial capacity to assume management of the building.

Administration recommends that the identified community needs are better met through retention of the Norwood Neighbourhood Garden, improvement of amenities at Norwood Park and/or Gladstone Reserve, and improved accessibility for the Norwood Neighbourhood Association at existing community building located in close proximity.

Although the State Government has indicated that they may sell the land, it is still recommended that Council advises the Department of Lands that the City of Vincent will not be extending the Management Order for the property at No. 34 (Lot 1) Cheriton Street, Perth and instead that the City liaise with the Department of Lands to facilitate an agreement acceptable by all parties that will enable the Norwood Neighbourhood Garden to continue.

12.2 ADOPTION OF COMMUNITY FUNDING POLICY NO. 3.10.11

TRIM Ref: D17/67260

Author: Karen Balm, Community Partnerships - Projects Officer

Authoriser: Michael Quirk, Director Community Engagement

Attachments:

1. Draft Revised Community Funding Policy 
2. Youth Development Grants Policy 
3. Provision of Assistance for Aged People and People with Disability Policy 
4. Donations, Sponsorship and Waiving of Fees Policy 
5. Community Welfare Grants Policy 
6. Festivals Policy 
7. Environmental Grants and Awards Policy 

RECOMMENDATION:

That Council;

1. **NOTES** the responses received following public advertising of draft revised Policy No. 3.10.11 – Community Funding;
2. **ADOPTS** draft revised Policy No.3.10.11 – Community Funding (Attachment 1)
3. **REVOKES** the following Policies (Attachment 2 – 7); and

Policy Number	Policy Name
3.10.3	Youth Development Grants
3.10.4	Provision of Assistance for Aged People and People with Disability
3.10.5	Donations, Sponsorships and Waiving of Fees
3.10.6	Community and Welfare Grants
3.10.8	Festivals
4.1.21	Environmental Grants and Awards

4. **NOTES** that the Children and Young People Advisory Group continues to investigate youth development funding options for future inclusion within Policy No. 3.10.11 – Community Funding.

PURPOSE OF REPORT:

To adopt draft revised Policy No. 3.10.11 – Community Funding following the recent public comment period.

BACKGROUND:

At the Council Workshop held on 4 November 2015, it was identified that the current approach to community funding did not generate long-lasting impacts and that there was a need to streamline the various funding programs. Subsequently, at the Ordinary Meeting of Council on 17 November 2015 it was resolved that Administration review Policy No. 3.10.5 – Donations and Sponsorships and Waiving of Fees and Policy No. 3.10.6 – Community and Welfare Grants. Administration took the opportunity to review all seven separate Council Policies and a new, consolidated Policy was then prepared. The key findings from this review were presented to the Council Workshop on 25 October 2016.

The proposed new Community Funding Policy was then considered at the Ordinary Meeting of Council on 7 March 2017 and it was resolved that Council:

- “1. *AUTHORISES* the Chief Executive Officer to advertise the proposed new Policy No. 3.10.11 – Community Funding (Attachment 1) and proposed revocation of the following Policies (Attachments 2 – 7): for public comment for a period of 21 days;

Policy Number	Policy Name
3.10.3	Youth Development Grants
3.10.4	Provision of Assistance for Aged People and People with Disability
3.10.5	Donations, Sponsorships and Waiving of Fees
3.10.6	Community and Welfare Grants
3.10.8	Festivals
4.1.21	Environmental Grants and Awards

2. *NOTES that a further report will be submitted to Council at the conclusion of the public comment period in regard to any submissions being received; and*
3. *REQUESTS that the Children and Young People Advisory Group investigate opportunities for a new funding stream relating to youth development for future inclusion within the proposed new Policy No. 3.10.11 – Community Funding (Attachment 1)."*

DETAILS:

Consultation was undertaken in accordance with Council Policy No. 4.1.5 and one submission was received which has been summarised below:

	Comments Received	Administration Response
1.	The definition of 'grants' should say that no future funds will be granted until the acquittal is received. It should also say that any application for a grant must include clearly defined outcomes and the acquittal must provide verifiable proof that those outcomes have been achieved.	The Grant Guidelines and Criteria that accompany Policy No. 3.10.11 clearly state that funds will not be awarded to groups or individuals that have not completed an acquittal for any previous grants. In addition, the Grant Applications Forms require the inclusion of clearly defined outcomes to enable assessment and measurement.
2.	The overlap between seeding and support grants is unclear. Are seeding grants a one-off (i.e. plant the seed).	The wording 'one-off' has been included under the Seeding Grants section of the Policy to provide further clarity.
3,	It says that "community support grants" will be assessed based on funding category guidelines and criteria, yet none are given. They should be published so people know how they will be assessed and to improve transparency and accountability. To leave it up in the air may lead to question why they failed but some other group was successful.	The Grant Guidelines, Criteria and Application Forms that accompany Policy No. 3.10.11 provide such transparency and accountability.
4.	Saying that community grants must address 'key social issues impacting the local community' is a bit wishy washy. Not everything that impacts the local community is the responsibility of local government. It needs refinement.	The wording within the Policy is deemed appropriate to enable both Council and Administration to be responsive to local community needs. Through awareness of other grant opportunities Administration has the expertise to redirect groups or individuals to alternative funding bodies where a proposal is not considered the responsibility of the City of Vincent.
5.	Collaborative grants should be approved by the full council to ensure transparency for both the community and for all applicants. The suggestion that applications will be assessed by a select group of "council representatives", whatever that means, is not at all transparent.	The intention of the Collaborative Grants is to be highly responsive to a key area of focus as determined by Council. The Grant Guidelines and Criteria are publicly available, and the assessment outcomes are communicated to all Councillors.

	Comments Received	Administration Response
	It should also be a competitive process. The city should identify an outcome that is desired and seek organisations that can do the job rather than say "we've got \$85,000, can anybody think of a way to spend it", then give a group a large sum of money without any community visibility.	Collaborative Grants are subject to a competitive process. The key focus area is communicated to the relevant sector, however rather than specifying an outcome Administration seeks a response from groups, agencies or individuals within that sector based on their expertise. For example, a Homelessness Forum was held in November 2016 as the basis to communicate homelessness as the key area of focus determined by Council. Groups, agencies and individuals working in the area of homelessness then submitted applications based on their understanding of current gaps and priorities.
6.	All grants should be listed in an online register with at least the organisation, the proposed outcomes, how they will be measured and the amount. If it is good enough for contracts it is good enough for grants, etc. As well as ensuring full transparency, it will give the community members a better idea of what sort of things are being supported, which in turn may stimulate ideas.	This initiative has merit and will be pursued by Administration.

Relevant amendments have been made to the draft revised Community Funding Policy and the associated Guidelines, Criteria and Application Forms have been reviewed and updated based upon the public comments received.

CONSULTATION/ADVERTISING:

Consultation was undertaken in accordance with Council Policy No. 4.1.5 – Community Consultation, which requires any new Policy or significant Policy amendments to be advertised through a public notice for a 21 day period.

The draft revised Community Funding Policy (**Attachment 1**) was advertised for public comment from 17 March to 6 April on the City's website and through a Public Notice in the Perth Voice. However, due to concerns regarding the accessibility of the draft revised Policy document on the City's website it was again advertised from 24 April to 17 May 2017.

LEGAL/POLICY:

Policy No. 4.1.5 – Community Consultation states that the City of Vincent will undertake formal community consultation when a decision is likely to have significant impact on a particular individual or group in the community. Any new Policy or significant Policy amendments are to be advertised through a public notice for a 21 day period.

RISK MANAGEMENT IMPLICATIONS:

Low: Administration has completed a comprehensive review of all City of Vincent funding programs in order to determine their main purpose, relevance and responsiveness to the community as well as the associated application and evaluation processes.

STRATEGIC IMPLICATIONS:

The new Community Funding Policy aligns with the following action within the City's *Strategic Community Plan 2013-2023*:

- '3.1.6 *Build capacity within the community for individuals and groups to meet their needs and the needs of the broader community*
- (a) *Build the capacity of individuals and groups within the community to initiate and manage programs and activities that benefit the broader community, such as the establishment of "men's sheds", community gardens, toy libraries and the like.'*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The funding of specific programs included within the Community Funding Policy remain subject to the annual budget process. In 2016/17 there is a total of \$506,800 dedicated towards community grants, assistance and sponsorship that will be administered through the draft revised Community Funding Policy.

COMMENTS:

Administration has completed a comprehensive review of the various grants, donations, sponsorship and other financial support provided to the community through seven existing Policies. The review identified that these numerous policies make it difficult for the community to clearly understand and access such funding opportunities, and the review also identified that while many grants remain effective there are others that require changes to better align with community expectations.

The new Community Funding Policy has now been prepared and advertised for community consultation and more clearly identify the various funding opportunities available, removes any conflicting information, reduces funding overlap and duplication with other organisations, removes ineffective grant categories, and better meet community demands. This Policy includes revised Objectives, Definitions and Background as well as a consolidated list of all community funding categories. The maximum available grant amounts have also been revised based on analysis of recent grant allocations and requests, budget allocations and delegations. This Policy will create a more effective and efficient approach to community funding, for both the City and applicants.

It is recommended that Council endorses the new Community Funding Policy to enable adoption of the proposed Policy and revocation of existing policies as identified within this Report.




12.3 PUBLIC OPEN SPACE STRATEGY

TRIM Ref: D17/68600

Author: Karen Balm, Community Partnerships - Projects Officer

Authoriser: Michael Quirk, Director Community Engagement

Attachments:

1. Public Open Space - Inventory 
2. Public Open Space - Classifications 
3. Public Open Space - Classification Framework 

RECOMMENDATION:

That Council:

1. **RECEIVES** Administration's response to the Notice of Motion dated 13 December 2016 regarding current Public Open Space provision and classification, and the requirement for a Public Open Space Strategy; and
2. **NOTES** the allocation of \$50,000 within the Draft 2017/18 Budget for development of the City of Vincent Public Open Space Strategy

PURPOSE OF REPORT:

To consider information prepared by Administration in response to the Notice of Motion that requested investigations into the requirement for a City of Vincent Public Open Space Strategy.

BACKGROUND:

On 13 December 2016, Council endorsed the following Notice of Motion:

"That Council REQUESTS the Chief Executive Officer to:

1. *Investigate the requirement for a City of Vincent Public Open Space Strategy by completing the following no later than April 2017:*
 - *Compilation of Public Open Space inventory including the number, size, function and use of all parks*
 - *Classification of these Public Open Spaces using the Department of Sport and Recreation Classification Framework for Public Space*
 - *Identification of benchmarks for Public Open Space provision based on current standards and best practice*
 - *Completion of a preliminary Public Open Space gaps analysis based on the abovementioned inventory and benchmarks*
2. *Prepare a Public Open Space Strategy Project Plan identifying financial and resource implications for consideration during preparation of the 2017/18 Budget and Corporate Business Plan 2017/18 to 2020/21*
3. *Prepare cost estimates for priority Public Open Space projects for consideration within Council's 2017/18 Capital Works Budget that will ensure the ongoing improvement of open space amenity and provision while awaiting completion of the proposed City of Vincent Public Open Space Strategy."*

Administration has now completed these investigations for consideration by Council.

DETAILS:**Public Open Space Inventory**

There are 48 individual Public Open Spaces throughout Vincent totalling approximately 98 hectares that are utilised for a wide range of purposes including organised sport and recreation, passive recreation, gathering and socialising, neighbourhood amenity, movement and connectivity, and conservation. In addition to this, Administration has identified six (6) local schools within Vincent where ovals are accessible or potentially accessible to the community which may also form part of the Public Open Space network. The entire network including both City of Vincent parks and local school ovals equates to approximately 101 hectares.

A detailed Public Open Space inventory (**Attachment 1**) has now been prepared that provides an overview of the park/reserve name, location, size, primary purpose and amenities.

Public Open Space Classification

The Department of Sport and Recreation has prepared the Classification Framework for Public Open Space (2012) to better define terminology and provide an agreed understanding of the different forms and functions of Public Open Space throughout Western Australia. This framework is intended to directly inform urban planning policy and practice, and to assist Local Government with the provision of well-designed, community-focused open space networks. The framework (**Attachment 2**) contains two central categories – function and catchment hierarchy:

Function (primary use and expected activities) identifies three primary types of open spaces:

- Recreation spaces;
- Sport spaces;
- Nature spaces;

Catchment Hierarchy (typical size and how far a user might travel to visit the site) includes four categories:

- Local open space;
- Neighbourhood open space;
- District open space; and
- Regional open space.

The City's Public Open Space inventory has been categorised (**Attachment 3**) based upon the Department's classification framework. This has identified that the current Public Open Space network comprises the following:

Function

- 34 x recreation spaces
- 12 x sport spaces
- 2 x nature spaces

Catchment Hierarchy

- 2 x regional open spaces
- 5 x district open spaces
- 15 x neighbourhood open spaces
- 26 x local open spaces

It should be noted that the classification of existing Public Open Spaces has been based on initial site visits and desktop analysis, and therefore remains subject to further refinement through preparation of the Public Open Space Strategy.

Public Open Space Provision Benchmarks & Provision Standards

There are a range of benchmarks that are utilised to plan and assess Public Open Space provision within urban areas. The general approach varies from a percentage of land area to a hectares per 1,000 people calculation. While a number of examples are provided below a detailed analysis of locally relevant benchmarks is required through the proposed Public Open Space Strategy to effectively guide the development, management and activation of our open spaces.

Stephenson & Hepburn – Plan for the Metropolitan Region (1955)

Provision standards and decision making regarding Public Open Space within residential developments throughout Western Australia are based on an historical allocation of 10% of subdivisible land. In 1955, the 'Plan for the Metropolitan Region Perth and Fremantle' prepared by Stephenson and Hepburn proposed that a minimum of 10% of subdivisible land be allocated to Public Open Space. This benchmark was based on an English Local Authority Model, and when translating this model to the Western Australian context it was recommended that allocation be 0.5 acre of Public Open Space per 1,000 persons.

The current accepted standard of 10% allocation of subdivisible land, as per Western Australian Planning commission (WAPC) Development Control Policy 2.3 – Public Open Space in Residential Areas, is derived from the Stephenson Hepburn Plan and based on an assumption of 10 dwellings per hectare (R10) with each having three occupants. As such, 333 dwellings (with 1000 occupants) would require approximately 33 hectares of land which roughly equates to the stated requirements of 3.36 ha per 1000 population (excluding School playing fields). On the basis of a uniform density of 30 persons per hectare a standard provision of 10 percent of the gross residential area for Public Open Space has been applied since 1956.

It is likely that the gross area of Public Open Space across the Perth Metropolitan Area has decreased since that time with little consideration of changing levels of residential density and patterns of population distribution as well as changing social and environmental conditions. Therefore, while the 10% provision standard remains the most common benchmark it is necessary to determine its relevance and practical application to the Vincent Public Open Space network.

Liveable Neighbourhoods (2009)

Liveable Neighbourhoods is the WAPC operational policy that guides the structure planning and subdivision for greenfield and brownfield sites, and in general replaces the current WAPC development control policies. While Liveable Neighbourhoods is primarily intended for new development areas many of the key elements remain applicable to guide the direction of liveable and sustainable communities within existing urban areas.

Element 4 of Liveable Neighbourhoods addresses the provision of 'public parkland' and acknowledges that these open spaces contribute towards legibility, identity and sense of place that help build a community. In particular, Liveable Neighbourhoods identifies the need for a balanced approach to public parkland provision that remains relevant for Vincent:

- Improves land efficiency through the use of multi-purpose parks (e.g. shared sports fields with schools)
- Maximises the use of smaller parks close to or in town centres and neighbourhood centres
- Provides for efficient and more sustainable urban structure through walkability and close proximity of useful parklands

Liveable Neighbourhoods again identifies the requirement for a minimum provision of 10 percent of the gross subdividable area with a minimum of eight percent suitable for active and passive recreational purposes where the remaining two percent can comprise restricted use Public Open Space (e.g. natural areas, urban water management measures such as swales, artificial lakes and natural wetlands).

Other relevant aspects of Liveable Neighbourhoods are the requirements for public parklands to incorporate land for connected or linear provision for walking and cycling, and the utilisation of walkable catchments for a comparative evaluation of how easy it is to move through an urban area in order to get to specific places such as parklands. Walkable catchment calculations are expressed as a theoretical five minute walking distance using a 400 metre radius around any particular location (creating an area of 50 hectares) and a ten minute walking distance using an 800 metre radius (creating an area of 200 hectares).

These desired walkable catchments are then applicable to the three types of public parkland identified within Liveable Neighbourhoods:

- *District Parks* – 2.5 to 7 hectares and between a 600 metre and 1 kilometre walk from most dwellings.
- *Neighbourhood Parks* – around 3,000 to 5,000m² in size each serving around 600 to 800 dwellings, and a maximum 400 metre walk from most dwellings.
- *Local Parks* – up to 3,000m² in size and provided within 150 to 300 metres (of safe walking distance) to all dwellings.

Liveable Neighbourhoods seeks to ensure that 'most dwellings' are located within a 400 metre catchment of a park, and such walkability will be an important consideration when reviewing the Public Open Space network throughout Vincent.

City of Charles Sturt – Best Practice Open Space in Higher Density Developments (2014)

The City of Charles Sturt, situated just west of the Adelaide CBD with a population of approximately 105,000 people, initiated a best practice study regarding the provision of Public Open Space within higher density developments. The resultant principles, guidelines and directions guide Public Open Space planning, development and management within transit oriented developments and other higher density areas.

Within South Australia there is a legislative requirement to provide up to 12.5% of a land division for Public Open Space which represents around 4 hectares per 1,000 people within a lower density area. Benchmark planning within South Australia identifies that around 2 hectares per 1,000 people is required for recreation open space (parks) and 1.5 to 2 hectares per 1,000 people is required for sporting open space (playing fields). Analysis within this best practice study highlights that the legislative allocation of 12.5% Public Open Space in a high density area (i.e. 75 dwellings per hectare) results in only 0.9 hectares per 1,000 people whereas in a lower density area (i.e. 15 dwellings per hectare) results in 4 hectares per 1,000 people. This suggests that the 12.5% or similar 'traditional' Public Open Space provision standards are likely to be inequitable and inadequate in areas subject to residential densification. While the study identifies that there could be justification to increase Public Open Space provision to 25% within higher density areas this is clearly not practical or realistic within Vincent.

However, the study also identifies that in areas subject to higher density developments it may be appropriate to place an emphasis on high quality, robust and flexible Public Open Space that can sustain high numbers of users rather than providing a large amount of open space. The City of Charles Stuart has placed emphasis on a balanced approach to open space amount and quality through the following:

- Sporting open space (around 1.5 to 2ha per 1,000 people) outside of the higher density areas as part of strategically located community and sport hubs across metropolitan Adelaide
- Recreation open space (at least 2 hectares per 1,000 people) to cater for the base recreation needs of the population
- Give consideration to the provision, value and potential use of existing open space located in areas around a higher density development
- Establish high quality, robust and functional open space that can sustain high numbers of users and contribute to an active and vibrant development

Other key findings that may be suitable when considering Public Open Space planning, development and management in higher density urban areas throughout Vincent include:

- A needs based assessment that considers the socio-demographic composition of the population and future community needs is required
- Quality and innovative open space and public realm design is critical to the vibrancy and sense of community
- People in high density areas should be within 2 to 3 minutes or 250 metres of useable open space including accessibility to play and activity opportunities
- Local parks are required as well as access to larger regional or district open spaces
- There should be a strong emphasis on connectivity and creating opportunities for physical activity in high density urban developments
- Every parcel of open space should have a purpose as well as versatility
- The ongoing maintenance and management of Public Open Space is crucial

This more contemporary strategic framework for Public Open Space focuses more on quality rather than quantity, maintains a hierarchical approach to provision, and highlights the importance of accessibility and walkability.

Redland City Council – Public Open Space Strategy (2012)

The Public Open Space Strategy prepared by Redland City Council, located about 26 kilometres south-east of the Brisbane CBD with a population of approximately 135,000 people, is renowned for redefining the approach to open space planning and management. Redland has moved away from a land provision standard of 4 hectares per 1,000 people being the primary method for determining the provision of parks and open space. This standard made no reference as to why the open space was needed and what it was needed for. It also included no assessment on the function of each park or its suitability to meet existing functions such as recreation, sporting and community activities.

The Redland Open Space Strategy 2026 includes a new set of desired standards that inform future planning, capital works programs, project delivery, asset management, and parks and open space maintenance and operation. The new standards are about activities and opportunities that should be available in Public Open Space.

The shortfalls are regarded as ‘activity shortfalls’ rather than ‘land provision shortfalls’ which in turn advise Council on the types of open spaces needed to meet community demands in the short and long term.

These standards include:

- Suburb Level of Service;
- Neighbourhood Activity Level of Service;
- Medium Density Residential Level of Service;
- Park Function and Type;
- Characteristics of Open Space;
- Sporting Open Space Desired Standard of Service; and
- Park and Asset Management Service Standards.

The Strategy’s service standards take a targeted approach by directly specifying a suite of recreation activities to be provided within each suburb and neighbourhood which has the potential to deliver increased equity across the Local Government Area and negate the need to master plan everything before Council can determine what activities should occur in any given area. The overarching aim of this approach to Public Open Space provision is that by 2026 the Redland community will have a suite of recreation activities and facilities that Council believe should be provided as a standard.

It will be important to review the merits and applicability of such an ‘activity based’ standard to Public Open Space provision within Vincent, however this approach further demonstrates that the longstanding benchmarks based upon percentage of land area or hectares per 1,000 people calculation may no longer be suitable.

Preliminary Public Open Space (POS) Gaps Analysis

A comprehensive gaps analysis will be a key component of the Public Open Space Strategy; however, a preliminary analysis on a suburb-by-suburb basis has identified the following:

- There is an uneven distribution of Public Open Space throughout Vincent with clear variations from suburb to suburb, a number of large individual parks and reserves, and numerous catchment barriers impacting accessibility
- Leederville has a high proportion of Public Open Space primarily due to the location of Leederville Oval, Britannia Reserve and Brentham Street Reserve
- North Perth has a relatively high proportion of Public Open Space primarily due to the location of Beatty Park Reserve, Charles Veryard Reserve, Kyilla Park, Les Lilleyman Reserve, Smiths Lake Reserve and Woodville Reserve
- Perth has a relatively high proportion of Public Open Space due to the location of Birdwood Square, Hyde Park, Robertson Park and Weld Square although the analysis only considered that part of the suburb within Vincent’s boundaries
- Mt Hawthorn and Highgate have a relatively low proportion of Public Open Space and this is particularly notable in Mt Hawthorn given the population of approximately 8,500 residents

Overall, this gaps analysis has provided a snapshot of current Public Open Space provision however it provides limited insights regarding the appropriateness and effectiveness of the overall Public Open Space network. The percentage of land area and hectares per 1,000 people benchmarks do not allow appropriate consideration of the wide range of factors that must guide Vincent's Public Open Space Strategy including (but not limited to) walkable catchments, park functionality and design quality, connectivity and accessibility, localised community demands, and the impact of population projections.

Importantly, this preliminary gaps analysis has also not considered the proximity and accessibility to Public Open Spaces within adjoining Local Government Areas. Further analysis and decision making is also required regarding the inclusion or exclusion of specific Public Open Spaces based upon their accessibility for the broader community (i.e. sporting clubs with leased areas, school sites, nib Stadium). More detailed GIS based analysis is certainly required through the Public Open Space Strategy to improve the accuracy of park and suburb sizes, and subsequent gaps analyses.

Public Open Space Strategy Project Plan

Administration has prepared a Public Open Space Strategy Project Plan and allocated \$50,000 on the Draft 2017/18 Budget for development of the Strategy. The primary objectives of this project are to:

- Recognise the value of Public Open Space in an urban environment and the associated social, ecological, economic and health benefits for the community;
- Identify current trends and issues impacting the strategic planning, development, management and activation of Public Open Spaces at both the broad and localised level;
- Identify relevant statutory, strategic, policy and legal considerations that will directly influence the development, management and activation of open spaces;
- Investigate current and future population demographics and the impact these trends will have on the demand for and utilisation of Public Open Spaces;
- Confirm local community attitudes, views and perceived value of Public Open Space to assist with establishing guiding principles to inform the Public Open Space Strategy;
- Prepare a comprehensive inventory of all existing Public Open Spaces including size, location, ownership, service catchment area, function/purpose, condition, usage, maintenance costs and mapping (note that relevant Public Open Spaces within surrounding LGA's will be included);
- Develop a set of guiding principles to inform the Public Open Space Strategy and the resultant strategic planning, development, management and activation of Public Open Spaces;
- Establish a Public Open Space classification system, hierarchy and desired levels of service in accordance with industry best practice that provides the strategic basis for future planning, development, management and activation;
- Identify any perceived gaps within the Public Open Space network and develop specific strategies to improve provision through the design and development of existing parks, improved accessibility to parks within the surrounding catchment area, or strategic land acquisition/utilisation;
- Identify opportunities that maximise Public Open Space accessibility and land efficiency including shared use, co-location, multi-purpose use and asset rationalisation;
- Develop Public Open Space management strategies to improve utilisation including converting or adapting existing spaces, changing existing or introducing new uses, applying new technologies and enhanced design;
- Audit foot path/bike path networks and their connectivity to the existing Public Open Space network, and identify areas for improvement;
- Inform levels of service for specific Public Open Space infrastructure including (but not limited to)
 - sportsgrounds, playgrounds, skate parks, sports specific facilities, dog exercise areas, lighting and toilets;
- Review existing management strategies that protect the environmental and conservation values of Public Open Spaces that contain valued flora and fauna to ensure their ongoing effectiveness;
- Ensure that the City's asset management framework as it relates to Public Open Space is underpinned by realistic and sustainable levels of service based upon financial and resource capacity;

- Provide the basis for a Public Open Space Strategy Implementation Plan comprising prioritised projects; and
- Include within the City's Capital Works Program and Long Term Financial Plan.

This Project Plan will guide the key objectives and outcomes of the proposed Public Open Space Strategy.

2017/18 Proposed Public Open Space Projects

It is recognised that various improvements to the City's Public Open Space network are required while awaiting completion of the overarching Public Open Space Strategy. Cost estimates have been prepared by Administration for a number of Public Open Space projects for consideration within the draft 2017/18 Budget, as follows:

Public Open Space (POS) Projects	2017/18 Cost Estimate
Road to Parks Demonstration Project	\$120,000
Recycling Bins Installation at Various Reserves	\$20,000
Ecozoning Scarborough Beach Road/Anzac Road Reserve	\$5,500
Various Reserves BBQ Installation (key locations based on playground proviso)	\$9,500
Les Lilleyman Reserve Basketball/Netball Installation	\$20,000
Axford Reserve Redevelopment	\$200,000
Lawler/Bedford Street Sump POS Conversion	\$198,000
Braithwaite Park Public Toilet Upgrade	\$270,000
TOTAL	\$843,000

In addition, funds have been allocated within the draft 2017/18 budget for progression of the North Perth Town Centre Public Open Space (\$114,000) as well as preparation of the Banks Reserve Master Plan (\$70,000) and commencement of the Leederville Oval Master Plan (\$40,000).

A range of other Public Open Space initiatives were proposed through the Councillor and Community submissions many of which require completion of the overarching Public Open Space Strategy prior to further consideration.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Medium: The provision of Public Open Space is vitally important for the health and well-being of our community, and increased residential density and population growth within Vincent necessitates a strategic approach to the planning, development, management and activation of our parks and reserves.

STRATEGIC IMPLICATIONS:

This project aligns with the following objectives within the City's *Strategic Community Plan 2013-2023*:

Natural and Built Environment

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

Community Development and Wellbeing

- 3.1.3 *Promote health and wellbeing in the community*

- 3.1.4 *Continue to implement the principles of universal access*
- 3.1.6 *Build capacity within the community to meet its needs*

Leadership, Governance and Management

- 4.1.4 *Plan effectively for the future*
- 4.1.5 *Focus on stakeholder needs, values, engagement and involvement'*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$50,000 has been included within the draft 2017/18 Budget to prepare the Public Open Space Strategy.












COMMENTS:

The City of Vincent currently manages a diverse range of parks and open spaces, however, increasing population and density will place added pressure on the ability for these open spaces to satisfy community demands. The provision of quality Public Open Spaces are associated with a variety of positive health, social, environmental and economic outcomes for the community. These increasing community demands and expectations are evident through the large number of Public Open Space related projects received through the 2016/17 and 2017/18 community budget submissions, and the popularity of recent Public Open Space projects such as the Braithwaite Park Playground and Mary Street Piazza.

It is considered vitally important for the City of Vincent to prepare a strategic framework to guide the development, management and activation of Public Open Space in response to current and future community needs. While this Strategy will need to consider statutory and policy frameworks as well as industry benchmarks and standards of provision the outcomes need to be locally relevant. Key considerations will include the impacts of increasing residential density, the role and purpose of larger "regional" open space provision standards, opportunities to increase provision through shared-use opportunities and re-purposing of road reserves, and levels of service that meet community needs while aligning with our financial capacity.

An amount of \$50,000 has been included within the draft 2017/18 Budget to prepare the Public Open Space Strategy through a cross-Directorate Project Team comprising Community Partnerships, Policy and Place, Parks and Property, and Asset and Design.

13 CHIEF EXECUTIVE OFFICER**13.1 INFORMATION BULLETIN****TRIM Ref:** D17/63486**Author:** Emma Simmons, Governance and Council Support Officer**Authoriser:** Len Kosova, Chief Executive Officer

- Attachments:**
1. Litis Stadium Master Plan Update No. 2 
 2. Minutes of the Reconciliation Action Plan Working Group Meeting held on 1 May 2017 
 3. Minutes of the Environmental Advisory Group Meeting held on 1 May 2017 
 4. Register of Legal Action and Prosecutions Register Monthly - Confidential
 5. Register of Applications Referred to the Design Advisory Committee – Current 
 6. Register of Applications Referred to the MetroWest Development Assessment Panel – Current 
 7. Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 8 June 2017 
 8. Register of Petitions - Progress Report - June 2017 
 9. Register of Notices of Motion - Progress Report - June 2017 
 10. Register of Reports to be Actioned - Progress Report - June 2017 
 11. Unconfirmed Minutes of the Road Safety Advisory Group Meeting held on 27 April 2017 
 12. Unconfirmed Minutes of the Pedestrian and Cycling Advisory Group held on 4 May 2017 

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated June 2017

14 COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**14.1 NOTICE OF MOTION - CR JONATHAN HALLETT - WORKFORCE GENDER PAY EQUITY REPORTING**

TRIM Ref: D17/69093

Attachments: Nil

That Council:

- 1. REQUESTS the Chief Executive Officer to include information relating gender pay equity in the City's workforce in its Annual Report;**
- 2. REQUESTS the Western Australian Local Government Association (WALGA) to encourage Western Australia Local Governments to report on workforce gender pay equity as is required of medium and large non-public sector companies; and**
- 3. REQUESTS the Minister for Local Government and the Department of Local Government and Communities to consider including mandatory reporting on workforce gender pay equity local government Annual Reports, under the Local Government (Administration) Regulations 1996, as part of the government's recently announced review of the Local Government Act 1995.**

REASON

Under the *Workplace Gender Equality Act 2012*, non-public sector organisations with over 100 employees must report annually against a number of gender equity indicators, including remuneration. Although under the *Act*, public sector organisations are not required to report on gender equity measures, other local governments across Australia have already begun voluntarily reporting on and taking action to improve gender pay equity. For example, the City of Sydney has conducted a gender pay gap analysis of its organisation (City of Sydney, 2016), the City of Yarra's *Gender Equity Strategy 2016-2021* commits to 'Undertake a comprehensive yearly pay and entitlements audit and provide a report to Executive' (City of Yarra, 2016) and the City of Wollongong has moved to 'report annually on pay equity in the Wollongong City Council workforce' (City of Wollongong, 2016).

Gender pay equity refers to men and women receiving equal remuneration for work of equal value regardless of gender (Oelz et al. 2013; Queensland Government, 2008). The difference between the earnings of women compared to men indicates a gap referred to as the 'gender pay gap' (Chicha, M-T, 2006; Oelz et al. 2013). The gender pay gap as an indicator varies in specific definition over time, and between industries and countries, but has in general persisted and in some cases grown (Charlesworth & MacDonald, 2015; Oelz et al. 2013). The Workplace Gender Equity Agency (WGEA) in Australia defines the gender pay gap as "the difference between women's and men's average weekly full-time equivalent earnings, expressed as a percentage of men's earnings" (WGEA, 2017).

In Australia, the gender pay gap nationally has fluctuated between 15% and 19% since the late 1990s (WGEA, 2017). However, Western Australia's pay gap is significantly higher, estimated at almost 24% in 2016 (WGEA, 2017). Male dominance in industries with higher pay, such as mining, and more broadly in operational and senior positions, plays a major role in Western Australia having the larger gender pay gap of all the states and territories (Fitzsimmons and Callan, 2015).

The gender pay gap also varies between the private and public sectors, with the Australian private sector estimated at almost 20% and the Australian public sector estimated at almost 12% in 2016 (WGEA 2017). However, neither sector has seen a closing of the pay gap. In fact, counter to other countries, the gender pay gap in Australia has grown in recent years (Charlesworth & MacDonald, 2015).

The aim of achieving workplace gender equality "is to achieve broadly equal outcomes for women and men, not necessarily outcomes that are exactly the same for all. To achieve this requires:

- workplaces to provide equal pay for work of equal or comparable value;

- the removal of barriers to the full and equal participation of women in the workforce;
- access to all occupations and industries, including leadership roles, regardless of gender; and
- the elimination of discrimination on the basis of gender, particularly in relation to family and caring responsibilities” (WGEA, 2016).

Victoria’s *Gender Equity in Local Government Partnership* recommends that local governments ‘work to achieve pay equity between women and men and put in place measures that promote greater transparency in relation to pay rates and individual contracts’ (GELGP, 2012). The recent *Filling the Pool* report by the Committee for Perth published results of a study focused on gender equality in Western Australia and recommended that ‘organisations should undertake a pay equity audit, by applying processes such as those developed by the Workplace Gender Equality Agency (WGEA), by June 2016’ (Fitzsimmons and Callan, 2015, p.12). Measuring the City of Vincent’s performance against such indices as workforce by employment status, workforce by gender, gender pay gap, and women in management will allow us to showcase and improve our progress towards equal opportunity.

As a progressive organisation with over 400 employees and a commitment to equal opportunity, the City of Vincent is well positioned to be a leading employer in gender equity in Western Australia. While there is no legal requirement for local governments to report on these indicators, doing so would provide the necessary data to assess and progress gender equity in our workforce, and provide leadership in the WA local government sector.

Furthermore, the WA Local Government sector as a whole has an opportunity to be more active in this space and, at a minimum, should report annually on workforce gender pay equity. Consequently, it is proposed that Council request WALGA and the Minister for Local Government to consider this issue and look for opportunities for workforce gender pay equity reporting to become the norm in the sector.

References

Charlesworth, S. & F. MacDonald, 2015, Australia’s gender pay equity legislation: how new, how different, what prospects? *Cambridge Journal of Economics* 39, 421–440.

Charlesworth, S. & F. MacDonald, 2014, Women, work and industrial relations in Australia in 2013, *Journal of Industrial Relations*, Vol. 56(3) 381–396.

Chicha, M-T, 2006. *Working Paper: A comparative analysis of promoting pay equity: models and impacts*. International Labour Organisation, Geneva.

City of Sydney, 2016. Council Meeting Minutes -25 July 2016.

City of Wollongong, 2016. Council Meeting Minutes – 31 October 2016.

City of Yarra, 2016. Gender Equity Strategy 2016-2021.

Fitzsimmons, T.W., & Callan, V.J., 2015. *Filling the Pool*. Perth: The Committee for Perth.

ADMINISTRATION COMMENTS

Administration supports this motion and has already begun collecting and analysing the City’s workforce gender pay data with the intention of including this data in the City’s 2016/17 Annual Report, and in every Annual Report thereafter.

Additionally, it is noted that in the 2017/18 financial year the City will be developing a new, contemporary Workforce Plan that will include measures and future targets relating to employee mix, including gender.

**15 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
(WITHOUT DISCUSSION)**

Nil

16 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

17 URGENT BUSINESS

18 CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED**18.1 CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW 2015-16****Disclosure of Financial Interest**

The Chief Executive Officer, Len Kosova, has disclosed a direct financial interest in this matter as it relates to his performance and remuneration in the role of CEO and his contract of employment with the City.

Local Government Act 1995 - Section 5.23(2):

- (a) a matter affecting an employee or employees

LEGAL:

2.14 Confidential business

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

Confidential reports are provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, confidential reports are 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.

18.2 MINDARIE REGIONAL COUNCIL JOINING THE EASTERN METROPOLITAN REGIONAL COUNCIL RESOURCE RECOVERY FACILITY TENDER - PROGRESS REPORT NO 2

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

Local Government Act 1995 - Section 5.23(2):

- (c) a contract entered into, or which may be entered into, by the local government and which related to a matter to be discussed at the meeting

LEGAL:

2.14 Confidential business

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

Confidential reports are provided separately to Council Members, the Chief Executive Officer and Directors.

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

19 CLOSURE