



CITY OF VINCENT

AGENDA

Council Briefing 12 September 2017

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

**Len Kosova
Chief Executive Officer**

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

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

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- All Ordinary and Special Council Meetings are electronically recorded except when the Council resolves to go behind closed doors;
- All recordings are retained as part of the City's records in accordance with the General Disposal Authority for Local Government Records produced by the Public Records Office;
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- Ordinary Meetings of Council and Council Briefings are streamed live on the internet in accordance with the City's Policy – 4.2.4 - Council Meetings Recording and Web Streaming. It is another way the City is striving for transparency and accountability in what we do.
- The live stream can be accessed from <http://webcast.vincent.wa.gov.au/video.php>
- Images of the public gallery are not included in the webcast, however the voices of people in attendance may be captured and streamed.
- 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.

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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 Susan Gontaszewski on approved leave of absence from 02 September 2017 to 21 October 2017.





3 PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS

4 DECLARATIONS OF INTEREST

5 DEVELOPMENT SERVICES

5.1 NO. 44 (LOT: 13; D/P: 75/1) BRISBANE STREET, PERTH - CHANGE OF USE FROM OFFICE TO NON MEDICAL CONSULTING ROOMS (PREGNANCY DAY SPA) (UNLISTED USE) (RETROSPECTIVE)

TRIM Ref: D17/104089
 Author: Heidi Miragliotta, Statutory Planning Officer
 Authoriser: John Corbellini, Director Development Services
 Ward: South
 Precinct: 13 – Beaufort
 Attachments:

1. Attachment 1 - Consultation and Location Map 
2. Attachment 2 - Development Application Plans 
3. Attachment 3 - Applicant's Justification 
4. Attachment 4 - Determination Advice 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES BY ABSOLUTE MAJORITY** the development application for Change of Use from Office to Non-Medical Consulting Rooms (Pregnancy Day Spa) (Unlisted Use) (Retrospective) at No. 44 (Lot: 13; D/P: 75/1) Brisbane Street, Perth in accordance with plans shown on Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4:

1. Interactive Front

The development shall maintain an active and interactive relationship and uninterrupted views between the use of the development and Brisbane and Stirling Streets during the hours of the development's operation to the satisfaction of the City. Darkened, obscured, mirror or tinted glass or the like is prohibited. Curtains, blinds and other internal or external treatments that obscure the view of the 'WAITING/RECEPTION AREA' from Brisbane Street are not permitted to be used during the hours of the developments operation;

2. Use of Premises

2.1. The use shall be limited to:

2.1.1. A maximum of three consulting rooms operating at any one time; and

2.1.2. A maximum of four beauty therapists operating at any one time;

2.2. The hours of operation shall be limited to the following times:

- 9:00am to 5:00pm Monday to Saturday;
- Closed on Sunday and Public Holidays;

3. Cash-in-Lieu

Within 28 days of the date of the approval, a cash-in-lieu contribution shall be paid to the City for the shortfall of 1.608 car bays, based on the cost of \$5,400 per bay as set out in the City's 2017/2018 Schedule of Fees and Charges being a contribution of \$8,683.20;

4. Parking Management Plan

A Parking Management Plan shall be submitted to the City within 28 days of the date of the approval detailing how the three car parking bays proposed on site will be located and managed to the satisfaction of the City. Parking shall be managed in accordance with the approved Parking Management Plan within 28 days of the approval of the Parking Management

Plan by the City and thereafter;

5. **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;

6. **Bicycle Bays**

A plan shall be submitted to the City within 28 days of the date of the approval, detailing the location on-site of a minimum of 1 bicycle bays (1 Class 1 and 2 Class 3) to the satisfaction of the City. The bicycle bay shall be provided in accordance with the approved plan within 28 days of approval of the plan by the City, and thereafter shall be maintained to the satisfaction of the City;

7. **Waste Management**

7.1. A Waste Management Plan shall be submitted to the City within 28 days of the date of the approval detailing a bin store to accommodate the City's specified bin requirement and the form and timing of waste collection, to the satisfaction of the City; and

7.2. Waste management for the development shall comply with the approved Waste Management Plan within 28 days of approval of the Waste Management Plan by the City and thereafter; and

8. **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 a retrospective application for development approval for a change of use from Office to Non-Medical Consulting Room (Pregnancy Day Spa) (Unlisted Use) at No. 44 Brisbane Street, Perth.

BACKGROUND:

Landowner:	Anthony Ciallella
Applicant:	Formscape
Date of Application:	9 February 2017
Zoning:	MRS: Urban TPS1: Zone: Residential/Commercial R-Code: R80 TPS2: Zone: Residential/Commercial R-Code: R80
Built Form Area:	Mixed Use Area
Existing Land Use:	Office
Proposed Use Class:	Consulting Room (Non-Medical) – Unlisted Use
Lot Area:	348m ²
Right of Way (ROW):	Not applicable
Heritage List:	No

The subject site is located on the corner of Brisbane Street and Stirling Street, Perth. The site and surrounding area is zoned 'Residential/Commercial' with a density of R80. Offices are located to the east of the site, a City of Vincent owned car park to the west across Stirling Street and commercial developments to the north and across the Brisbane Street to the south. The location of the subject site is included as **Attachment 1**.

The site has an existing residential building which has been retained and modified to accommodate non-residential uses. A search of the City's records confirms that there was a building permitted issued 26 January 1984 for works to facilitate the residence being converted to offices to accommodate the 'Boys

Brigade' headquarters. The approval illustrated two on-site parking bays, one being a smaller bay, with access from Stirling Street.

An application to operate a 'Pregnancy Day Spa' business, which offered massage and beauty type therapies and treatments, with a focus on expectant mothers, was lodged with the City for the subject site in 2015. The City under Delegated Authority approved this initial application as a Non-Medical Consulting Room on 8 February 2016 for a period of 12 months in accordance with the City's Policy No. 7.5.22 – Consulting Rooms.

Since this time the City has received no complaints in relation to the use. As a result of the time limit imposed a further application was lodged on 21 February 2017 to enable the use to continue to operate. The application also requested that the cash-in-lieu condition imposed on the previous approval, which had not been paid, be waived for this application.

DETAILS:

The original application was assessed as a consulting room under the City's Town Planning Scheme No. 1 (TPS1) which is considered as an "SA" use within the 'Residential/Commercial' zone. On assessment of the current proposal it was identified that the use cannot reasonably be determined as falling within the definition of 'Consulting Rooms' in TPS 1 which is defined as:

"any building or part thereof used in the practice of a profession by a legally qualified medical practitioner or dentist, or by a physiotherapist, a masseur, a chiropractor, a chiropodist, or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments but does not include a hospital".

The business offers beauty therapies and body therapies by four qualified beauty therapists and as this does not relate to the investigation or treatment of physical or mental injuries or ailments, it is not considered to meet the definition of a 'Consulting Room' under TPS1.

The City's Policy No. 7.5.22 – Consulting Rooms defines 'Non-medical Consulting Rooms' as:

"any building or part thereof used in the practice of a qualified beauty technician, touch therapist, natural massage therapist or the like".

The use is considered to fall within this definition, which is an 'Unlisted Use' in TPS1.

The application proposes no physical changes to the building.

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 Policy No. 7.5.22 – Consulting Rooms and the City's Policy No. 7.7.1 – Parking and Access (Parking and Access Policy). In each instance where the proposal requires the discretion of Council, the relevant planning elements are discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use		✓
Parking & 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" Use	Non-Medical Consulting Rooms – Unlisted Use
Policy No. 7.7.1	

4.608 car parking bays	3 car parking bays, all tandem.
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The above elements of the proposal do not meet the specified deemed-to-comply standards and are discussed in the comments section below.

The applicant's justification for the proposal is included in **Attachment 3**.

CONSULTATION/ADVERTISING:

Consultation was undertaken for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 4 April 2017 until 21 April 2017. A total of 41 letters were sent to owners and occupiers within close proximity to 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 advertising period.

Design Advisory Committee (DAC):

Referred to DAC: 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. 7.5.22 – Consulting Rooms; 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*.

Clause 2.4 of the City's Policy No. 7.7.1 – Parking and Access states that:

"The City 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."*

Delegation to Determine Applications:

The matter is being referred to Council for determination as the proposal is for an "Unlisted Use" which under the City's Town Planning Scheme No. 1 requires an Absolute Majority decision.

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 'Residential/Commercial' with a density of R80 which is the same for the properties in the immediate vicinity, and is not contemplated to change should the Draft Local Planning Scheme No. 2 be finalised. The adjoining properties to the north, east and south of the subject lot are all of a commercial nature, including the City owned public car park to the west.

The use cannot reasonably be determined as falling within the definition of 'Consulting Rooms' in TPS1 and is therefore considered an 'Unlisted Use'. The use meets the requirements of the City's Policy No. 7.5.22 – Consulting Rooms with respect to hours of operation and accredited qualification of employees. The use on the subject lot has been in operation for over a year and during this time the City has not received any complaints regarding the development, with the operations during this time demonstrating its legitimacy. Furthermore, the use is located within the 'Residential/Commercial' zone and given the small scale and intensity the use, the development is considered appropriate. Given the above, in this instance it is not recommended that a condition to further time limit the approval be imposed.

Parking

Using the consulting room requirements and the reduction factors of the City's Parking and Access Policy, the development which would require 4.608 parking bays. The 1984 approval for offices illustrated two on-site parking bays, one being a smaller bay, with access from Stirling Street. The previous assessment undertaken for the application made in 2015 did not consider these two parking bays and instead subtracted the parking shortfall for the office development, which was calculated as 1.536 bays, from the 4.608 parking bays required under the City's policy, to come up with a parking shortfall of 3.072 bays, which was rounded up to 3.07 bays. As a result, condition 3 of the development approval required that a cash-in-lieu contribution of \$16,578 be required to be made within 28 days of the approval for the shortfall of 3.07 bays.

In the applicant's submission it is acknowledged that the condition has not been satisfied and requests that this cash-in-lieu contribution be waived for the following reasons:

- *"The proposal is consistent with the objectives and principles of the City of Vincent's local planning framework, in particular the Consulting Rooms and Parking and Access policies.*
- *The subject lot is situated in reasonably close proximity to an extensive public transport network. Nearby Beaufort Street provides a well-integrated public transport alternative via its high frequency bus network.*
- *There is limited available land on site to provide for the extra bays due to the unusual shape and configuration of the subject lot.*
- *A large public car parking facility is available immediately across from the subject site.*
- *There is ample on street parking available to both Brisbane Street and Stirling Street.*
- *The land use as described above provides a 'low intensity' and non-offence service to the local (and wider Perth) community.*
- *The proposal will not alter the amount of existing car parking space available on site.*
- *The number of on-site parking bays provided is sufficient enough to accommodate the long term parking requirements for all staff. Clients on the other hand only require short term parking (1-2 hours), which can easily be accommodated on street or public parking area located opposite."*

The City's Parking and Access Policy states that 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 instance:

- "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 applicants have provided a further explanation as to why the cash-in-lieu contribution should be waived against the points raised in the abovementioned policy:

- *“The application does not result in any reduction of existing on site car parking bays.*
- *No additional floor area is to be provided. The use merely utilises the existing footprint.*
- *The current planning approval previously requested a cash-in-lieu contribution however it remains unpaid.”*

The Administration has considered the applicants justification and provides the following evaluation. The proposed development is repurposing the existing premises with the existing car parking area that was previously approved within access from Stirling Street remaining in place. The application does not propose any building works which contribute to additional floor area that would be subject to a parking requirement. The current approval, which required cash-in-lieu payment, has been acted upon. The 2016 approval required cash-in-lieu payment for 3.07 car bays and did not consider the two car bays that were included on site with the 1984 approval, instead considering an assumed existing parking shortfall for the site of 1.536 bays. The applicant has now proposed that three car parking bays be accommodated on site, through a tandem arrangement. Although the parking bays may not meet with the current minimum requirements these bays could be provided and could be appropriately managed through a parking management plan. The proposal does not address all the criteria to waive the cash-in-lieu requirements and the retention of the condition is recommended. However it is considered appropriate that given the ability to accommodate three bays onsite that the amount payable is reduced to reflect the 1.608 car bay shortfall.

Conclusion

The proposed use is considered to be appropriate and consistent with the City’s objectives and has been operating for over 2 years with the no concerns or complaints regarding the use. It is considered that the use can continue to operate without any further condition to limit its validity, however it is recommended that the condition relating to the payment of cash-in-lieu remain but relate to a lesser number of parking bays.

5.2 NO. 562 (LOT: 228; D/P: 2672) CHARLES STREET, NORTH PERTH - PROPOSED CONSTRUCTION OF FIVE MULTIPLE DWELLINGS

TRIM Ref: D17/79893







Author: Remajee Narroo, Senior Statutory Planning Officer

Authoriser: John Corbellini, Director Development Services

Ward: North

Precinct: 8 – North Perth

Attachments:

1. Attachment 1 - Consultation and Location Map 
2. Attachment 2 - Development Application Plans 
3. Attachment 3 - Letter from Applicant 
4. Attachment 4 - Summary of Submissions and Administration's Response 
5. Attachment 5 - Design Advisory Committee Comments 
6. Attachment 6 - 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 Five Multiple Dwellings at No. 562 (Lot: 228; D/P: 2672) Charles Street, North Perth in accordance with the plans included as Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 6:

1. Boundary Wall

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 564 Charles Street, North Perth 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;

2. Fencing in the Front Setback Area

All fencing within the front setback area shall be visually permeable, as defined by State Planning policy 3.1 Residential Design Codes, above 1.2 metres;

3. Car Parking and Access

3.1. A minimum of five resident bays and two visitors bays shall be provided onsite;

3.2. Vehicle and pedestrian access points are required to match into existing footpath and right of way 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. Right of Way

5.1. The Right of Way widening of 0.5m, as depicted on the approved plan, is to be ceded free of cost at the time of subdivision (including built strata subdivision) of the development

to the satisfaction of the City; and

- 5.2. The Right of Way widening of 0.5m, as depicted on the approved plan, shall be sealed, drained and graded +2% from the existing Right of Way levels to the satisfaction of the City prior to the occupation or use of the development;

6. Privacy

The proposed screening devices depicted on the balconies and windows on the plans are to be provided in accordance with the Residential Design Codes of WA prior to the use or occupation of the development to the satisfaction of the City;

7. Acoustic Report

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. Landscape and Reticulation Plan

- 8.1. 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:

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

8.1.2. Areas to be irrigated or reticulated; and

- 8.2. All works shown in the plans as identified in Condition 7.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

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

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

11. Retaining Wall

- 11.1. The existing retaining wall on the boundary between Nos. 560 and 562 Charles Street shall be retained; and

- 11.2. Prior to the commencement of development, approval is to be sought from Main Roads regarding for any earthworks, including construction of retaining walls, within the road widening area;

12. Clothes Drying Facility

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

13. Stormwater

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

14. 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 five multiple dwellings at No. 562 Charles Street, North Perth.

BACKGROUND:

Landowner:	M and J Panthera Pty Ltd
Applicant:	Chindarsi Architects
Date of Application:	13 December 2016
Zoning:	MRS :Urban TPS1: Zone: Residential R-Code: R60 TPS2: Zone: Residential R-Code: R60-R100
Built Form Area:	Transit Corridor
Existing Land Use:	Single House
Proposed Use Class:	"P" Multiple Dwellings
Lot Area:	460m ²
Right of Way (ROW):	Eastern side, 5 metres in width, sealed and privately owned by the City
Heritage List:	No

The subject site is located on the eastern side of Charles Street, North Perth, between Walcott Street and Hilda Street, as shown in **Attachment 1**. There is an existing single house on the subject site with vehicular access from Charles Street. The application contemplates the demolition of the existing house to accommodate the proposed development.

The residential developments in the immediate vicinity are comprised predominantly of single houses, with a mix of single and two storey developments and several grouped dwellings emerging with redevelopment of the larger lots. The subject site and adjoining properties and those on the opposite side of the right of way are zoned 'Residential' with a density of R60.

The application proposes to construct five multiple dwellings. The development is configured with Units 1, 2 and 4 orientated to front Charles Street and Units 3 and 5, at the first and second floors, facing the right of way. Resident and visitor parking to all dwellings is located to the rear of the site with vehicular access being provided from the right of way.

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

The subject site is located within Planning Control Area No.125 and is subject to road widening within the Charles Street Metropolitan Region Scheme reservation. The reservation will require a 3.66 metre portion of the front setback area to be ceded in the future to facilitate the road widening. The assessment of the proposed development has excluded the area of the reservation for the purposes of establishing street setback, plot ratio, open space and landscaping requirements.

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 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
Plot Ratio		✓
Street Setback		✓
Front Fence		✓
Building Setbacks/Boundary Wall		✓
Building Height/Storeys	✓	
Roof Form	✓	
Open Space		✓
Outdoor Living Areas	✓	
Landscaping	✓	
Privacy		✓
Parking & Access	✓	
Bicycle Facilities	✓	
Solar Access		✓
Site Works/Retaining Walls		✓
Essential Facilities	✓	
External Fixtures	✓	
Surveillance	✓	
Environmentally Sustainable Design	✓	

Detailed Assessment

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

Plot Ratio	
Deemed-to-Comply Standard	Proposal
Built Form Policy - Clause 4.1.1 R-Codes - Clause 6.1.1	
0.7 or 203.89m ²	0.82 or 341.22m ²
Street Setback	
Deemed-to-Comply Standard	Proposal
Built Form Policy - Clause 4.3.1 R-Codes- Clause 6.1.3	
A setback of 2m	The window shroud is setback 1.5m with the setback increasing to 2m to the building façade. Entry Portico is setback 1m.
Front Fence	
Deemed-to-Comply Standard	Proposal
Built Form Policy - Clause 4.6.3	
Fence to a maximum height of 1.8m above the adjacent footpath level.	A height of 1.995 m consisting of masonry wall and metal open style facing the street.
Building Setback	
Deemed-to-Comply Standard	Proposal

<p>Built Form Policy - Clause 4.3.3 R-Codes- Clause 6.1.4</p> <p>Northern Boundary</p> <p><u>First Floor</u> Unit 3= 1.6m The full length of wall= 2.5m Balcony = 3m</p> <p><u>Second Floor</u> Unit 5 = 2m The full length of wall= 4m Balcony = 4m</p> <p>Southern Boundary</p> <p>Ground Floor = 1.5m</p> <p>Second Floor The full length of wall = 3.5m</p> <p>Eastern Boundary</p> <p>First Floor= 0.8m Second Floor = 2m</p>	<p>Unit 3 = 1.5m to 2.27m 2.27m 1.5m</p> <p>Unit 5 = 1.5m to 2.27m 2.27m 1.5m</p> <p>Nil to 3.3m</p> <p>3.3m</p> <p>0.5m to 1.85m 0.5m to 1.85m</p>
Open Space	
Deemed-to-Comply Standard	Proposal
R-Codes - Clause 6.1.5 45% (187.25m ²)	42.67% (177.54m ²)
Site works/Retaining Wall	
Deemed-to-Comply Standard	Proposal
<p>Built Form Policy - Clause 4.14 and 4.15 R-Codes - Clauses 6.3.6 and 6.3.7</p> <p>Excavation and fill and retaining walls shall not be more than 0.5m within the front setback area and 1 metre of a side boundary</p>	<p>Excavation of up to 0.76m and fill of up to 0.765m within front setback area.</p> <p>Low Retaining wall near the courtyard of up to 0.71m within front setback area</p> <p>Proposed excavation and retaining walls up to 1.2m in height within 1m of the northern and up to 1.115m within 1m of southern boundaries.</p>

The aforementioned elements of the proposal that do not meet the specified deemed-to-comply standards are discussed in the comments section below. A letter from the applicant providing justifications for the proposed development is provided in **Attachment 3**.

CONSULTATION/ADVERTISING:

Consultation was undertaken for a period of 21 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 4 April to 29 April 2017. A total of 100 letters were sent to owners and occupiers within close proximity of the subject site (refer **Attachment 1**), in accordance with the City's Policy No. 4.1.5 – Community Consultation. A notice was placed in the "Guardian Express" and a sign erected on site.

At the conclusion of the consultation period, a total of five submissions were received, comprising four objections and one submission which expressed neither support nor objection. The main issues raised in the submission are summarised as follows:

- Construction Management/Dilapidation Reporting – Concerns were raised that construction on the subject site may cause damage to adjoining existing single houses;
- Existing retaining wall on adjoining property – Concerns were raised regarding the existing retaining wall along the southern boundary being removed;
- The use of materials in the elevations – Concerns were raised that the proposed Zinalume sheeting materials to the upper floor elevations would be visually intrusive to the adjoining properties;
- Fencing – Clarification was sought regarding the material used for the proposed dividing fences;
- Boundary Wall – Concern raised regarding the proposed boundary ; and
- Number of storeys – Concern raised regarding the proposed 3 storey height of the development.

These matters are discussed in the Comment section below. A detailed summary of the submissions and Administration's response to each matter raised is included in **Attachment 4**.

The plans being considered by Council differ to those which were advertised. The changes made to the original plans are as follows:

- Increased landscaping;
- Materials in the elevations have changed from Zinalume sheeting to cement sheet cladding with a paint finish to match Colourbond shade 'grey';
- Clarification has been provided from the applicant indicating that the dividing fence will be constructed from timber pinelap fencing material; and
- Screening to the front balconies for Units 2 and 4 have been deleted.

Main Roads WA

Given the subject site is located within Planning Control Area No. 125, the application was referred to Main Roads WA for comments. Main Roads has confirmed it has no objections to the application subject to appropriate conditions being imposed with respect to noise amelioration, and the applicant being advised that earthworks are not permitted to encroach into the road reserve.

A condition requiring the applicant to provide an acoustic report is included in the recommendation. As the application proposes earthworks within the road widening for construction of retaining walls, the City has discussed this matter further with Main Roads, which have advised that the proposed retaining wall works will be acceptable within the road reserve subject to retaining wall plans being submitted to, and approved by Main Roads.

Design Advisory Committee (DAC):

Referred to DAC: Yes

The original proposal was considered by the City's DAC on one occasion on 28 September 2016. Further to this meeting, amended plans were circulated to the DAC member for comments. An extract of the Minutes of the meetings and subsequent correspondence is provided in **Attachment 5**. The applicant engaged with the DAC process, considered the feedback provided by DAC, and has subsequently incorporated the DAC advice into the design. DAC has since confirmed that the current plans adequately address the matters raised in the DAC process. The applicant has advised with regard to the treatment of the front balconies, the proposal for open style vertical flat bar balustrading is in response to the comments provided by the DAC. The scheme presented at that meeting showed a 1 metre section of open balustrading and the remainder of the balcony frontage featuring a raised planter. The DAC recommended a more open aspect to Charles Street for passive surveillance.

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

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 multiple dwellings and is three storeys in height.

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:Plot Ratio

The proposed plot ratio for the development is 0.82 (341.22m²) in lieu of 0.7 (203.89m²) which is the deemed-to-comply standard in the R-Codes. Whilst the proposed development exceeds the deemed-to-comply plot ratio, it is considered that the subject site is in a prominent location on a major road with excellent access to services including public transport. The bulk, scale and height of the development have been addressed through the articulated design and use of differing materials. The subject site is located along Charles Street which is proposed to evolve into medium density Transit Corridor. Currently the streetscape of Charles Street is host to a variety of development types ranging from single storey through to multi storey development, with the general trend being replacement of the older stock with new development of increased height and density. The proposal is considered to respect the adjoining sites and streetscape through the articulated design and setbacks. The development will reinforce the future desired built form for the area and will provide a suitable transitional from the existing lower scale in the City to a higher scale along a major road.

Street Setback

The shroud and gatehouse roof are setback 1.5 metre and 1 metre from the front boundary respectively in lieu of 2 metres deemed-to-comply standard in the R-Codes. They are considered as minor projections that add interest without impacting on the appearance of bulk over the site. In this instance they are supported.

Front Fence

The height of the front fence is 1.995 metres from the footpath level in lieu of 1.8 metres deemed-to-comply standard in Policy No. 7.1.1- Built Form. Given the fence is located on top of a retaining wall and the footpath level slopes from the south to north which results in the over height fence. The materials of fence, metal open style fence, will add interest to the street and minimises blank facades. Given the fence will be located 4.7 metres from the existing front boundary and 1 metre from the new front boundary, it is considered the height will not have an impact on the streetscape in terms of bulk.

Building Setbacks

Northern Boundary

Units 3 and 5 are setback 1.5 metres to 2.27 m in lieu of the 1.6 to 4.0 metres deemed-to-comply standard set in the R-Codes. The balconies to Units 2 and 4 are also setback 1.5 metres in lieu of 3.0 to 4.0 metre deemed-to-comply standard set in the R-Codes. On the northern side the proposed development will partly be facing a boundary wall at the rear, an open yard and the existing single storey dwelling which does have some south facing openings. The setbacks proposed are considered appropriate to will maintain adequate ventilation and sunlight to the proposed development and the existing dwelling on the adjoining northern. The proposed walls are staggered which reduces the appearance of bulk on the adjoining property. The balconies to Units 2 and 4 will overlook the front yard of the adjoining northern property and as such there is not considered to be any impact on privacy.

Southern Boundary

The landscaped trellis wall structure to Units 1 and 2 is setback nil increasing to 3.3 metres in lieu of the 1.5 to 3.5 metre deemed-to-comply standard set in the R-Codes. The trellis structure which is an open structure will be mainly face an extensive back yard and part of the existing dwelling of the adjoining property to the south. The proposed walls are staggered and landscaping will reduce the appearance of bulk on the adjoining property. The proposal complies with the overshadowing requirement or there is no overlooking the adjoining northern property. As a result it is considered that the proposal will not impact on privacy, ventilation, overshadowing or access to sunlight of the adjoining property. It is also noted that no objection or comments of concern relating to this reduced setback were raised from the adjoining property to the south. Given the above the reduced setback is considered appropriate and meet the design principles of the R-Codes and Built Form Policy.

Eastern Boundary

Unit 3 is setback 0.5 metres increasing to 1.85 metres from the right of way in lieu of the 2 metres deemed-to-comply setback set in the R-Codes. The balcony and bedroom 2 to Unit 3 will be facing the right of way at the rear of the property. As such it is considered there is no impact in terms of ventilation and sunlight on the proposed development and adjoining properties. The balcony complies with the required privacy setback. Given the above the proposed setbacks are considered to be appropriate and meet the design principles of the R-Codes and Built Form Policy.

Open Space

The proposed open space for the development is 42.67 per cent (177.54m²) in lieu of 45 per cent (187.25m²) deemed-to-comply standard in the R-Codes. The development reflects the existing and desired streetscape character of Charles Street with appropriate landscaping provided to create an attractive setting for the proposed development. Each dwelling provides a large open balcony, which will provide residents with an adequate outdoor area. Given this, it is considered that the proposed level of open space is appropriate.

Landscaping

The proposal complies with the deemed-to-comply requirement of the R-Codes, with 50 per cent of the street setback area is to be landscaped. The City's Built Form Policy sets out a deemed-to-comply standard of 15 per cent deep soil zone and 30 per cent canopy coverage at maturity. The application proposes 10.2 per cent of the site as deep soil zone. However, the overall intent of the Built Form Policy is achieved with 35.3 per cent canopy coverage proposed. Overall the landscaping provided is 37.3 per cent of the site area and on this basis it is considered that the proposed landscaping meets the intent of the City's Built Form Policy and is supported.

Site works

Street setback area

The excavation, fill and retaining walls proposed as part of the development are considered to be minor given the existing slope of the land. It is considered that the excavation, fill and retaining wall respond to the natural features of the site and respect the natural ground levels as seen from the street.

There are two existing retaining walls along the northern and southern boundaries. There were concerns from the southern neighbour about the potential demolition of the existing retaining walls. As indicated on the plans a low retaining wall is proposed within the subject property and the existing retaining wall is proposed to be maintained. The applicant has advised that as far as possible they will preserve the existing retaining walls facing the subject property however given that the new level of the development will be lower than the

existing retaining walls there may be requirement for new retaining walls within the property along the boundary. This matter will be addressed a part of the Building Permit. The proposed retaining walls will match with the existing retaining walls along the northern and southern boundaries, and will not impact on the streetscape. The proposed retaining walls will be effectively used for the benefits of the residents and do not detrimentally affect the adjoining properties.

Impacts of Construction


Concerns were raised with regard damages to the existing adjoining houses during construction, materials to the elevations and the existing retaining wall. Damages to the existing adjoining single houses will be addressed as part of a construction management plan as well as through the building permit process.

Height, Materials and Boundary Walls

Concern was raised during the consultation period regarding the materials, height and boundary wall proposed by the development. The applicant has changed the materials to the elevations to address the concerns raised. In relation to the concerns regarding the height and boundary wall proposed, both of these aspects of the development meet the deemed-to-comply standards of the R-Codes and the City's Built Form Policy and are considered to be appropriate for an R60 Transit Corridor. In this instance, the proposed development is not considered to adversely impact the adjoining properties or the streetscape and the proposal is recommended for approval subject to conditions.

5.3 NO. 2 (LOT 1: D/P: 3785) COOGEE STREET, MOUNT HAWTHORN - PROPOSED CHANGE OF USE FROM LOCAL SHOP/RESIDENTIAL TO LOCAL SHOP/EATING HOUSE INCLUDING ALTERATIONS AND ADDITIONS (AMENDMENT TO APPROVAL)

TRIM Ref: D17/115836
 Author: Cathrine Temple, Co-ordinator Approval Services
 Authoriser: Paola Di Perna, Manager Approval Services
 Ward: North Ward
 Precinct: Mount Hawthorn (1)
 Attachments:

1. Attachment 1 - Consultation and Location Plan 
2. Attachment 2 - Applicant's report and parking survey 
3. Attachment 3 - Site and Floor Plan Marked up 
4. Attachment 4 - Applicant's response to summary of submissions 
5. Attachment 5 - Summary of Submissions with Administration response 
6. Attachment 6 - 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 application to amend the existing development approval dated 2 December 2014 serial number 5.2014.429.1 for a change of use from Local Shop/Residential to Local Shop/Eating House including alterations and additions at No. 2 (Lot 1: D/P: 3785) Coogee Street, Mount Hawthorn, subject to the following conditions:

1. All conditions, requirements and advice notes detailed on the previous approval dated 2 December 2014 shall remain with the exception of the following:

- 1.1. Condition 2 shall be amended as follows:

“2. Hours of Operation

The hours of operation for the Local Shop shall be between 7.00am to 8.00pm Monday to Sunday. The hours of operation for the Eating House shall be as follows:

*Monday to Friday: 7.00am to 5.00pm (indoor dining only); and
8.00am to 5.00pm (outdoor eating area and on-site alfresco dining area);*

*Saturday: 7.00am to 4.00pm (indoor dining only); and
8.00am to 5.00pm (outdoor eating area and on-site alfresco dining area);*

*Sunday: 7.00am to 4.00pm (indoor dining only); and
9.00am to 4.00pm (outdoor eating area and on-site alfresco dining area);”*

- 1.2. Condition 3.2 shall be amended as follows:

“3. Public Floor Area and Maximum Occupancy

3.2 Eating House

3.2.1 The maximum number of patrons for the Eating House shall not exceed 35 persons at any time during the approved hours of operation, however further limited to the following areas within the development:

3.2.1.1 *Of the maximum 35 persons permitted above, that a maximum number of patrons within the outdoor eating area as highlighted yellow on the approved plans shall not exceed six (6) persons at any time between the hours of 8.00am and 5.00pm Monday to Friday, 8.00am and 4.00pm Saturday and five (5) persons 9.00am and 4.00pm Sunday and Public Holidays.*

3.2.3 *Of the maximum 35 patrons permitted above, that a maximum number of patrons within the on-site alfresco dining area as shown highlighted green on the approved plans shall not exceed 14 persons at any time between the hours of 9.00am and 4.00pm Sunday and Public Holidays;”*

2. Noise Management Plan

2.1. A noise management plan shall be submitted and approved by the City prior to the increase in patronage commences addressing all activities, vehicle noise, and operations at the premises, including but not limited to:

- The plan shall incorporate recommendations as detailed in all Acoustic Report developed for the site including limitations as recommended within the report (i.e. such as limiting use of hydraulic lift, use of rubber wheeled trolleys, delivery vehicle noise – alarms, engine etc.);
- Delivery aspects that are not addressed in the Acoustic Report including but not limited to duration of deliveries and the location where the delivery vehicle parks;
- Patron numbers and management;
- Use and style of amplified music;
- Time and frequency of waste collection and deliveries at the premises;
- Set up / pack down of furniture; and
- Community relations / complaint management procedure;

2.2. Use of the premises shall be carried out in accordance with the approved Noise Management Plan or any Plan approved by the City thereafter and all requirements of the Noise Management Plan shall be implemented to the satisfaction of the City; and

2.3. The Management Plan shall be reviewed every 12 months, with any changes identified during this review or by the City, being incorporated into an updated Management Plan approved by the City as part of the review;

3. Cash- In Lieu

In addition to the requirements of condition 6.2, that prior to the increase in patronage as provided for in Condition 3 commences, a cash-in-lieu contribution shall be paid to the City for the shortfall of 2.72 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 \$14,688;

4. Bicycle Parking

Prior to the increase in patronage as provided for in Condition 3 commences, a bicycle facilities plan shall be submitted to and approved by the City which provides Class 3 bicycle facilities which can accommodate four additional bicycles. The bicycle facilities shall be installed and operational prior to the increase in patronage as provided for in Condition 3.; and

5. 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 to amend a condition of development approval to increase patron numbers from 15 to 35 customers for an eating house at No. 2 (Lot: 1) Coogee Street, Mount Hawthorn.

BACKGROUND:

Landowner:	R V & A Burton and Coogee Street Pty Ltd
Applicant:	Pinnacle Planning
Date of Application:	7 May 2017
Zoning:	MRS: Urban TPS1: Zone: Residential R Code: R30 TPS2: Zone: Residential R Code: R30
Built Form Area:	Residential
Existing Land Use:	Eating House and Local Shop
Proposed Use Class:	Eating House and Local Shop
Lot Area:	541m ²
Right of Way (ROW):	Not Applicable
Heritage List:	No

The subject site is located on the corner of Coogee Street and Anzac Road in Mt Hawthorn as shown in **Attachment 1**. The subject site is zoned Residential as are the surrounding properties and is characterised by a mix of single houses with grouped dwelling development located in close proximity to the subject site. Anzac Road is classified as a 'local distributor B' road which is capable of carrying above 6,000 vehicles per day. Coogee Street is classified as a local access road which is capable of carrying less than 3,000 vehicles per day.

On the 2 December 2014 Council resolved to approve an application for a change of use from Local Shop/Residential to Local Shop/Eating House (Dejaxy Bakery) including alterations and additions. The approval included a condition limiting the eating house to a maximum of 15 patrons at any one time. The development resulted in a shortfall of 4.56 car bays, however, Council approved a reduced cash-in-lieu contribution equivalent to a 2.28 car bay shortfall being \$11,856.

The subject site has an existing commercial building situated on the corner, which has been renovated in recent years. A portion of the on-site outdoor dining area (at the rear) is partly enclosed as it abuts the existing building on site and a boundary wall along the boundary to the residential property to the north. The site also occupies an existing dwelling fronting the ROW which has a double garage with access from Anzac Road. Following a site inspection the Administration observed that the garage was not actively used for the parking of vehicles but rather storage associated with the occupants of the dwelling.

On 31 May 2016 Council resolved to refuse the proposal to increase patron numbers from 15 to 40 customers for the following reasons:

1. *The proposal does not meet the onsite car parking requirements as stipulated in the City's Policy No. 7.7.1 – Parking and Access;*
2. *The increased patronage is not compatible with the surrounding residential land uses; and*
3. *The proposed maximum patron number will adversely impact on the amenity of the residents on Anzac Road and Coogee Street by virtue of noise and parking."*

The applicant sought a review of Council's previous refusal determination through the State Administrative Tribunal, however the application was later withdrawn.

A local shop has been operating since 1989. The alterations and additions approved by Council in December 2014 were completed to enable the establishment of the eating house with Dejaxy Bakery operating from the premises since October 2016. There is an existing outdoor eating area associated with the premises situated on the footpath at the corner of Anzac Road and Coogee Street.

The current proposal is for the reconsideration of condition 3.2 to allow a maximum of 35 patrons in the eating house at any one time which will result in a further shortfall of 2.72 car parking bays. There are no changes to the local shop component or any additional works proposed to the development.

An aerial location and consultation plan is provided as **Attachment 1**. The applicant's report and parking survey is provided as **Attachment 2**. A site plan and floor plan identifying the on-site alfresco dining and outdoor eating areas is provided as **Attachment 3**.

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) and the City's Policy No. 7.1.1 – Built Form. 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		✓
Parking & 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' use	'SA' use (intensification of eating house)
Parking	
Deemed-to-Comply Standard	Proposal
Policy No. 7.7.1 – Parking and Access 2.72 car parking spaces (additional)	Nil

The above element of the proposal does not meet the specified deemed-to-comply standards and is discussed in the comments section below.

CONSULTATION/ADVERTISING:

Consultation was undertaken for a period of 21 days in accordance with the Planning and Development (Local Planning Scheme) Regulations 2015, from 7 July 2017 until 27 July 2017. The method of consultation being a sign on site, a notice in the local newspaper 'The Voice', and letters being mailed to all owners and occupiers as shown on **Attachment 1**, in accordance with the City's Policy No. 4.1.5 – Community Consultation.

A total of 43 individual submissions were received in relation to the proposal comprising of 20 objections, and 23 submissions of support. In addition, the applicant submitted 52 submissions of support on the City's pro-forma submission form. A petition with 1,238 signatures supporting the proposal was also lodged.

The concerns raised in the submissions were as follows:

- impact of noise from the premises;
- impact of traffic and parking; and
- concerns regarding residential amenity.

The applicant's response to the issues raised in public consultation is provided as **Attachment 4**. A schedule of submissions including Administration's response is provided as **Attachment 5**.

Design Advisory Committee (DAC):

Referred to DAC: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Environmental Protection (Noise) Regulations 1997*
- City of Vincent Town Planning Scheme No. 1;
- State Planning Policy 3.1 – Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.1 – Built Form;
- Policy No. 7.5.21 – Sound Attenuation

The request to amend the aforementioned condition of development approval is made in accordance with Clause 77(1)(b) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which enables an application to be made requesting the local government amend or delete any condition to which a development approval is subject to.

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 to modify an application previously determined by Council.

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

An eating house is an 'SA' use in the residential zone, meaning it is not permitted unless Council has exercised its discretion. Town Planning Scheme No. 1 does not provide any intent or objectives for the Residential zone, and the City's Built Form Policy relate to built form only and does not provide any guidance on land use. The surrounding area comprises of one and two storey single and grouped dwellings. Concerns were raised by submitters that the development is not compatible with the surrounding residential area and that it will adversely impact on the amenity. The eating house use is already approved on the subject site and therefore cannot be refused based on incompatibility with the surrounding residential area.

There are no changes proposed to the external facade of the building as part of this proposal. The only change relates to the number of patrons and it is accepted the physical appearance of the development will have no greater amenity impact. The issue then relates to whether intensifying the use and allowing an additional 20 patrons on the site at any one time will adversely affect the amenity of the surrounding area. This is discussed in further detail below under the parking and noise and amenity headings below.

Parking and Traffic

Council, in approving the change of use in 2014, endorsed a parking shortfall of 4.56 car parking bays and imposed a condition requiring a reduced cash-in-lieu contribution to the equivalent of 2.28 bays which has been paid in full. The increase in patronage from 15 to 35 results in the need for Council to exercise its discretion to approve a further shortfall of 2.72 parking bays. This includes adjustment factors for being within 400 metres of Britannia Reserve carpark and within 400 metres of a bus stop. The applicant has indicated a willingness to pay cash-in-lieu for the shortfall and has outlined that the monies could contribute towards line marking the existing on-street parking on Coogee and Flinders Streets in addition to the on-streets bays in front of the premises on Anzac Road. The City's policy provides for the use of cash-in-lieu funds to be used for providing and/or upgrading existing and proposed Transport Infrastructure as defined in the policy. It is noted that the applicant's suggestions could be accommodated within the definition as provided for within the policy.

The applicant submitted a traffic impact statement (TIS) with their application and a parking occupancy survey following community consultation to demonstrate that additional patrons will not adversely affect the availability of on-street parking or traffic in general. The TIS suggests that the additional 2.72 car bay shortfall would have a negligible impact on the locality and that the surrounding dwellings are generally serviced by rear laneways, many of which have double garages which reduces on-street parking. The TIS also comments that the bulk of vehicles parked on the street belong to residents given the consistent number parked outside of the operating hours for the eating house. The applicant has also suggested that the City consider initiatives such as timed or permit parking to address its concerns relating to parking overflow.

The issue is whether the further parking shortfall will adversely impact the surrounding area. Whilst it is acknowledged that many of the surrounding dwellings are serviced by double garages which cater for resident parking, there is still the need for visitors and potentially dwellings with single garages to use on-street parking. The TIS is somewhat conflicting in its statement that double garages reduce on-street parking whilst also stating the bulk of vehicles outside operating hours belong to residents.

Council's refusal of the 2016 proposal to increase the patronage to 40 persons was based on the inability of the proposal to comply with parking requirements and the associated impacts of this on the surrounding area. The applicant has submitted significantly more detail with the current application to address this matter which indicates that the further parking shortfall will not be detrimental to the availability of on-street parking. The survey undertaken by the applicant was conducted hourly between the hours of 9.00am and 4.00pm across a six day period in mid-August. The survey found that the maximum occupancy of on-street parking was 57% which occurred at Sunday lunchtime. A 53% occupancy was observed at Tuesday lunchtime and on Saturday mornings.

To verify this information, Administration undertook its own observations of the site at 9:15am on Saturday morning, 11.00am on Sunday morning and between the hours of 1:30pm and 3:30pm on Saturday and Sunday over the Father's Day weekend. Whilst percentages of occupancy have not been calculated, it was found that adequate on-street parking was available throughout this period.

It is agreed that an increase in patrons will lead to a further demand for on-street parking, however, based on the applicant's survey results and Administration's own investigations it is considered the further parking shortfall can be supported. A condition requiring cash-in-lieu has been recommended, and the expenditure of the cash-in-lieu contribution will be in accordance with the provisions of the City's Policy.

Anzac Road is classified as a 'local distributor B' road which has capacity to carry in excess of 6,000 vehicles per day. The City last undertook traffic counts in June 2016, which indicated the average weekday traffic was in the vicinity of 5,400 vehicles per day. Coogee Street is a local access road which has a carrying capacity of less than 3,000 vehicles per day. The City's traffic count in August 2016 indicated the average weekday traffic was 891 vehicle movements. Based on these traffic count and the carrying capacity of the roads it is considered the vehicle movements associated with the additional patronage can be accommodated within the existing road network.

Bicycle Parking

The City's Parking and Access Policy bases the requirements for bicycle facilities on the public floor area of the eating house which is not proposed to be altered through this application although an increase in patronage will likely result in a greater demand for bicycle parking. Based on the City's policy, facilities to accommodate 10 bicycles are required for the shop and eating house collectively, although it is acknowledged that the previous report to Council did not discuss bicycle facilities and Council's approval did not include a condition as such. There are currently bicycle facilities for two bicycles provided on-site, and facilities for a further four bicycles which were installed by the City on the Anzac Road footpath. The applicant has indicated they are willing to provide additional bicycle facilities. The City does not object to additional bicycle facilities being installed on the footpath on Anzac Road, however, the location would need to be agreed prior to installation to ensure they do not conflict with existing bicycle parking, on-street parking and verge vegetation. The applicant has also indicated they may be able to accommodate bicycle parking on-site. A condition is recommended requiring the applicant to provide bicycle facilities for an additional four bicycles in a location to be agreed with the City.

Noise and Amenity

Some submitters expressed concerns that an increase in patronage will result in increased levels of noise due to additional patrons, children playing in the on-site alfresco dining area, dogs being tied up outside the premises and from deliveries. Since the use commenced in October 2016, the City has received seven complaints relating to noise. The complaints alleged that deliveries were taking place early in the morning (from 6.00am) which resulted in noise from trucks being left running for the duration of the delivery, talking between drivers and staff, noise from the tailgate being used, doors being slammed and crates being dragged. One complaint related to furniture being set up in the outdoor area from 6:15 am coinciding with delivery vehicles. Others considered the noise generated from patron noise and dogs barking.

The currently approved hours of operation for the eating house are 7:00am to 5:00pm Monday to Friday inclusive and 7:00am to 4:00pm on Saturday's and Sunday's. The local shop is approved to operate between the hours of 7:00am to 8:00pm Monday to Sunday. The applicant submitted an acoustic report with their application, which concluded that the development could comply with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations) under the following circumstances:

- A maximum 35 patrons in the outdoor area between 7:00am and 7:00pm Monday to Saturday;
- A maximum of 14 patrons in the outdoor area between 9:00am and 7:00pm Sunday and Public Holidays;
- No patrons in the outdoor area between 7:00am and 9:00am Sundays and Public Holidays;
- A maximum of 6 patrons in the curb-side area between 7:00am and 7:00pm Monday to Saturday and 5 patrons between 9:00am to 7:00pm Sunday and Public Holidays;
- No patrons in the curb-side area between 7:00am and 9:00am Sundays and Public Holidays;
- Use of a single hydraulic lift in the delivery truck during any 15 minute period before 7.00am. Alternatively, if a vehicle without a hydraulic lift was used, compliance would also be achieved;
- Use of rubber wheeled trolleys when unloading deliveries; and
- There is no limit on the number of patrons within the indoor section of the eating house.

There is an existing daily delivery service to the premises which services both the local shop and eating house. The acoustic report stated approval was sought for deliveries to take place before 7:00am, however, the applicant has since clarified that deliveries will take place at 7:00am when the premises opens for business. The daily delivery routine will continue, with deliveries expected to take between 10 to 20 minutes each morning. The applicant has advised deliveries will be made by truck on weekdays, and by hand on weekends and public holidays. Administration considers that deliveries can be managed through a condition for a management plan to be submitted and approved by the City prior to the increase in patronage commencing. The management plan would need to address matters including but not necessarily limited to vehicle operations (i.e. the length of time delivery vehicles are left running), the manner in which delivery crates are handled, equipment used, the location where the delivery vehicle parks and the times deliveries would occur.

The issue of noise caused by additional patrons and its impact on the amenity of the area is perhaps more difficult to assess. The subject lot and surrounding area is zoned Residential R30 and there are no changes proposed to the zoning or density coding under Local Planning Scheme No. 2. A local shop has been operating since 1989 and the eating house component has been operating since 2016. The surrounding area is generally built to its maximum density and any significant increase in density in the surrounding area is considered unlikely. The current use of the site is considered to positively contribute to the amenity of the area given its central location and small scale appearance. Increasing the number of patrons will generate additional noise, the impacts of which will be greater in the outside areas however the proposal is still considered a small scale operation.

The operating hours for the eating house are currently 7:00am to 5:00pm Monday to Friday and 7:00am to 4:00pm Saturday and Sunday. A portion of the on-site alfresco dining area is partially enclosed as it abuts the existing building on site and a boundary wall along the boundary to the residential property to the north which in part assists in containing the distribution of noise. The acoustic report found that no patrons should be within the on-site alfresco dining area before 9:00am on Sunday's and public holidays, with a maximum of 14 patrons permitted between 9:00am and 4:00pm on Sunday's and public holidays. In addition, the report found that no patrons should be in the outdoor eating area until 9:00am on a Sunday and public holiday and a maximum of five patrons should be permitted in the outdoor eating area on a Sunday and public holiday. This is considered appropriate and respectful of the greater level of residential amenity that is expected on a Sunday and public holiday.

The acoustic report findings state that it is acceptable for a maximum of 35 persons to be within the on-site outdoor dining area from 7:00am Monday to Saturday. Whilst the applicant has provided an Acoustic Report that concludes the premises can achieve compliance with the Noise Regulations for those activities listed, it is not unreasonable to consider that noise from operational activities and patron noise are likely to be audible at nearby residential premises. Administration is of the view an 8:00am start time for the on-site alfresco dining area would be more appropriate and considerate of the surrounding residential properties. This start time is also considered appropriate for the outdoor eating area (on the footpath). Noise associated with the set-up and pack-away of the on-site alfresco dining and outdoor eating areas is considered capable of being addressed through a management plan.

Conclusion

It is acknowledged that surrounding landowners have genuine concerns regarding the impact an increase in patron numbers will have on availability of on-street parking, traffic and amenity. The applicant has adequately demonstrated that a further 3.44 car park shortfall will not be detrimental to the area having regard to the hours of operation, customer base of the eating house and proximity to and off-street public carpark. The concerns relating to early morning noise relating to deliveries and set-up of the on-site alfresco dining and outdoor eating areas can also be addressed through a revised acoustic report and a noise management plan in addition to delaying the start of service in the on-site alfresco dining and outdoor eating areas.

5.4 NO. 8 (LOT: 13 D/P: 5993) GIBNEY AVENUE, MOUNT HAWTHORN - NINE MULTIPLE DWELLINGS

TRIM Ref: D17/124039
Author: Colin Connor, Planning Officer
Authoriser: John Corbellini, Director Development Services
Ward: North
Precinct: 1 – Mount Hawthorn

Attachments:

1. Attachment 1 - Consultation and Location Plan 
2. Attachment 2 - Development Plans 
3. Attachment 3 - Summary of Submissions 
4. Attachment 4 - Design Advisory Committee Comments 
5. Attachment 5 - Applicant's Response 
6. Attachment 6 - 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 Nine Multiple Dwellings at No. 8 Gibney Avenue (Lot: 13 D/P: 5993) Mount Hawthorn in accordance with the plans included as Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 6:

1. Boundary Wall

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 10 Gibney Avenue, Mount Hawthorn 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;

2. Car Parking and Access

2.1. Car parking on site shall only be used by occupants or visitors of the development;

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

2.3. 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;

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 surrounding properties to the satisfaction of the City;

4. Visual Privacy

The privacy screens to windows and/or balconies to the eastern and western elevations are to accord with the requirements of State Planning Policy 3.1: Residential Design Codes prior to the use or occupation of the development to the satisfaction of the City;

5. Front Fence

The proposed metre boxes attached to the façade of the proposed front fence, as depicted on the approved plan, be relocated to the satisfaction of the City, prior to the commencement of development;

6. Acoustic Report

- 6.1. 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; and
- 6.2. 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;

7. Schedule of External Finishes

- 7.1. 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. The schedule is to demonstrate how the materials found within the local area have been re-interpreted into the development; and
- 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 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 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;

11. Landscape and Reticulation Plan

A detailed landscape and reticulation plan for the development site and adjoining road verge, prepared by a landscape architect, 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:

- 11.1. The location and type of existing and proposed trees and plants;
- 11.2. Areas to be irrigated or reticulated;
- 11.3. The provision of 17 per cent of the site area as deep soil zones as shown on the approved plans; and
- 11.4. The on-site provision of canopy cover be increased to satisfy the intent of the City's Built Form Policy;

All works shown in the plans as identified in Condition 14. shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

12. Verge Trees

12.1. 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; and

12.2. Prior to the commencement of development and to the satisfaction of the City, an Arborist report is to be submitted and approved by the City, ensuring the existing verge tree as depicted on the approved plans will not be impacted by the proposed crossover construction and includes measures during and after construction to ensure the long term health of the tree is protected;

13. Notification on Title

13.1. The owner shall prepare and lodge a Notification Under Section 70A of the *Transfer of Land Act 1997* on the land title(s) advising the proprietor(s) and/or (prospective) purchaser(s) of the property(s) of the following:

13.1.1. The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwelling; and

13.1.2. The use and enjoyment of the property may be affected by traffic, car parking and other impacts associated with the nearby commercial and residential activity; and

13.2. The owner will agree in writing to provide a notice in any sales contract for the development on the matters in 13.1 above; and

14. Environmentally Sustainable Design

Prior to the commencement of development that the applicant demonstrate, to the satisfaction of the City, that the development is capable of achieving one of the environmental performance ratings in accordance with Clause 5.30 of the City's Policy No. 7.1.1 – Built Form; and

15. 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 exist.

PURPOSE OF REPORT:

To consider an application for development approval for nine Multiple Dwellings at No. 8 Gibney Avenue, Mount Hawthorn.

BACKGROUND:

Landowner:	Thomas Flooring
Applicant:	DM Property Group
Date of Application:	8 March 2017
Zoning:	MRS: Urban TPS1: Zone: R Code: Residential R80 TPS2: Zone: R Code: Residential R80
Built Form Area:	Residential
Existing Land Use:	Vacant Land
Proposed Use Class:	Multiple Dwellings – 'P' Use
Lot Area:	774m ²
Right of Way (ROW):	Not Applicable
Heritage List:	No

The subject site is located on Gibney Avenue, mid-block between Jugan Street and Brady Street, Mount Hawthorn, as shown in **Attachment 1**. A single house on the site was demolished in April 2016 and the subject site has been vacant since.

The subject site and adjoining properties on either side of Gibney Avenue are zoned 'Residential' with a density coding of R80. Development on Gibney Avenue is a mix of original single houses and more recent single and two storey grouped dwelling developments. The land to the rear of subject site fronts Scarborough Beach Road, is zoned Residential Commercial with a density coding of RAC2 and is currently vacant land.

The application proposes to construct nine multiple dwellings to a maximum height of three storeys. The ground floor of the development comprises one dwelling unit, access and car parking and services. There are four units on the second floor and four units on the third storey of the building.

The development 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 (TPS1), the City's 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
Density/Plot Ratio	✓	
Street Setback		✓
Front Fence	✓	
Building Setbacks/Boundary Wall		✓
Building Height/Storeys	✓	
Roof Form	✓	
Open Space	✓	
Outdoor Living Areas	✓	
Landscaping		✓
Privacy		✓
Parking & Access	✓	
Bicycle Facilities	✓	
Solar Access	✓	
Site Works/Retaining Walls	✓	
Essential Facilities	✓	
External Fixtures	✓	
Surveillance	✓	
Outbuildings	✓	

Detailed Assessment

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

Street Setback	
Deemed-to-Comply Standard	Proposal
<p>Policy No. 7.1.1 – Built Form- Clause 4.3.1</p> <p>A primary street setback to Gibney Avenue of 5.72m</p>	<p>A setback of 4m is proposed to the balconies and 5.61m to the building.</p>

Building Setbacks/Boundary Wall	
Deemed-to-Comply Standard	Proposal
<p>Policy No. 7.1.1 – Built Form- Clause 4.3.3 R-Codes- Clause 6.1.4</p> <p>All walls to eastern and western and rear lot boundaries are to be setback 4m</p>	<p>A 1.16m setback to the eastern boundary is proposed to ground floor bin store and two stores.</p> <p>A 2m setback increasing to 3m to the eastern boundary is proposed to the ground floor foyer.</p> <p>A 1.3m setback increasing to 2.5m to the eastern boundary is proposed to the secondary courtyard to Unit 1.</p> <p>A 1.6m setback to the western and eastern boundaries is proposed to bedroom/ensuite walls to Units 2, 3, 6 and 7.</p> <p>A 1m setback to the eastern and western boundaries is proposed to living, dining and kitchen walls to Units 4, 5, 8 and 9.</p> <p>A 2m setback to the eastern and western lot boundaries is proposed to the foyer and bedroom 2 of units 5 and 9.</p> <p>A 2.4m setback to the eastern and western boundaries is proposed to front and rear balconies for Units 2, 3, 4, 5, 6, 7, 8 and 9.</p> <p>A 2.4m setback to the eastern and western boundaries is proposed to living area walls of Units 2, 3, 6 and 7 and Bedroom 2 of units 4 and 8.</p> <p>A 3m setback to the eastern and western boundaries is proposed to dining and internal courtyards/balconies walls of units 2, 3, 6 and 7.</p>
Privacy	
Deemed-to-Comply Standard	Proposal
<p>R-Codes- Clause 6.1.4</p> <p>A privacy setback of 6m from the balconies of units 4, 5, 8 and 9 to the northern lot boundary.</p>	<p>A privacy setback of 4m from the balconies of units 4, 5, 8 and 9 to the northern lot boundary.</p>
Landscaping	
Deemed-to-Comply Standard	Proposal
<p>R-Codes – Clause 6.3.2</p> <p>The street setback area to have a maximum of 50 per cent hard surface.</p>	<p>The street setback area is proposed with a maximum of 52 per cent hard surface.</p>

The above 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 21 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 11 April to 6 May 2017. The method of advertising included 70 letters being mailed to all owners and occupiers within a 100 metres radius from the subject site, as shown on **Attachment 1**, in accordance with the City's Policy No. 4.1.5 – Community Consultation. A notice was placed in the "Guardian Express" and a sign erected on site.

Eight submissions were received, seven objections and one support. The main issues raised in the submission are summarised as follows:

- Concerns with the Building Height being excessive;
- Privacy and Overlooking Concerns;
- Impact on the streetscape by the proposed street setback;
- Concerns regarding the Building Bulk and Density; and
- Impact of the Boundary Setbacks.

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**.

Design Advisory Committee (DAC):

Referred to DAC: Yes

Plans for the development were first presented to the DAC on the 12 January 2017 and the DAC concluded that the proposal be referred back to the DAC following required amendments. Further plans were presented at the DAC meeting of 27 February 2017 for comments. An extract of the Minutes of the meetings is provided in **Attachment 4**. The applicant engaged with the DAC process to consider the concerns of the DAC relating to:

- Consider reducing the size of the unit or losing excess car bays to help enlarge the front setback and relocating storerooms from the front façade to improve street appearance.
- Consider modifications to the foyer on each level to improve ventilation.
- Consider modifications to the screens to east and west facing windows to habitable rooms.
- Demonstrate that adequate separation of vehicular traffic to internal resident foot traffic.
- Provide detail relating to the percentage of deep soil zones and expected canopy of trees at maturity in accordance with the City's Policy requirements.

Following the conclusion of advertising the applicant considered the comments received during the advertising and comments from the Design Advisory Committee and modified the proposal. As a result the plans the subject of this report differ to those which were advertised. The changes made to the original plans are as follows:

- Increased primary street setback from 3.505 metres to 5.505 metres to the building and 2 metres to 4 metres to the balconies;
- relocation of stores from front elevation to ground floor to reduce building bulk;
- reduction to the northern lot boundary setback from 4.505 metres to 4 metres;
- replacement of window awnings with sunshade blades on eastern and western second and third storey elevations;
- reduced on-site parking by one bay due to store relocation however maintaining compliance with the deemed-to-comply standards; and
- increase in the side lot boundary setback from 2.4 metres to 3 metres.

The amended plans were provided to the DAC chair for further comment, whom confirmed that the changes addressed most of the DAC comments and further comments were made in relation to the following aspects:

- the 1.6m high screening to units 4, 5, 8 and 9 to the northern lot boundary should be removed to provide access of winter sun/breezes into balconies and living areas, as it is otherwise highly compromised;
- Landscape provision needs to be increased particularly mature canopy cover;
- Unit 9 store cannot be accessed at all times as the adjoining bay is assigned bay to another unit would obstruct access; and

- The designer locates the front door so it opens into the larger foyer area and not in the narrow corridor, and makes use of the void above to allow the stair to rise in an 'L' form at ground level.

The applicant submitted a final set of amended plans, which form the basis of this report, which included the following additional changes:

- removal of the screens to units 4, 5, 8 and 9 to the northern lot boundary;
- updated landscape plan to address deep soil zones and canopy cover; and
- the reassigning of car parking bays so the parking bay to unit 9 is adjoining the unit 9 store.

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

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 multiple dwellings and three storeys in height.

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

The City's Built Form Policy requires a 5.72 metre setback from Gibney Avenue. The Built Form Policy sets a standard based on an average of the five residential properties on either side of the subject property. The street setback is made up of the original single houses, and more contemporary group housing and single house developments built closer to the street.

Concerns were raised during the community consultation period in relation to the proposed setback of the development from the street. The application was modified and now proposes a setback of 5.61 metres to the building and 4 metres to the balconies from the Gibney Avenue boundary. The applicant's justifications for all departures to the deemed-to-comply are located in **Attachment 5**. In summary the applicant has justified the remaining street setback departure from the deemed-to-comply criteria on the grounds that the building's street setback is almost compliant and the balconies add interest, address building bulk and will be in keeping with the emerging streetscape.

The increased street setbacks have addressed the concerns raised during the community consultation. 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 relocation of the stores have reduced the bulk of the façade appearance. The materials and finishes of the development can be further refined to provide an interpretation of materials found within the local area, and a condition has been imposed accordingly.

Lot Boundary Setback

Ground Floor

The ground floor setback to the western boundary contains a compliant boundary wall and departure from the deemed-to-comply requirements of 1.3 to 2.5 metres at the ground floor unit in lieu of the 4 metres. The portion of wall abuts an existing boundary wall to a carport on the adjoining property at No. 10 Gibney Avenue and as a result will not adversely impact on the amenity of the adjoining residence.

The ground floor setback to the eastern boundary contains boundary walls setbacks of 1.2 metres to 3.5 metres to the foyer, unit stores and bin store in lieu of the 4 metres required under the R-Codes. Much of the east and west ground floor elevations are unenclosed car parking areas which reduces building bulk, and assists ventilation to the subject site and adjoining properties. The portion of wall abuts an existing carport and driveway on the adjoining property at No. 6 Gibney Avenue, the active habitable area is located centrally to the site and as a result will not adversely impact on the amenity of the adjoining residence.

Second and Third Storey

The second and third storey eastern and western side lot boundary setbacks are the same. The building contains multiple articulated wall sections which are setback 1.6 metres, 2.4 metres and 3 metres in lieu of the 4 metres deemed-to-comply standard of the R-Codes. The side setback has been increased from that in the advertised plans from 2.4 metres to 3 metres, responding to the concerns raised during community consultation. The properties either side are developed with original single houses with large back yards and these houses (excluding their garages and carports) are setback 3 metres to 4 metres from the subject site common boundary. The bulk of the wall is minimised with varying setbacks, colour and finishes which provide for appropriate articulation. The proposed privacy screens add interest and break-up the building mass. The visual and bulk impact to the adjoining properties and streetscape are considered to be addressed.

Landscaping

The R-Codes sets out a deemed-to-comply maximum of 50% hardstand in the front setback. The application proposes 52% of the front setback with hardstand. The landscaping that is provided in the front setback will assist in softening the visual impact of the building on the streetscape. It is considered that the proposal provides sufficient landscaped areas, whilst still providing clear and separate vehicle and pedestrian access. The proposal provides for the retention of the mature street tree and proposed planting of an additional verge tree.

The City's Built Form Policy sets out a deemed-to-comply standard of 15% deep soil zone and 30% canopy cover at maturity. The landscaping plan provides 17% of the site as deep soil zone and 14% canopy cover at maturity. The applicant proposes the planting of an additional verge tree which would increase the canopy cover to 24% if the verge tree is included in the calculation; however this is located off the site. The landscaping plan has not been prepared by a landscape architect and it is considered that there is opportunity to increase the canopy cover with changes to the tree selection on site which will ensure it satisfies the intent of the Policy. As a result, a condition has been recommended requiring an updated landscaping plan be submitted prior to the commencement of development.

Privacy

The R-Codes sets out a deemed-to-comply privacy setback of 6 metres to lot boundaries from unenclosed outdoor active habitable spaces (balconies). The application proposes a 4 metres privacy setback from the balconies of units 4, 5, 8 and 9 to the northern boundary. The areas of land impacted on the adjoining properties is a relatively small corner of the rear yards away from active habitable spaces, outdoor living areas and building openings. Landscaping along the northern boundary with appropriate tree species will be used to minimise overlooking. The land to the north is currently vacant and zoned Residential Commercial






RAC2 and within the Town Centre zone of the Built Form Policy area. When the adjoining properties to the north are redeveloped an appropriate setback between adjoining buildings can be established.

Concerns were raised during consultation in relation to privacy and overlooking. With the exception of the overlooking from the balconies on the northern elevation, the windows and balconies on the eastern western and front elevations satisfy the deemed-to-comply privacy requirements of the R-Codes. A condition has been recommended to ensure the privacy screens proposed comply with the requirements of the R-Codes.

Conclusion

The proposal requires the Council to exercise its discretion in relation to the street setback, building setbacks, privacy and landscaping which are 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.

5.5 NO. 44 (LOT: 114; D/P: 7489) KADINA STREET, NORTH PERTH - PROPOSED OUTBUILDING TO SINGLE HOUSE

TRIM Ref: D17/102993
Author: Heidi Miragliotta, Statutory Planning Officer
Authoriser: John Corbellini, Director Development Services
Ward: North
Precinct: 6 – Smith’s Lake
Attachments: 1. Attachment 1 - Consultation and Location Plan 
2. Attachment 2 - Development Application Plans 
3. Attachment 3 - Summary of Submissions 
4. Attachment 4 - Applicant's Justification 
5. Attachment 5 - 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 proposed outbuilding to a single house at No. 44 (Lot: 114; D/P: 7489) Kadina Street, North Perth, in accordance with the plans included as Attachment 2 subject to the following conditions, with the associated determination advice notes in Attachment 5:

1. Revised Plans

- 1.1. Prior to the commencement of development the applicant shall submit to and have approved by the City revised plans depicting A visual truncation at the intersection of the two ROWs along the northern boundary be provided to the satisfaction of the City to enable safe access and manoeuvring which takes into account the low to medium traffic volumes. The area within the visual truncation, excluding where the truncation area is required for the manoeuvring of vehicles, shall thereafter be maintained clear of obstructions above the height of 0.65 metres to the satisfaction of the City; and
- 1.2. The development shall be undertaken and accord with the revised plans approved by the City;

2. Use of Outbuilding

The development shall be used in accordance with the definition of ‘Outbuilding’ set out under the State Government’s State Planning Policy 3.1 – Residential Design Codes;

3. Stormwater

Prior to occupation or use of the development all storm water collected on the subject land shall be retained onsite, by suitable means to the satisfaction of the City;

4. External Fixtures

All external fixtures and building plants, 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;

5. Schedule of External Finishes

The detailed schedule of external finishes (including materials and colour schemes and details) submitted with this application forms part of the approval. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development; and

6. 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 an outbuilding to a single house at No. 44 Kadina Street, North Perth.

BACKGROUND:

Landowner:	Steve Skantzios
Applicant:	Benjamin Gilmore
Date of Application:	10 February 2017
Zoning:	MRS: Urban TPS1: Zone: Residential R Code: R30 TPS2: Zone: Residential R Code:R30
Built Form Area:	Residential
Existing Land Use:	Single House
Proposed Use Class:	Single House – “P”
Lot Area:	1,311.833m ²
Right of Way (ROW):	5m, City owned, sealed, easement with rights of access for subject site
Heritage List:	Not applicable

The subject site is located on Kadina Street, North Perth and is zoned ‘Residential R30’. The location of the subject site is shown in **Attachment 1**. To the rear of the subject site is a City owned right-of-way (ROW) which is 5 metres wide, City owned and includes an easement with rights of access provided to the subject site. The ROW widens to approximately 10 metres to accommodate a bend in ROW alignment near to the rear of the subject property.

The adjoining properties are zoned ‘Residential’ with a density of ‘R30’ and the area is characterised by single houses and grouped dwellings. Development of varying types fronts the ROW, including double garages, solid fences with no breaks or access gates and one dwelling (3a Chamberlain Street), that fronts the ROW. There are a number of rear balconies that front an overlook the ROW, which is dominated by blank walls, fences and garage doors.

The site accommodates a two storey house with vehicular access from Kadina Street to an existing double garage and outbuilding. The existing outbuilding has an area of approximately 42m², is constructed of brick, has a metal roof, and is detached from the main dwelling. The existing outbuilding has a nil setback from the eastern lot boundary and a 9 metre setback from the northern/rear lot boundary. This outbuilding is not largely visible from the street or ROW. The proposed outbuilding is to be located to the north-eastern corner of the lot well clear of the existing house and will not be visible from Kadina Street.

The proposed outbuilding is to be located to the rear of the property and accessed from the abutting ROW via a roller door. The outbuilding has a pitched roof form and is proposed to be constructed of metal sheet (colorbond) material. The plans accompanying the application 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 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
Site Area	✓	
Lot Boundary Setback	✓	
Open Space	✓	
Building Height	✓	
Setback of Outbuildings and Carports	✓	
Street Walls and Fences	✓	
Sight Lines	✓	
Outdoor Living Area	✓	
Parking, Car Parking Spaces, Vehicle Access	✓	
Site Works/Retaining Walls	✓	
Stormwater Management	✓	
Outbuildings		✓
Developments on Rights of Way	✓	
Setbacks to ROW	✗	✓

Detailed Assessment

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

Outbuildings	
Deemed-to-Comply Standard	Proposal
Residential Planning Codes – Clause 5.4.3 A maximum wall height of 2.4m Outbuildings that collectively do not exceed 60m ² in area or 10 per cent in aggregate of the site area, whichever is the lesser.	3m 89.2m ² which includes the proposed outbuilding of 47.2m ² and existing outbuilding of 42m ² .
Built Form Policy – No 7.1.1 - Clause 5.31.3 Development must be setback 1 metre from a right-of-way. If the site is subject to right-of-way widening, the setback is measured from the new lot boundary after the widening is applied.	The outbuilding is proposed to be positioned 500mm from the current boundary.

The above 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 27 April 2017 – 10 May 2017. The method of advertising included advertising the proposal on the City's website and 12 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 six submissions were received, all being objections. The main issues raised in the submissions are summarised as follows:

- the bulk and scale of the proposed outbuilding is not suitable for a residential area and will have a detrimental impact on the residential amenity of the area;
- the proposed outbuilding will affect the surrounding properties in terms of loss of views and devaluation and that the safety of ROW users will be compromised by extra traffic utilising the ROW; and
- the proposed outbuilding will be used to store materials and vehicles of a commercial nature.

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

The applicant's justification and response to the community's concerns raised during the consultation period is included as **Attachment 4**.

Design Advisory Committee (DAC):

Referred to DAC: No

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

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 City received more than five objections during community consultation.

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:

Setback to the ROW

The proposal seeks approval for a 500mm setback in lieu of the required deemed-to-comply standard of 1 metre. The portion of ROW which runs along the northern boundary of the subject lot and abutting the side of the proposed outbuilding, is subject to a widening in the future. The proposal provides for a setback of 500mm from the current boundary alignment to ROW and is setback sufficiently to facilitate the future widening of the ROW as and when it may be required. There are existing garages and an outbuilding on the opposite side of the ROW fronting the proposed outbuilding. The proposed outbuilding is a single storey structure, the majority of which is concealed behind the rear fencing to the subject lot. In addition, the proposed structure is located towards the north eastern corner of the subject lot and more specifically is adjacent to the ROW to the north and the east. As such the proposed outbuilding is not in close proximity to any of the existing dwellings on the adjoining lots and is considered unlikely to have an adverse impact on natural light or ventilation.

Outbuilding Area and Wall Height

The deemed-to-comply standards in this instance for outbuildings as outlined in the R-Codes are that outbuildings collectively do not exceed 60m² in area. There is an existing outbuilding on the subject lot with an area of approximately 42.8m² and when collated with the proposed outbuilding the total area of outbuilding on the subject site equates to approximately 89.2m².

Concerns were raised during the community consultation process in relation to the intended use of the outbuilding for commercial/industrial purposes and safety issues that will arise from additional vehicles utilising the ROW. A condition has been recommended to ensure the use of the outbuilding accords with the definition as provided within the State Government's R-Codes, addressing concerns about the use of the outbuilding. The access to the outbuilding from the ROW has been assessed by the City's development engineers and is considered safe and acceptable as the ROW increases in width where there is a change in alignment which provides for a slow speed environment to enable safe access and egress. A condition regarding sightlines has been recommended to ensure that there is no visual obstruction to manoeuvring.

Additional concern over a loss to the general residential amenity of the area were raised. There is an existing metal fence to the subject site along the ROW measuring 2.1 metres in height (including the existing retaining). The outbuilding occupies only a portion of the rear boundary, for which 800mm will be visible above the fence line. The existing development along the ROW, at Nos. 5, 5a and 7 Chamberlin Street, which have views of the proposed outbuilding location consists of detached double garages and outbuildings. It is considered that in this instance the proposal does not detract from the streetscape or visual amenity of residents as it is consistent with the existing ROW context.

The proposal is recommended for approval subject to conditions.

5.6 NO. 742 (LOT: 30; D/P: 42555) NEWCASTLE STREET, LEEDERVILLE - PROPOSED AMENDMENT TO FIRST FLOOR TRADING HOURS OF PREVIOUS APPROVAL: PARTIAL DEMOLITION OF AND ADDITIONS AND ALTERATIONS TO EXISTING HOTEL, DEMOLITION AND CONSTRUCTION OF BOTTLE SHOP AND ALTERATIONS TO CAR PARKING AREA AND CROSSOVERS

TRIM Ref: D17/109662






Author: Steve Laming, Statutory Planning Officer

Authoriser: John Corbellini, Director Development Services

Ward: South

Precinct: 4 – Oxford Centre

Attachments:

1. Attachment 1 - Location and Consultation Plan 
2. Attachment 2 - Previous Planning Approval and Approved First Floor Plans 
3. Attachment 3 - Applicant's Submission Including Liquor Licence Business Management Plan 
4. Attachment 4 - Acoustic Assessment (June 2017) 
5. Attachment 5 - Summary of Submissions 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application to amend planning approval 5.2006.397.1 granted on 22 August 2006 for partial Demolition of and Additions and Alterations to Existing Hotel, Demolition and Construction of Bottle Shop and Alterations to Car Parking Area and Crossovers at No. 742 (Lot: 30; D/P: 42555) Newcastle Street, Leederville, subject to the following conditions:

1. All conditions and advice notes detailed on development approval 5.2006.397.1 granted on 22 August 2006 included in Attachment 2 continue to apply to this approval, subject to the following amendments:

1.1. Condition (xii) of the planning approval is amended as follows:

(a) “(xii) The hours of operation of the First Floor, excluding balcony Areas 5, 6 and 7, shall be limited as follows:

Monday – Thursday: 11:00am to midnight;
 Friday – Saturday: 11:00am to 3:00am; and
 Sunday: 11:00am to 11:00pm; inclusive.

The hours of operation of the First Floor balcony Areas 5, 6 and 7, shall be limited as follows:

Monday – Saturday: 11:00am to midnight; and
 Sunday: 11:00am to 10:00pm; inclusive.

The hours of operation of the Ground Floor are to coincide with the operating hours set out on the ‘Leederville Hotel: Trading Hours – Proposed Ground Floor/Beer Garden’ plan attached dated 21 March 2006.

However, should justifiable complaints be received, the hours of operation may be further restricted to an appropriate time;”

1.2. The annotation for the First Floor, excluding Areas 5, 6 and 7, on the approved ‘Leederville Hotel: Trading Hours – Proposed First Floor’ plan dated 21 March 2006 is amended as follows:

“11:00am → midnight
Mon – Thurs

11:00am → 3:00am
Fri – Sat

11:00am → 11:00pm
Sun”;

2. The First Floor shall operate in accordance with the measures outlined in the approved Acoustic Assessment dated June 2017. All of the recommended measures included in the approved Acoustic Assessment dated June 2017 shall be implemented as part of the use of the First Floor at the expense of the owners/occupiers, prior to the operation of the additional hours of the First Floor and to the satisfaction of the City;
3. A Management Plan that details how the development will be managed to minimise the impact on the surrounding area in accordance with the requirements of the City’s Policy No. 7.5.7 – Licenced Premises is to be submitted to, and approved by the City prior to the operation of the additional hours of the First Floor. The operation of the development shall thereafter comply with the approved Management Plan; and
4. 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 to amend the planning approval to extend the trading hours of the existing hotel at No. 742 Newcastle Street, Leederville.

BACKGROUND:

Landowner:	Argyle Holdings Pty Ltd
Applicant:	J Antczak
Date of Application:	16 June 2017
Zoning:	MRS: Urban TPS1: Zone: District Centre TPS2: Zone: Regional Centre
Built Form Area:	Town Centre
Existing Land Use:	Hotel
Proposed Use Class:	Hotel
Lot Area:	2,683m ²
Right of Way (ROW):	Northern side, sealed, 3.4 metres in width, Council owned
Heritage List:	Yes - Category B

The subject site is zoned ‘District Centre’ and is currently occupied by the Leederville Hotel, which comprises the following indoor and open-air licenced venues that are all managed and operated by the applicant:

- Babushka Bar (First Floor indoor with three balconies open-air);
- Bill’s Bar and Bites (Ground Floor indoor/open-air);
- The Garden (Ground Floor open-air); and
- The Blue Flamingo (Ground Floor open-air).

The subject site is located at the corner of Newcastle Street and Oxford Street, Leederville within the Leederville Town Centre as shown in **Attachment 1**. The adjoining properties to the north-west, east, south and west are also zoned ‘District Centre’ and are currently occupied by a mix of commercial uses, comprising eating houses and shops on the ground floor and in some instances offices on the upper floor. The adjoining property to the north-east is currently occupied by a timed ticket public car parking area that is owned by the Leederville Hotel (Argyle Holdings Pty Ltd) and managed by the City.

There are a number of residential properties located within the Leederville Town Centre, with the closest residential properties on Carr and Vincent Streets approximately 70 metres from the subject site.

The following licenced venues located within the Leederville Town Centre currently operate past midnight under Extended Trading Permits as follows:

- The Hip-E Club, 633 Newcastle Street: Tuesday, Wednesday, Friday and Saturday – open until 5:00am;
- The Manor, 633 Newcastle Street: Friday and Saturday – open until 5:00am;
- Niche Bar, 633 Newcastle Street: Friday and Saturday – open until 3:00am; and
- Amani Bar, 162 Oxford Street: Friday and Saturday – open until 1:00am.

The Leederville Hotel was constructed in 1897 and is listed on the City's Municipal Inventory as a Category B listing (conservation recommended). There have been a number of planning approvals for the site since this time. The most recent planning approval that set limits on the operating hours of the Hotel was issued at the Ordinary Meeting of Council on 22 August 2006, where Council approved an application for Partial Demolition of and Additions and Alterations to Existing Hotel, Demolition and Construction of Bottle Shop and Alterations to Car Parking Area and Crossovers subject to the following condition:

“(xii) *The hours of operation for the balcony Area 5 shall be limited to as follows:*

*Monday – Saturday: 11am to midnight; and
Sunday: 11am to 10pm; inclusive.*

The hours of operation for balcony Areas 6 and 7 are to coincide with the internal space operating hours as per the attachment dated 21 March 2006 for the proposed ground floor and upper floor trading hours, which currently are subject to an ongoing Extended Trading Permit, as follows:

Friday – Saturday: midnight to 1am”.

The plans approved as part of this application also include an annotation setting out the overall hours of operation approved for the internal first floor area as follows:

*“11am → 12pm
Mon – Thurs
11am → 1am
Frid – Saturday
11am → 11pm
Sunday”.*

The full list of conditions along with the approved plans for the first floor are included as **Attachment 2**.

The applicant is seeking to extend the trading hours of the Babushka Bar, which is located inside the main building and takes up the entire first floor of the building. The application proposes to amend the previous approval above to enable a closing time for the Babushka Bar of 3:00am on Friday and Saturday nights. No works are proposed by the application. The application, including the liquor licence business management plan, is included as **Attachment 3**.

DETAILS:

The applicant is seeking to amend a condition of an existing planning approval for the site to extend the operating hours on the first floor from 1:00am on Friday and Saturday nights to 3:00am. The site is listed on the City's Municipal Inventory as a Category B listing (conservation recommended). However, there are no works proposed as part of the application and the heritage significance of the building will not be impacted.

The application has been assessed against the provisions of the City of Vincent Town Planning Scheme No. 1 (TPS1), the City's Policy No. 7.5.21 – Sound Attenuation and the City's Policy No. 7.5.7 – Licensed Premises. The application includes an Acoustic Assessment that addresses the requirements of Policy No. 7.5.21 – Sound Attenuation. The Acoustic Assessment is included as **Attachment 4**.

The proposal falls outside of the “*guide for appropriate operating hours*” set out in Policy No. 7.5.7 – Licensed Premises, which lists operating hours up until midnight for ‘Indoor Areas’ of Hotels in District Centres. It should be noted that the “*guide for appropriate operating hours*” set out in the Policy for ‘Indoor Areas’ of Nightclubs in District Centres range until 5:00am.

The application includes a detailed Management Plan, which addressed the requirements of Policy No. 7.5.7 – Licensed Premises and is included in **Attachment 3**.

CONSULTATION/ADVERTISING:

The proposal was advertised for a period of 21 days, from 30 June 2017 to 20 July 2017. The method of advertising included a sign on site, a notice in the local newspaper 'The Voice', details being placed on the City's website and at the Administration Centre/Library, and 565 letters being mailed to all owners and occupiers as shown on **Attachment 1**, in accordance with the City's Policy No. 4.1.5 – Community Consultation.

At the close of consultation, a total of 11 submissions were received comprising of eight objections and three in support. The main issues raised in consultation include:

- Concerns that the proposed extended trading hours will lead to an increase in anti-social behaviour;
- There are already sufficient late night venues already in Leederville so it is unnecessary; and
- Noise impacts on surrounding residential properties.

A summary of the neighbour submissions received during the consultation period and Administration's response to each concern raised are included as **Attachment 5**.

Design Advisory Committee (DAC):

Referred to DAC: 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. 7.5.21 – Sound Attenuation; and
- Policy No. 7.5.7 – Licensed Premises.

Delegation to Determine Applications:

This matter is presented to Council for consideration as Hotel is classified as the original planning application was determined by Council, and this proposal results in changes to the conditions of that approval.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Leederville Hotel is located within the Leederville Town Centre and is surrounded by a mix of entertainment and recreational land uses. There are several late night venues already operational in the precinct, with operating hours until as late as 5:00am on Friday and Saturday nights.

The amenity of residents within the town centre and the proposed extended trading hours to 3:00am for the internal Babushka Bar on Friday and Saturday nights must be considered in the context of the hotel's location within the Leederville Town Centre, where the operation of late night venues is commonplace.

The Leederville Hotel has an existing planning approval which permits operating hours within the internal areas of the Hotel only until 1.00am on Friday and Saturday nights. The applicant seeks to extend these operating hours for the internal upstairs area of the premises only (Babushka Bar) to 3:00am on Friday and Saturday nights.

The proposed operating hours fall outside of the "*guide for appropriate operating hours*" set out in Policy No. 7.5.7 – Licensed Premises, given the proposal is for a Hotel. However, the proposal would fall within the "*guide for appropriate operating hours*" for a Nightclub, given the area is internal to the building. The proposal is also consistent with a number of venues in the precinct, which operate until as late as 5:00am on Friday and Saturday nights.

Noise

During the community consultation period one submitter residing approximately 300 metres from the subject site commented that noise levels from the Leederville Hotel site are audible from surrounding residential properties. This application relates to the First Floor Indoor Area the Leederville Hotel and it has not been established whether the noise in question is a result of this area, the outdoor area of the Leederville Hotel site, or other late night venues operating within the Leederville Town Centre.

The applicant has submitted an acoustic report to support the application. The Acoustic Assessment submitted with the application and included as **Attachment 3**, concludes that subject to noise management strategies being implemented (sound levels needing to be limited/capped at the mixing desk), the premises' operation can achieve compliance with the Environmental Protection (Noise) Regulations 1997 at the nearest noise sensitive premises (with regard to music noise).

Having regard to the preceding discussion, the proposed extended trading hours are not considered to have an adverse impact on the amenity of the surrounding locality in terms of noise.

Anti-social behaviour






During the community consultation period a number of submitters expressed concerns that extending the trading hours will result in increased anti-social behaviour occurring in the area and that there are already too many late night licenced venues operating within the Leederville Town Centre. The applicant in their submission states that the proposed extended trading hours will help to reduce anti-social behaviour in accordance with the Leederville Hotel's management of the four venues on the subject site, by carrying out staggered closing of each venue to ensure a gradual dispersal of customers. This management practice prevents a sudden surge of all the Leederville Hotel's customers into the public areas surrounding the subject site and is therefore considered an appropriate approach to reduce anti-social behaviour.

Further to the above, the Leederville Hotel is mandated to apply responsible service of alcohol practices as part of its liquor licence, which are incorporated into its liquor licence Business Management Plan, which is included as **Attachment 4**.

Administration recommends that the proposal be approved subject to conditions.

5.7 NOS. 84-92 (LOT 501; D/P 56750) PARRY STREET, PERTH - PROPOSED CHANGE OF USE FROM SHOWROOM AND OFFICE TO PLACE OF PUBLIC WORSHIP AND OFFICE

TRIM Ref: D17/102832
Author: Remajee Narroo, Senior Statutory Planning Officer
Authoriser: John Corbellini, Director Development Services
Ward: South
Precinct: 13 – Beaufort
Attachments:

1. Attachment 1 - Consultation and Location Plan 
2. Attachment 2 - Development Application Plans 
3. Attachment 3 - Management Plan 
4. Attachment 4 - Summary of Submissions 
5. Attachment 5 - 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 application for development approval for a Change of Use from Showroom and Office to Place of Public Worship and Office at Nos. 84-92 (Lot: 501 ; D/P: 56750) Parry Street, Perth, in accordance with the plans shown as Attachment 3, subject to the following conditions, with the associated determination advice notes in Attachment 5:

1. Use of Premises

1.1. The number of persons attending the Place of Public Worship at any one time shall be limited to the following:

- 1.1.1. The 'office' area as depicted on the approved plan be limited to five persons;
- 1.1.2. Any 'Prayer Meetings' held on the subject site be limited to 12 persons; and
- 1.1.3. The 'Church Service' be limited to 70 persons;

1.2. The operating hours of the Place of Public Worship shall be as follows:

Office – Tuesday to Friday from 9:30am to 4:00pm;
Prayer Meeting – Thursday from 7:00pm to 9:00pm;
Sunday Church Service – Sunday from 9:00am to 12:30pm
Monday and Saturday – Closed;

2. Interactive Front

The development shall maintain an active and interactive relationship and uninterrupted views between the use of the development and Parry Street during the hours of the development's operation to the satisfaction of the City. Darkened, obscured, mirror or tinted glass or the like is prohibited. Curtains, blinds and other internal or external treatments that obscure the view of the from Parry Street are not permitted to be used during the hours of the developments operation;

3. Management Plan

3.1. Use of the premises shall be carried out as per Management Plan date stamped 4 August 2017 or any revised Management Plan approved by the City;

3.2. The Management Plan shall be reviewed every 12 months, with any changes identified during this review or by the City, being incorporated into an updated Management Plan approved by the City as part of the review; and

3.3. All requirements of the Management Plan shall be implemented to the satisfaction of the City;

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 where practicable from adjoining buildings;

5. Bicycle Bays

A plan shall be submitted to and approved by the City prior to the commencement of the development detailing the location on-site of a minimum of 8 bicycle bays (3 Class 1/2 and 5 Class 3). The bicycle bays shall be provided in accordance with the approved plan prior to the occupation or use of the development and thereafter shall be maintained to the satisfaction of the City;

6. Waste Management

A plan indicating the location of a bin store of sufficient size and suitably accessible 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. Acoustic Report

7.1. 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; and

7.2. Certification from an acoustic consultant shall be provided to the City that the recommended measures identified in the approved Acoustic Report have been undertaken to the City's satisfaction, prior to occupancy or use of the development; and

8. 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 change of use from Showroom and Office to Place of Public Worship and Office at Nos. 84-92 Parry Street, Perth.

BACKGROUND:

Landowner:	M Machlin
Applicant:	Eagles City Mission Ltd
Date of Application:	11 November 2016
Zoning:	MRS: Urban TPS1: Zone: Residential/Commercial R Code: RC80 TPS2: Zone: Residential/Commercial R Code: RC80
Built Form Area:	Mixed Use
Existing Land Use:	Vacant Building and Office
Proposed Use Class:	Place of Worship – "AA"
Lot Area:	1,371m ²
Right of Way (ROW):	Not applicable
Heritage List:	No

DETAILS:

The subject site is located at the corner of Parry Street and Matson Lane which is a dedicated road, Perth. The site is zoned Residential Commercial with a density coding of R80. The location of the subject site is illustrated in **Attachment 1**. The zoning of the properties on the northern side of Parry Street is assigned the same zoning and density as the subject site. On the southern side of Parry Street the properties are zoned Residential Commercial with a density coding of R100. The subject site abuts commercial uses to the east, west and north boundaries. The development on the southern side of Parry Street are all existing residential development comprising of single and grouped dwellings.

The subject site is occupied by a single storey commercial building, for which a portion is occupied by an office use and the remainder being vacant. The application relates only to the unoccupied portion of the building. There are 9 car bays on site with 6 car parking bays in the front of the building facing Parry Street and 3 car parking bays on the side of the building along Matson Lane.

The proposal seeks approval to change the use for a portion of the site for a place of public worship. Office use also is proposed which will be ancillary to the main use place of public worship. The operating hours of the place of public worship will be as follows:

Tuesday to Friday from 9:30am to 4:00pm – Office only- 5 persons;
 Thursday from 7:00pm to 9:00pm- Prayer Meeting – 12 persons;
 Sunday from 9:am to 12:30pm – Sunday Church Service – 70 persons;
 Monday and Saturday – Closed.

The plans submitted as part of this application are as per **Attachment 2**. The applicant also provided a Parking and Traffic Management Plan as per **Attachment 3** detailing the parking demand, availability, location and management for each of the time periods outlined above.

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) and the City's Policy No. 7.1.1 – Built Form. 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 (only where required)		✓
Parking & Access		✓
Bicycle Facilities		✓

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" Use	Place of Public Worship – "AA" Use
Car Parking	
Deemed-to-Comply Standard	Proposal
Policy No. 7.7.1 – Parking and Access Church Office (5 persons) and Existing Office- 9:30am to 4:00pm 6 car bays	9 car bays, resulting in a 3 car bay surplus
Prayer Meeting (12 persons) and Existing Office – 7:00pm to 9:00pm 7 car bays	9 car bays, resulting in a 2 car bay surplus

Sunday Church Service (70 persons) and Existing Office – 9:00am to 12:30am 13.29 car bays	9 car bays, resulting in a shortfall of 4.29 car bays.
Bicycle Facilities	
Deemed-to-Comply Standard	Proposal
Policy No. 7.7.1 – Parking and Access	
3 Class 1/2 bicycle bays 5 Class 3 bicycle bays	Nil

The above element of the proposal does not meet the specified deemed-to-comply standards and is discussed in the comments section below.

CONSULTATION/ADVERTISING:

Consultation was undertaken for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 20 January 2017 until 3 February 2017. The method of consultation being 224 letters mailed to all owners and occupiers as shown on **Attachment 1**, in accordance with the City's Policy No. 4.1.5 – Community Consultation.

A total of 6 submissions and a petition signed by ten people were received in relation to the proposal comprising of 12 objections with 3 persons submitting objection letters and signed the petition also, one submission with no comments. The concerns raised in the submissions were as follows:

- Impact on the car parking in the area;
- The use will impact on the quality of life in the area; and
- Noise pollution in the area from the use.

The main issues raised in the submissions are discussed in the Comment section below. A summary of the submissions received and Administration's response to each is contained in **Attachment 4**. The applicant has provided a response to the submissions in the Parking Management Plan- **Attachment 3**.

Design Advisory Committee (DAC):

Referred to DAC: 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. 7.7.1 – Parking and Access Policy.

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*.

Town Planning Scheme No. 1

The general objectives of the Scheme as outlined in Clause 6 are applicable, specifically Subclause 3(c) which is outlined as follows:

"...3(c) to ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which –

- (i) recognises the individual character and needs of localities within the Scheme zone area;
- and
- (ii) can respond readily to change. ...".

Draft Local Planning Scheme No 2 (Draft LPS 2)

Draft LPS 2 is a relevant consideration and any decision should have regard to any applicable provisions however, it cannot form the basis for which the application is determined. Draft LPS 2 sets out objectives for the Residential/Commercial zones, which are outlined as follows:

- “(b) *Residential/Commercial*
- (i) *to provide for a compatible mix of high density residential and commercial development;*
 - (ii) *to promote residential use as a vital and integral component of these mixed use zones;*
 - (iii) *to ensure development design incorporates sustainability principles, with particular regard to waste management and recycling and including, but not limited, to solar passive design, energy efficiency and water conservation; and*
- to ensure the provision of a wide range of different types of residential accommodation, including affordable, social and special needs, to meet the diverse needs of the community.”*

Policy No. 7.7.1 – Parking and Access Policy

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.

Delegation to Determine Applications:

This matter is being referred to Council as ‘place of public worship’ is classified as a Category 2 application which is required to be referred to Council for determination.

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 proposal to change the land use of the building to a ‘public place of worship’, is a discretionary land use under Town Planning Scheme No. 1. The subject site is zoned Residential/Commercial R80 which is consistent with the zoning of properties in the locality. All the adjoining properties except on the other side of Parry Street which is residential, are operating as commercial uses. The zoning of the site as well as the adjoining properties is not contemplated to change should the Draft LPS 2 be finalised.

The immediate vicinity is characterised by a mix of residential and commercial uses, and the proposed place of public worship is considered to be compatible with these existing commercial uses in the surrounding area. This is consistent with the objectives of the Residential/ Commercial zone under Draft LPS 2 which envisages a compatible mix of residential and commercial development within the locality. The proposed use will not alter the external appearance of the existing building.

Noise

The main concerns raised during advertising were the impact on the quality of life on the residential properties in terms of noise pollution and anti-social behaviour. The hours proposed by the application are also considered appropriate to reduce the impact of noise on nearby residential properties. It is also noted that access to the Place of Public Worship for the Sunday Service will be at the rear of the building and not in the front which will minimise the impact of noise on the residential properties. The proposal will be required to comply with the *Environmental Protection (Noise) Regulations 1997*. A condition is recommended requiring an acoustic report to be prepared prior to the commitment of development and any required measured implemented.

Parking and Traffic

The application proposes a higher intensity use of the site than the previous showroom use. The use is at its peak intensity only on Sunday mornings, where it is proposed that up to 70 people will attend the site as part of the church service. Thursday nights, where it is proposed that up to 12 people will attend the prayer meeting; and during the week only 5 people will attend the site for office purpose comply with the parking requirements with a parking shortfall of 4.29 car bays resulting from the proposed church service on Sundays. It is noted that the proposed application is repurposing part of the existing premises, maintains the existing approved nine car on-site parking bays and does not contemplate modifications to the existing building envelope.

The applicant has proposed that car parking be accommodated in the surrounding street parking bays along Parry Street, between Lord and Pier Streets, which are currently sign posted as free and unlimited on Sunday mornings except when there is an event at NIB stadium on Sunday whereby on street parking is not permitted between 2:00pm to 11:00pm. There are approximately 34 car parking bays located within the road reserve, excluding areas of no parking and crossover locations. It is noted that the church will operate up to 12:30pm and therefore there will be no impact on car parking when there is an event at NIB stadium.

The applicant has undertaken a parking survey over three weeks on Thursdays and Sundays along Parry Street between 9 April 2017 and 11 May 2017. On Thursdays the survey was completed between 5:00pm to 7:00pm during which there were an average of 30 car bays available for on street parking resulting in an average occupancy rate for on-street car parking of 1%. On the Sundays the survey identified an average 32 car bays available resulting in an average occupancy rate for on-street car parking of 5%. The Church, as part of its management plan, propose to employ a team of marshals that direct visitors to parking in and around the church along Parry Street each Sunday. This management plan limits the location of on-street car parking for patrons to Parry Street. The rear of the building will be used as auditorium for the church service and the front part of the building will be used as office fronting Parry Street. Therefore for Sunday Service the entrance will be at rear of the building and not in front of the building.

The assessment of the car parking is based only on the availability of the parking along Parry Street, between Lord and Pier Streets. As such, it is considered there will be a lessened impact on traffic and car parking in the area on Sunday based on the current parking demands within the locality. The place of worship use will attract a higher parking demand than the previous showroom use. Although the parking demand in the immediate short term is unlikely to result in a negative impact on the locality, based on the information provided as part of the application, the vision for the area is to accommodate a mix of residential and commercial uses into the future based on the provisions of draft LPS 2.

Whilst the proposed application is repurposing part of the existing premises, maintains the existing approved nine car on-site parking bays and does not contemplate modifications to the existing building envelope it is considered that this use may adversely impact other uses locating to the area as a result of the on-site parking shortfall. As such a condition is recommended limiting the validity of any approval to ensure that the long term vision is not compromised. The Administration considers that there have been no major developments recently approved and should any proposal be received that the time required to obtain the necessary planning and building statutory approvals, complete the construction and enable the development to establish that a period of five (5) years could lapse before any impact could be evaluated. Based on this methodology it is recommended that a condition with a limited time period of five (5) years be imposed.




The possibility of “time limited” period should Council approve the application was discussed with the applicant and they have advised that they are amenable to a time limited period as it will provide the church with sufficient time to establish within the community. It would also enable the church to monitor its operations and should issues relating to adverse impact on the community (be noise, or parking or other) that they would consider their options including relocation, as they want to be a positive contributor to the community.

Bicycle Parking

The calculation for bicycle bays is based on the maximum number of attendees to the place of worship, which will occur only on Sundays. For the remaining part of the week, the required number of bicycle bays will be less. It is considered that bicycle bays are to be provided as alternative mode of transport for the patrons.

Conclusion

The proposed ‘public place of worship’ is considered to be an appropriate use for the site, given the mixed use character of the area, and the re-use of the existing building. The development does propose a high intensity use only on Sunday morning resulting in the reliance of street parking along Parry Street. However, these times are ‘off-peak’ when most of the businesses in the area are not in operation and do not overlap with any residential parking. In addition it is considered that the parking and traffic management plan will ensure that the utilisation of on-street parking will be located appropriately so as not to impact on adjoining residents or businesses. Given the above, it is recommended that the application be approved subject to conditions.

5.8 NO. 233 (LOT: 1; D/P: 29637) CHARLES STREET, NORTH PERTH - PROPOSED FIVE GROUPED DWELLINGS**TRIM Ref:** D17/104041**Author:** Remajee Narroo, Senior Statutory Planning Officer**Authoriser:** John Corbellini, Director Development Services**Ward:** South**Precinct:** 6 – Smith's Lake**Attachments:**
1. Attachment 1 - Consultation and Location Plan 
2. Attachment 2 - Development Application 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 Five Grouped Dwellings at No. 233 (Lot: 1; D/P: 29637) Charles Street, North Perth in accordance with the plans included as Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 3:

1. Boundary Wall

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 231 Charles Street, North Perth 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;

2. Car Parking and Access

2.1. Vehicle and pedestrian access points are required to match into existing footpath and right of way levels; and

2.2. 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 the occupation or use of the development;

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 surrounding properties to the satisfaction of the City;

4. Privacy

The proposed screening devices depicted on the balconies on the plans are to be screened in accordance with the Residential Design Codes of WA prior to the use or occupation of the development 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. Areas to be irrigated or reticulated; and

5.1.3. The provision of 12 percent of the site area as deep soil zones and on-site provision of canopy cover of 29.7 percent as shown on the approved plans to satisfy the intent of the City's Built Form Policy;

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 occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

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

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

8. Clothes Drying Facility

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

9. Stormwater

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

10. Waste Management

10.1. A Waste Management Plan shall be submitted to and approved by the City prior to commencement of the development detailing a bin store to accommodate the City's specified bin requirement and the form and timing of waste collection. The bin store shall be provided in accordance with the approved plan prior to the occupation of use of the development; and

10.2. Waste management for the development shall thereafter comply with the approved; 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 consider an application for development approval for five grouped dwellings at No. 233 Charles Street, North Perth.

BACKGROUND:

Landowner:	Charles Street Venture Pty Ltd
Applicant:	Nineteen12 Pty Ltd
Date of Application:	11 April 2017
Zoning:	MRS: Urban TPS1: Zone: Residential R Code: R60 TPS2: Zone: Residential R Code: R60-R100
Built Form Area:	Transit Corridor
Existing Land Use:	Single House
Proposed Use Class:	Grouped Dwellings – “P” Use
Lot Area:	916m ²
Right of Way (ROW):	Not applicable
Heritage List:	No

The subject site is located on the western side of Charles Street, between Emmerson Street and Bourke Street, as shown in **Attachment 1**. There is an existing single house on the subject site with vehicular access from Charles Street. The existing house is proposed to be demolished to accommodate the proposed development and is not heritage listed which does not require development approval to be demolished.

The residential developments in the immediate vicinity comprise predominantly of single houses, with several grouped dwellings emerging with redevelopment of the larger lots. There is a mix of single and two storey developments along this part of Charles Street. At the corner of Charles Street and Bourke Street there is an existing four storey multiple dwellings development. The adjoining properties on the northern and southern sides of the subject property share the same zoning as the subject site. The adjoining properties on the western side at the rear of the subject property is zoned Residential R40. The site abuts Planning Control Area No. 125 and the Charles Street MRS road widening reservation has already been ceded.

The application proposes to construct five grouped dwellings. The development is configured with Unit 1 orientated to front Charles Street and a common driveway is proposed from Charles Street to the rear of the property. Units 2-5 will be facing the common driveway and a visitor parking in front of Unit 1.

The applicant also provided a 3D perspective of the development. The 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 (TPS1), the City's 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
Density/Plot Ratio	✓	
Street Setback	✓	
Front Fence	✓	
Building Setbacks/Boundary Wall		✓
Building Height/Storeys	✓	
Roof Form	✓	
Open Space	✓	
Outdoor Living Areas	✓	
Landscaping	✓	
Privacy	✓	
Parking & Access	✓	
Solar Access	✓	
Site Works/Retaining Walls	✓	
Essential Facilities	✓	

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
External Fixtures	✓	
Surveillance	✓	

Detailed Assessment

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

Building Setback	
Deemed-to-Comply Standard	Proposal
Built Form Policy - Clause 4.3.3 R-Codes- Clause 5.1.3 <u>Southern Boundary</u> First Floor to Unit 1 is setback 1.20m First Floor to Unit 2 is setback 2.80m <u>Boundary Wall</u> The average boundary wall to Unit 3 being 3m.	The setback to unit one is 1.036m increasing to 2.229m The setback to Unit 2 is setback 2.327m The boundary wall measures an average height of 3.059m

The above element of the proposal does not meet the specified deemed-to-comply standards and is 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 22 June 2017 to 5 July 2017. The method of advertising included 56 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.

Two submissions were received, one support letter and one letter from Water Corporation.

The plans being considered by Council differ to those which were advertised. The changes made to the original plans are as follows:

- The minimum site area for Lot 2 has increased from 118.65 square metres to 120 square metres which complies with the required minimum site area for Residential R60;
- A new landscaping plan submitted showing more than 50 percent of the street setback area will be landscaped and additional landscaping throughout the site;
- The screening to the balcony to Unit 5 on the northern elevation has been extended and the deemed-to-comply requirements of the R-Codes relating to privacy are satisfied;
- The materials and finishes have been modified for the development introducing differing materials and colours to the façade and the front fence elevation facing Charles Street.
- Additional openings to the upper level to unit 1 fronting Charles Street; and
- The balcony to unit 1 has been extended to wrap the façade facing Charles Street.

Main Roads WA

The application was referred to Main Roads WA for comments. Main Roads supported the application comments have been included as advice notes.

Design Advisory Committee (DAC):

Referred to DAC: No

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

The existing single house is not on the City's Heritage List and does not require development approval from the City for its demolition given the exemption provisions included in the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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:Building Setbacks

Southern Boundary

Unit 1 first floor is setback 1.036 metres increasing to 2.229 metres to the southern boundary in lieu of the 1.2 metres deemed-to-comply standard set in the R-Codes. Unit 2 first floor is setback 2.327 metres to the southern boundary in lieu of the 2.8 metres deemed-to-comply standard set in the R-Codes. The existing house to the south is setback approximately three (3) metres from the boundary, with the area being used as a vehicle accessway with an informal parking. The development does not propose any major openings along the portion of walls to units 1 and 2 and does not impact on privacy. The proposed walls are staggered which reduces the appearance of bulk on the adjoining property. The setbacks proposed are considered appropriate to maintain adequate ventilation and sunlight to the proposed development. . It is also noted that no objection or comments of concern relating to this reduced setback were raised from the adjoining property to the south. Given the above the reduced setback is considered appropriate and meet the design principles of the R-Codes and Built Form Policy.

Boundary Wall

The average height of the boundary wall to Unit 3 along the southern boundary is 3.059 metres in lieu of 3 metres. The boundary wall is located adjoining a vehicle accessway with informal parking to the adjoining property. The dwelling is also located well clear of the boundary and as a result the boundary wall will not have an adverse impact on ventilation and sunlight. The proposal complies with the overshadowing requirement. As a result it is considered that the proposal will not impact on privacy, ventilation, overshadowing or access to sunlight of the adjoining property. It is also noted that no objection or comments of concern relating to boundary wall was raised from the adjoining property to the south. Given the above the reduced setback is considered appropriate and meet the design principles of the R-Codes and Built Form Policy.

Landscaping

The proposed development fully complies with the landscaping requirements set out in the R-Codes. The application has been assessed against the provisions of the Built Form Policy for Transit Corridor area, which sets a deemed-to-comply standard of 15 percent of the site area as deep soil zone with minimum dimension and area of 1 metre and 3 square metres respectively. The required overall canopy coverage is 30 percent of the area.

The proposed deep soil zone is 9.6 percent of the site area. However, if the area of landscaping along driveway which is less than 1 metre in dimension is included then the deep soil zone calculation the site achieves an area capable of being landscaped of 12 percent of the site. The proposed canopy coverage is 29.7 percent. Landscaping is proposed within the front setback area and along the accessway which assists in positively contributing to the streetscape. The on-site landscaping is considered to improve the overall amenity of future residents of the development. It is considered that the deep soil zone and canopy coverage proposed for the development addresses the local housing objective of the Built Form Policy and in this instance the landscaping provided is supported.

Conclusion




The proposal requires Council to exercise its discretion in relation to building setbacks and a boundary wall which are 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.

5.9 REVIEW OF POLICY NO. 4.2.13 - DESIGN ADVISORY COMMITTEE

TRIM Ref: D17/70107

Author: Tim Elliott, Strategic Planning Officer

Authoriser: John Corbellini, Director Development Services

Attachments: 1. Attachment 1 - Policy No. 4.2.13 - Design Advisory Committee 
 2. Attachment 2 - Schedule of Modifications: Policy No. 4.2.13 - Design Advisory Committee 
 3. Attachment 3 - Draft Terms of Reference 

RECOMMENDATION:

That Council:

1. **ADOPTS** the draft Terms of Reference for the Design Review Panel as shown in Attachment 3, to guide an Expression of Interest process to appoint a new Design Review Panel;
2. **APPOINTS:**
 - 2.1. the following people as members to the City's Design Advisory Committee for the period 22 October 2017 until 30 April 2018:

No.	Name
1.	Stephen Carrick
2.	Joe Chindarsi
3.	James Christou
4.	Adrian Iredale
5.	Sasha Ivanovic
6.	Munira Mackay
7.	Damien Pericles
8.	Jeff Thierfelder
9.	Carmel Van Ruth
10.	Simon Venturi

- 2.2. the following people to the position of Chair of the City's Design Advisory Committee for the periods shown below:

No.	Name	Appointment Period
1.	James Christou	22 October 2017 – 31 December 2017
2.	Sasha Ivanovic	1 January 2018 – 28 February 2018
3.	Munira Mackay	1 March 2018 – 30 April 2018

3. NOTES:

- 3.1. Administration's review of the City's design review process and Policy No. 4.2.13 – Design Advisory Committee as shown in Attachment 2; and
- 3.2. That Administration will undertake an Expression of Interest process before presenting the respondents to Council to appoint a new Design Review Panel and revoke the City's current Policy No. 4.2.13 – Design Advisory Committee.

PURPOSE OF REPORT:

To consider:

- The results of the review of Policy No. 4.2.13 – Design Advisory Committee (DAC Policy);
- The proposed approach to introduce a new Design Review Panel Terms of Reference (TOR);

- Advertising an Expression of Interest (EOI) for new Design Review Panel (DRP) members; and
- Reappointing the existing Design Advisory Committee (DAC) members until 30 April 2018 to allow sufficient time for a thorough recruitment process to be undertaken for new Design Review Panel members.

BACKGROUND:

Council introduced a Design Advisory Committee (DAC) at the Council Meeting on 28 June 2011 (Item 9.4.2). The purpose of the DAC was to provide an independent advisory role outside the statutory development assessment process and ensure that development achieves design excellence in the City of Vincent.

There are currently 11 members on the DAC and the existing DAC Policy, included as **Attachment 1**, sets out the status and role of the DAC, the requirements for membership, the role of the chair, the type of applications which should be referred to it and administrative meeting procedures. The DAC Policy has not been amended since it was adopted on 11 October 2011 (Item 9.4.8).

There have recently been two major changes to the state and local planning frameworks that have prompted this review of the DAC. Council adopted several changes to its local planning framework at its meeting on 13 December 2016. Also, the Western Australian Planning Commission (WAPC) have released the draft Design WA suite of documents

In light of the abovementioned changes to the state and local planning frameworks Administration has reviewed the City's current DAC Policy and proposes a new approach to the City's design review process.

DETAILS:Review of DAC Policy

Administration has worked with the current DAC to evaluate the City's Design Review Process to outline which parts of the process have led to positive outcomes and which parts of the process have hindered positive design outcomes. The City has also reviewed the current DAC Policy in the context of the State Government's Design Review Guide and the City's Built Form Policy and sought comment from the Office of the Government Architect and the Department of Planning. A full analysis of the existing design review process and DAC Policy is included as **Attachment 2**.

From this review Administration has drafted an ideal design review process and following workshops with the DAC a draft Terms of Reference for a Design Review Panel has been developed to replace the existing DAC Policy. The draft Terms of Reference are included as **Attachment 3**. The draft terms of reference propose the following changes from the current DAC Policy:

- Clarification of the role of the Design Review Panel as providing advice to the City on design, landscaping and sustainability and not as a decision maker on design excellence, additional height or other areas of discretion;
- Limiting the number of Design Review Panel Members to eight to increase consistency of members;
- Increasing the scope of the Design Review Panel to include architects, urban designers, landscape architects and sustainable design specialists to ensure advice can be obtained on landscaping and sustainable design, as well as building design;
- Clarification that applications should be presented to three design review panel meetings, two prior to lodgement and one following lodgement;
- Including the Director Development Services as the Presiding Member of the Design Review Panel meetings, who will be responsible for administering the meetings and providing the final advice to the applicant;
- Including a Panel Chairperson, who will be responsible for leading the design discussion and approving the final design advice to the City;
- Increasing the role of Panel Members to provide advice on planning proposals outside of the meeting process, such as advice on landscaping plans lodged in order to address a condition of development approval;
- Changing the payment structure for Panel Members to be a lump sum for Panel Meetings and an hourly rate, capped at two hours, for the provision of advice on a planning proposal outside of a meeting; and
- Clarification that the Panel Members are contractors and not employees of the City.

It is proposed that the Terms of Reference will replace the DAC Policy.

Design Review Panel Expressions of Interest

As the current DAC members terms are to expire in October 2017 it is proposed to seek expressions of interest (EOI) to establish a new Design Review Panel. The EOI is proposed to be advertised through:

- Letters to existing DAC members inviting nomination;
- Letters to peak industry bodies in architecture, landscape architecture, urban design and sustainable design inviting nominations;
- Notice in the Perth Voice and Guardian Express inviting nominations;
- Notice on the City's website inviting nomination; and
- Notice on the City's social media.

Following advertising of the EOI, all applications will be assessed and shortlisted. Applicants will be interviewed by a selection panel of senior administration staff and a report presented to Council for endorsement of the Design Review Panel Members.

It is proposed that the terms of the current DAC members be extended until April 2018 to allow time for a thorough recruitment process of new members and the new Design Review Panel to be endorsed by Council.

Administration recommends adopting a new draft TOR, included as **Attachment 3**, to guide the EOI process and the appointment of a new DRP members.

CONSULTATION/ADVERTISING:

Required by Legislation:	No	Required by City of Vincent Policy:	No
Consultation Period:	It is not necessary to advertise the draft TOR for public comment as it outlines the scope in which the City's DRP would operate and does not outline a principle of action or policy position which would need to be endorsed by Council after reviewing comments submitted by the community. The City will advertise an Expression of Interest for the DRP members and the dates will be confirmed following the adoption of the draft TOR and subsequently formulation of DRP member contracts.		
Consultation Type:	Advertise an EOI for new DRP members through: <ul style="list-style-type: none"> • Letters to existing DAC members inviting nomination; • Notice in the Perth Voice and Guardian Express inviting nominations; • Notice provided to peak bodies inviting nominations; • Notice on the City's website inviting nomination; and • Notice on the City's social media. 		

LEGAL/POLICY:

- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Planning and Development Regulations 2009;*
- Draft Design WA suite of documents;
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.2.12 – Advisory Groups;
- Policy No. 4.2.13 – Design Advisory Committee; and
- Policy No. 7.1.1 – Built Form.

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

The Council Priorities 2017/18 outline:

Thriving & Creative Town Centres

Our town centres are vibrant and thriving, each with their own unique character and identity. We want to make sure it stays that way by promoting high quality development outcomes and supporting our town centres and the creativity and culture they offer.

SUSTAINABILITY IMPLICATIONS:

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

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

FINANCIAL/BUDGET IMPLICATIONS:

The current fee set in the 2017/18 Fees and Charges for applicants to attend two DAC meetings is \$690. Each meeting generally includes discussion on three applications meaning that the City generally receives \$1,035 for each meeting. The City does not currently obtain fees from applicants for any additional meetings, for example when two meetings is insufficient to complete the design review and a third meeting is required.

The amount paid to DAC members for attendance at meetings has been based on standard professional rates per hour. The City's current fees for DAC members are \$250 per hour capped at four hours for the meeting chair and \$200 per hour capped at three hours for the remaining members. The chairperson and three members attend each meeting. Meetings generally run for approximately three hours. The current fees paid to members for each meeting, where the meeting takes three hours, is \$2,550.

The City currently recovers approximately 40 per cent of the amount paid to DAC members through application fees. To address this it is proposed to control the number of items presented to each Panel Meeting, so that meetings are kept to approximately two hours and on that basis set a standard single fee per meeting of \$500 for the chairperson and \$400 for members. This will allow the City to recover approximately 60 per cent of the amount paid to DAC members while not impacting the cost for applicants to engage in a meaningful design review process.

COMMENTS:

It is timely to review the City's design review process as a result of recent changes to the state and local planning frameworks and to ensure that the process is operating effectively. If Council endorses the proposed approach Administration will advertise an EOI to recruit a new DRP. Following the completion of the EOI process Administration will present the recommended DRP members to Council for endorsement and at this time will recommend that Council formally revoke Policy No. 4.2.13 – Design Advisory Committee. Until this occurs the existing DAC will continue to operate as it currently does.

It is recommended that Council adopt the Officer recommendation to:

- Introduce a new Design Review Panel TOR;
- Advertise an EOI for new DRP members; and
- Reappoint the existing DAC members until 30 April 2018 to allow sufficient time for a thorough recruitment process to be undertaken for new DRP members.

5.10 LATE REPORT: FENCING LOCAL LAW 2008 - REVIEW


REPORT TO BE ISSUED PRIOR TO COUNCIL BRIEFING 12 SEPTEMBER 2017

5.11 LATE REPORT: RELOCATION OF THE LEEDERVILLE TOWN CENTRE TAXI ZONE

REPORT TO BE ISSUED PRIOR TO COUNCIL BRIEFING 12 SEPTEMBER 2017

6 TECHNICAL SERVICES

6.1 REPLACEMENT ELECTRIC BIKE - VINCENT COMMUNITY BIKE LIBRARY

TRIM Ref: D17/114830
 Author: Francois Sauzier, TravelSmart Officer
 Authoriser: Craig Wilson, A/Director Technical Services
 Attachments: 1. Proposed Fees and Charges Amendment 

RECOMMENDATION:

That Council:

1. **NOTES** that a Vincent Community Bike Library electric bicycle was stolen, whilst being hired by a local resident, and the purchase of a replacement electric bicycle is recommended;
2. In accordance with Section 6.8(1) of the *Local Government Act 1995*, **APPROVES BY AN ABSOLUTE MAJORITY** the:
 - 2.1 unbudgeted expenditure of \$2,500 to purchase a replacement electric bicycle as stated in Item 1 above; and
 - 2.2 amendments to the Schedule of Fees and Charges 2017/18 shown in Attachment 1;
3. **NOTES** the following budget reallocation to facilitate the expenditure in Item 2.1 above; and

Item	From	To
New Budget Item: Replacement Electric Bicycle – Vincent Community Bike Library		\$2,500
2017/18 Bike Parking Budget (to cover Insurance Excess)	\$1,000	
Insurance Claim Payment	\$1,500	
Total	\$2,500	\$2,500

4. **GIVES** local public notice of the fee structure for Vincent Community Bike Library hire fees shown in Attachment 1, to be included in the Schedule of Fees and Charges 2017/18 effective from 1 October 2017, pursuant to section 6.19 of the *Local Government Act 1995*.

PURPOSE OF REPORT:

To consider providing funding for the purchase of an electric bicycle to replace the Vincent Community Bike Library electric bicycle stolen, from a resident's home whilst on loan, in June 2017.

BACKGROUND:

At the May 2014 Ordinary Meeting of Council, the Council approved the development of the Vincent Community Bike Library (VCBL), in response to survey feedback received from the public during the development of the City's Bike Network Plan 2013. The aim of the VCBL was to lower the barriers for members of the community to try using a bicycle as part of their transport mix within the City of Vincent. The initiative was co-funded by a grant from the Royal Automobile Club (RAC) and ZAP Electric Vehicles. The VCBL was initially based at the Loftus Community Centre and run in conjunction with their staff. In January 2016, the operations of the VCBL was moved to the City's Administration and Civic Centre, with bookings since that time being managed by the City's Customer Service Centre.

Usage:

The VCBL is a popular service accessed by both residents and non-residents. The following charges will apply:

Residents No charge
 Non-residents \$10 for a single day and \$20 for three days

On registering, all hirers need to provide a copy of their identification and credit card details.

The bikes within the library include standard adult and children's bikes, two electric step through bikes and one electric cargo bike.

57 individual hires occurred in 2016, with the average booking length being for three days. The electric step through bicycles are booked on an almost weekly basis accounting for 66% of the total VCBL hires in 2016, with many bookings being for the pair of electric bikes at the same time. Each bike has reported approximately 5,000 kilometres usage over the three years.

DETAILS:

In June 2017, a resident reported that one of the City's electric bicycles on loan from the VCBL had been stolen from his property. The hirer had undertaken appropriate care to lock the bicycle at his property, but it was stolen overnight. The incident was reported to WA Police and the City has also put through a successful claim to its insurers (LGIS Insurance Services).

Three competitive quotes have been sought to purchase a replacement electric bicycle:

Retailer	Model	Accessories	Cost
Perth Electric Bike Centre	Smartmotion- E-City	Panniers (\$100)	\$2,499
Perth Solar Bikes	E-Motion Eco City	Panniers (\$100)	\$3,800
TBE	Avanti Discovery	Panniers (\$100)	\$3,099

Insurance:

The City's Corporate Services has advised that a successful property claim has been made with the City's insurer LGIS Insurance Services, with the City liable for a \$1,000 excess payment and the insurers meeting the \$1,500 shortfall.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Users are required to abide by the guidelines developed for the usage of the VCBL, signing a declaration on first hiring a bicycle.

RISK MANAGEMENT IMPLICATIONS:

Low: Users are required to sign a cycling competency note as well as a disclaimer which clearly states that the City is not to be held responsible for any damage or injuries sustained in the use of the VCBL.

STRATEGIC IMPLICATIONS:

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

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

- 1.1.3 take action to reduce the City's environmental impacts and provide leadership on environmental matters*
- Contribute to cleaner air by encouraging the use of and promoting alternative modes of transport (other than car use)."*

SUSTAINABILITY IMPLICATIONS:

In accordance with the City's *Sustainable Environment Strategy 2011-16*;

- “3. *Ensure that the City acts in an environmentally sustainable manner in all its operations*
- 3.1 *Air & Emissions - Contribute to a cleaner local and regional air environment by promoting alternative modes of transport than car use to residents and employees within the City.”*

FINANCIAL/BUDGET IMPLICATIONS:

As indicated in the quotations table, the estimated replacement cost of the electric bicycle (and panniers) is \$2,500. No budget exists for the replacement of this type of Capital expense.

A successful property claim has been made with the City's insurers, for the replacement cost of \$2,500, with the City liable for the \$1,000 excess. It is intended that the insurance refund of \$1,500 be reimbursed to the Bike Parking fund, upon receiving the replacement bike.

COMMENTS:

The unfortunate theft of one of the VCBL electric bikes has reduced the level of service provided to residents and visitors to Vincent. It is recommended that a replacement electric step through bicycle be purchased to maintain the level of service.

6.2 TENDER NO. 538/17 - PROVISION OF SMALL MAINTENANCE SERVICES

TRIM Ref: D17/103907
Author: James Hopper, Coordinator Asset Management
Authoriser: Craig Wilson, A/Director Technical Services
Attachments: 1. Tender No. 538/17 - Pricing Schedule and Evaluation - Confidential

RECOMMENDATION:

That Council **ACCEPTS** Tender No. 538/17 from DEVCO Holdings Pty Ltd for the provision of small maintenance services for the City of Vincent for a period of three years, with an option period of one year at the sole discretion of the City, for the fixed hourly rate as per the pricing schedule (Confidential Attachment 1) in the tender submission and general conditions of tendering.

PURPOSE OF REPORT:

To consider awarding of Tender No. 538/17 – provision of small maintenance services for the City of Vincent.

BACKGROUND:

The contract for the provision of trade's services to the City of Vincent, which included the provision of small maintenance services, provision of electrician services, and plumbing and gas fitting services expired on 31 October 2016. In the past that singular contract had provided for a panel of trades, from which Administration would award work dependent on the task at hand. Orders issued to the incumbent small maintenance contractor (DEVCO Holdings Pty Ltd) for the 2016/17 financial year totalled \$608,000.

Recent changes to the *Local Government (Functions and General) Regulations 1996* require the provision of panel tenders to be supported by Policy. The City is in the process of making the required changes to its Purchasing Policy, however to date has not presented the revised policy to Council for its consideration. As such, an internal stakeholders group was formed to ensure the evaluation criteria of the tender document clearly articulated the need for the contractor to demonstrate their ability to service the needs of the City across the board, where on any one day they could be working for more than one directorate. As a consequence, three individual tenders went to market in place of a panel, being a request for the provision of small maintenance services, a request for the provision of electrician services and a request for the provision of plumbing & gas fitting services.

The City has an ongoing need to engage both qualified trades and skilled labour to provide the following preventative and reactive maintenance services across all directorates, in addition to minor capital works:

- a) Joinery and timber work including fit-out;
- b) Emergency make safe work, following on from vandalism or break-ins, i.e. securing buildings such as broken windows;
- c) Plaster and Gyprock works;
- d) Concrete, cement, brick and paving works;
- e) Fencing and retaining wall works;
- f) Steel works including fixings and welding;
- g) Roof works including fabric, fixtures, pointing and flashing, gutter and downpipe cleaning;
- h) Non fixed asset maintenance; and
- g) Any other minor maintenance work as directed by the City's Representative.

CONSULTATION/ADVERTISING:

Tender No. 538/17 - provision of small maintenance services was advertised on Wednesday 17 May 2017 in the West Australian and on the City's website.

Contract Type	Hourly rate contract
Contract Term	Three years plus one at the sole discretion of the City.
Commencement date	On award.
Expiry Date	Three years from award.
Extensions of contract	One year at the sole discretion of the City.
Rise and fall included	Not applicable.

DETAILS:**Tenders Received:**

At the close of the tender advertising period 20 tenders were received from the following companies:

<ul style="list-style-type: none"> • AE Hoskins & Sons • AWB Building Co. • Budo Group Pty Ltd • Modus Property • Candor Contractors Pty Ltd • Devco Holdings Pty Ltd • Enviro Infrastructure Pty Ltd • Hill Top Group Pty Ltd • K Craft Facility & Building Services • M Construction (WA) Pty Ltd 	<ul style="list-style-type: none"> • Minc Services WA • Orixon Pty Ltd • Pro Spec Group Pty Ltd • Schlager Group • M-Scope Pty Ltd • Tri-Shield Services Pty Ltd • Walcott Industries Pty Ltd • Walshy All Round Tradesman • Wattle Facility Group • Workzone Pty Ltd
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Tender Assessment:

The following evaluation criteria was included in the request for the tender:

CRITERIA	WEIGHTING
<p>Flat Price, Hourly Rate This contract is offered on a fixed hourly rate basis. Include in the hourly rate fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST).</p>	35%
<p>Capacity to Deliver Demonstrate capacity to achieve the proposed level of service. Use demonstrated examples of Contracts held with similar service deliverables (where possible). Note in detail Contracts held or past held with Local Government.</p> <p>Include in your response clear documented evidence (may include but not limited to; software programs, QAS management, nominated supervisory and contact staff, staff training, HSE statements, SWMS etc.) of successful results in relevant previous projects demonstrating the ability to provide a high level of:</p> <p>a) Your ability to respond as per 2.1.12 b) Site supervision c) Practices providing a safe working environment d) Practices environmental protection</p>	20%
<p>Expertise and Relevant Experience in Similar Projects Provide evidence of demonstrated knowledge and experience in projects of similar service deliverables. Include in your response no less than three separate examples clearly outlining demonstrated experience in projects of a <u>similar scope</u> including:</p> <p>a) Written references and referees contact details b) Tenure of engagement c) Scope of work conducted d) Approximate value of contract P/A (to nearest \$10,000)</p>	20%

Relevant Experience of Key Personnel Credentials (i.e. formal qualifications, training and experience) of key personnel of the organisation. Provide an organisational chart. Roles of the key personnel for this Contract and their experience, including position in the firm's organisational structure. Include in your submission the <u>name and contact details</u> of the proposed Contract manager, leading hand or supervisor for this Contract and their relevant experience.	15%
Financial History and Evidence of Stability Demonstrate financial history of your organisation to carry out works for this contract including demonstrated evidence of stability and experience.	10%
Total	100%

The tenders were assessed individually by each member of a Tender Evaluation Panel (below) and each tender was assessed using the aforementioned evaluation criteria. A scoring system was used as part of the assessment of the evaluation criteria. Unless otherwise stated, a response to one of these criteria, that provided all the information requested, was assessed as satisfactory and in the first instance, was awarded an average score of five points from a possible ten points. The extent to which the response demonstrated greater or lesser relevant satisfaction of each of these criteria resulted in a score greater (six to ten) or less (four to zero) than average. The aggregate score of each response was used in assessing the submissions.

Tender Evaluation Panel:

Technical Services: Engineering Technical Officer
 Coordinator Parks Services
 Coordinator Asset Management (Panel Chair)

Corporate Services: Accounting Officer

All 20 tenders received were considered to be compliant and were assessed by each individual listed above, over a five week period. Scores were collated by the panel chair and the top three tenders were shortlisted, each member of the panel individually re-reviewed the three shortlisted tenders.

Further documented telephone qualitative reference checks were conducted. The Panel convened and made the following recommendation.

Tender Evaluation Ranking:

Tender rankings are shown in the following table. Full details and submitted prices are shown in the table in **Confidential Attachment 1**.

Tenderer Name	Hourly Rate	Capacity to Deliver	Expertise & Relevance	Personnel Experience	Financial Stability	Total	Rank
CRITERIA (max score)	35.00	20.00	20.00	15.00	10.00	100.00	-
Devco Holdings Pty Ltd	31.82	15.40	16.20	12.60	7.00	83.02	1st
Workzone Pty Ltd	33.65	14.20	15.40	10.05	5.90	79.20	2nd
AWB Building Co.	25.52	15.80	15.00	11.25	8.20	75.77	3rd
Walcott Industries Pty Ltd	25.00	16.00	15.60	11.10	7.00	74.70	4th
AE Hoskins & Sons	22.44	16.20	15.60	12.30	8.00	74.54	5th
M Construction (WA) Pty Ltd	23.33	15.00	15.00	10.95	8.00	72.28	6th
Hill Top Group Pty Ltd	29.17	13.60	14.00	10.65	4.30	71.72	7th
Wattle Facility Group	33.65	10.60	12.80	8.85	3.00	68.90	8th
K Craft Facility & Building Services	23.33	14.00	12.80	10.05	7.80	67.98	9th
Enviro Infrastructure Pty Ltd	27.56	10.40	15.20	7.05	7.50	67.71	10th
Orixon Pty Ltd	20.59	14.20	14.60	10.05	7.90	67.34	11th

Modus Property	20.37	15.40	16.40	10.95	1.20	64.32	12 th
Minc Services WA	24.31	10.80	13.80	10.35	4.60	63.86	13 th
Walshy All Round Tradesman	35.00	9.40	9.20	8.10	1.20	62.90	14 th
Schlager Group	25.74	6.40	11.80	8.40	2.80	55.14	15 th
Pro Spec Group Pty Ltd	25.00	5.40	11.40	10.20	2.00	54.00	16 th
Budo Group Pty Ltd	30.70	4.80	10.20	6.15	0.80	52.65	17 th
Tri-Shield Services Pty Ltd	18.66	8.00	10.20	8.40	6.80	52.06	18 th
M-Scope Pty Ltd	23.33	8.60	7.20	6.00	4.00	49.13	19 th
Candor Contractors Pty Ltd	10.94	9.80	12.00	9.45	5.80	47.99	20 th

LEGAL/POLICY:

The tender was advertised and assessed in accordance with the *Local Government Act 1995*, *Local Government (Functions and General) Regulations 1996*, the City's Code of Tendering Policy 1.2.2 and Purchasing Policy No. 1.2.3.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The small maintenance tasks listed in the background of this item are budgeted for within reactive and preventative maintenance operating budgets and minor capital budgets across the City's directorates.

COMMENTS:

The evaluation panel was satisfied that the margin of 3.82 points confirmed that Devco Holdings Pty Ltd, demonstrated it had the capacity, experience and personnel required to conduct the scope of work proposed across the City and will provide the City and its' stakeholders with the most advantageous outcome within the scope of the contract. Of a possible total qualitative score of 200 (excluding price), Devco scored - 153, Workzone - 137 and AWB Building Co – 154, demonstrating that both Devco and AWB Building Co. scored some way ahead of Workzone in qualitative criteria.

The evaluation panel recognise Devco is the incumbent small maintenance contractor, having provided reliable service for the past four years. This however had no bearing on the outcome of the evaluation of the 20 tender submissions as all submissions were evaluated only on the detail of the tender documentation received.

6.3 TENDER NO. 537/17 - PROVISION OF PLUMBING AND GAS FITTING SERVICES

TRIM Ref: D17/105993
Author: James Hopper, Coordinator Asset Management
Authoriser: Craig Wilson, A/Director Technical Services
Attachments: 1. Tender No. 537/17 - Pricing Schedule and Evaluation - Confidential

RECOMMENDATION:

That Council **ACCEPTS** Tender No. 537/17 from AWB Building Co. for the provision of plumbing and gas fitting services for the City of Vincent for a period of three years, with an option period of one year at the sole discretion of the City, for the fixed hourly rate as per the pricing schedule (Confidential Attachment 1) in the tender submission and general conditions of tendering.

PURPOSE OF REPORT:

To consider awarding of Tender No. 537/17 – provision of plumbing and gas fitting services for the City of Vincent.

BACKGROUND:

The contract for the provision of trade's services to the City of Vincent, which included the provision of plumbing and gas fitting services, provision of electrician services, and small maintenance services expired on 31 October 2016.

As mentioned in the preceding report on this agenda, in the past one contract in the past had provided for a panel of trades, from which Administration would award work dependant on the task at hand. Orders issued to the incumbent plumbing contractor (Apollo Plumbing & Gas Pty Ltd) for the 2016/17 financial year totalled \$236,000.

Recent changes to the Tender Regulations require the provision of panel tenders to be supported by Policy. The City is in the process of making the required changes to its Purchasing Policy, however to date has not presented the revised policy to Council for its consideration. As such, an internal stakeholders group was formed to ensure the evaluation criteria of the tender document clearly articulated the need for the contractor to demonstrate their ability to service the needs of the City across the board, where on any one day they could be working for more than one directorate. Three individual tenders went to market in place of a panel, being a request for the provision of plumbing and gas fitting services a request for the provision of electrician services and a request for the provision of small maintenance services.

The City has an ongoing need to engage both qualified trades and skilled labour to provide the following preventative and reactive maintenance services across all directorates, in addition to minor capital works:

- a) Potable water fixtures and fittings including bathroom, change room and kitchen plumbing fixture repairs and maintenance, renewal and new installations;
- b) Public water playground, drinking fountain and animal fountain installations, repairs, maintenance and renewal;
- c) Gas and electric storage and instantaneous, and solar storage hot water system maintenance, renewal and installations;
- d) Sewer and black waste repair, maintenance and new installations, toilet blockage clearing, septic and pump pit preventative and reactive maintenance, renewal and new installations;
- e) Camera inspections, and drain jetting;
- f) Propane and natural gas fitting, maintenance of existing fixtures and fittings, renewal and new installations;
- g) Stormwater system maintenance, repair, installation and renewal to property boundaries only; and
- h) RPZ installation and testing.

CONSULTATION/ADVERTISING:

Tender No. 537/17 - provision of plumbing and gas fitting services was advertised on Wednesday 17 May 2017 in the West Australian and on the City's website.

Contract Type	Hourly rate contract
Contract Term	Three years plus one at the sole discretion of the City.
Commencement date	On award.
Expiry Date	Three years from award.
Extensions of contract	One year at the sole discretion of the City.
Rise and fall included	Not applicable.

DETAILS:**Tenders Received:**

At the close of the tender advertising period 14 tenders were received from the following companies:

<ul style="list-style-type: none"> • AE Hoskins & Sons • Apollo Plumbing & Gas Pty Ltd • AWB Building Co. • Boeing Plumbing • Charter Plumbing & Gas • HA Young Plumbing • Majestic Plumbing Pty Ltd 	<ul style="list-style-type: none"> • MI Plumbers • Multiple Trades & Maintenance • PBR Plumbing • Pride Plumbing & Gas Fitting Pty Ltd • Rowsons Plumbing Services Pty Ltd • Swift Flow Pty Ltd • Wilmac Plumbing Company
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Tender Assessment:

The following evaluation criteria was included in the request for the tender:

CRITERIA	WEIGHTING
<p>Flat Price, Hourly Rate This contract is offered on a fixed hourly rate basis. Include in the hourly rate fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST).</p>	35%
<p>Capacity to Deliver Demonstrate capacity to achieve the proposed level of service. Use demonstrated examples of Contracts held with similar service deliverables (where possible). Note in detail Contracts held or past held with Local Government.</p> <p>Include in your response clear documented evidence (may include but not limited to; software programs, QAS management, nominated supervisory and contact staff, staff training, HSE statements, SWMS etc.) of successful results in relevant previous projects demonstrating the ability to provide a high level of:</p> <ol style="list-style-type: none"> a) Your ability to respond as per 2.1.12 b) Site supervision c) Practices providing a safe working environment d) Practices environmental protection 	20%
<p>Expertise and Relevant Experience in Similar Projects Provide evidence of demonstrated knowledge and experience in projects of similar service deliverables. Include in your response no less than three separate examples clearly outlining demonstrated experience in projects of a <u>similar scope</u> including:</p> <ol style="list-style-type: none"> a) Written references and referees contact details b) Tenure of engagement c) Scope of work conducted d) Approximate value of contract P/A (to nearest \$10,000) 	20%

Relevant Experience of Key Personnel Credentials (i.e. formal qualifications, training and experience) of key personnel of the organisation. Provide an organisational chart. Roles of the key personnel for this Contract and their experience, including position in the firm's organisational structure. Include in your submission the <u>name and contact details</u> of the proposed Contract manager, leading hand or supervisor for this Contract and their relevant experience.	15%
Financial history and evidence of stability Demonstrate financial history of your organisation to carry out works for this contract including demonstrated evidence of stability and experience.	10%
Total	100%

The tenders were assessed individually by each member of a Tender Evaluation Panel (below) and each tender was assessed using the aforementioned evaluation criteria. A scoring system was used as part of the assessment of the evaluation criteria. Unless otherwise stated, a response to one of these criteria, that provided all the information requested, was assessed as satisfactory and in the first instance, was awarded an average score of five points from a possible ten points. The extent to which the response demonstrated greater or lesser relevant satisfaction of each of these criteria resulted in a score greater (six to ten) or less (four to zero) than average. The aggregate score of each response was used in assessing the submissions.

Tender Evaluation Panel:

Community Engagement: Manager Beatty Park Leisure Centre
 Technical Services: Technical Officer Parks Services
 Asset Officer Projects (Panel Chair)
 Corporate Services: Manager Finance
 Finance Officer – Purchasing/Contracts (Panel interview only).

Of the 14 tenders received, 13 were deemed compliant and were evaluated. Swift Flow Pty Ltd submitted an alternative tender without a conforming tender and was therefore deemed non-compliant. Scores were collated by the panel chair. Three submissions were shortlisted as very little separated the top three in terms of qualitative points (excluding points awarded for hourly rate). Further qualitative examination was conducted by panel members. Reference checks were conducted on the top three shortlisted contractors and three officers from the evaluation panel conducted one hour interviews with each contractor, full details of which are noted in **Confidential Attachment 1**.

Tender Evaluation Ranking:

Tender rankings are shown in the following table. Full details and submitted prices are shown in the table in **Confidential Attachment 1**.

Tenderer Name	Hourly Rate	Capacity to Deliver	Expertise & Relevance	Personnel Experience	Financial Stability	Total	Rank
CRITERIA (max score)	35.00	20.00	20.00	15.00	10.00	100.00	-
AWB Building Co	35.00	16.00	16.00	11.63	8.25	86.88	1 st
HA Young Plumbing	32.84	14.50	15.00	10.88	6.25	79.47	2 nd
Apollo Plumbing & Gas Pty Ltd	31.85	15.50	14.50	10.88	6.25	78.98	3 rd
AE Hoskins & Sons	26.84	16.00	14.50	10.88	8.25	76.47	4 th
Majestic Plumbing Pty Ltd	30.63	12.50	13.50	11.25	7.75	75.63	5 th
Boeing Plumbing	29.86	12.50	11.50	8.25	8.50	70.61	6 th
Charter Plumbing & Gas	29.86	11.50	9.00	8.63	3.00	61.99	7 th
MI Plumbers	30.15	8.50	11.50	9.00	1.25	60.40	8 th
Rowsons Plumbing Services Pty Ltd	18.44	16.00	12.50	8.63	4.50	60.07	9 th

Multiple Trades & Maintenance	30.63	5.50	4.50	3.38	7.00	51.01	10 th
Pride Plumbing & Gasfitting Pty Ltd	29.86	7.00	8.50	3.00	0.50	48.86	11 th
PBR Plumbing	17.26	7.00	10.00	5.25	7.50	47.01	12 th
Wilmac Plumbing Company	29.86	3.00	3.00	2.63	2.50	40.99	13 th

LEGAL/POLICY:

The tender was advertised and assessed in accordance with the *Local Government Act 1995*, *Local Government (Functions and General) Regulations 1996*, the City's Code of Tendering Policy 1.2.2 and Purchasing Policy No. 1.2.3.

RISK MANAGEMENT IMPLICATIONS:

A significant volume of the work expected of the awarded contractor is likely to be reactionary. The ability of the contractor to respond within the '*Technical Services service delivery matrix*' and respond with familiarity and continuity was considered a moderate risk in terms of its impact on property damage and financial implications of such. The evaluation panel considered this during both the desktop and interview evaluation process.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The plumbing and gas fitting tasks listed in the background of this item are budgeted for within reactive and preventative maintenance operating budgets and minor capital budgets across the City's directorates.

COMMENTS:

Prior to the presentation by AWB Building Co. the panel had noted that AWB Building Co. was heavily reliant on sub-contracting (confirmed by reference checks) and the potential risk that presented to the City in terms of communication and discontinuity of site familiarity. AWB Building Co. however demonstrated a robust sub-contracting process and confirmed that the City would have only one contract manager as one point of contact who is an employee of AWB Building Co. AWB Building Co. comprehensively responded to all questions firstly by their tender submission and secondly through the interview process clearly articulating a sound business model.

As such the evaluation panel was satisfied that AWB Building Co. demonstrated it has the capacity, experience and personnel required to conduct the scope of work proposed across the City and will provide the City and its' stakeholders with the most advantageous outcome within the scope of the contract.

6.4 TENDER NO. 536/17 - PROVISION OF ELECTRICIAN SERVICES

TRIM Ref: D17/115945
Author: James Hopper, Coordinator Asset Management
Authoriser: Craig Wilson, A/Director Technical Services
Attachments: 1. Tender No. 536/17 - Pricing Schedule and Evaluation - Confidential

RECOMMENDATION:

That Council **ACCEPTS** Tender No. 536/17 from KP Electric (Australia) Pty Ltd for the provision of electrician services for the City of Vincent for a period of three years, with an option period of one year at the sole discretion of the City, for the fixed hourly rate as per the pricing schedule (Confidential Attachment 1) in the tender submission and general conditions of tendering.

PURPOSE OF REPORT:

To consider awarding of Tender No. 536/17 – provision of electrician services for the City of Vincent.

BACKGROUND:

The contract for the provision of trade's services to the City of Vincent, which included the provision of electrician services, provision of small maintenance services and plumbing and gas fitting services expired on 31 October 2016. As previously noted, in the past only that single contract had provided for a panel of trades, from which Administration would award work dependent on the task at hand. Orders issued to the incumbent electrician contractor (Boyan Electrical Services) for the 2016/17 financial year totalled \$594,000.

Recent changes to the *Local Government (Functions and General) Regulations 1996* require the provision of panel tenders to be supported by Policy. The City is in the process of making the required changes to its Purchasing Policy, however to date has not presented the revised policy to Council for its consideration. As such, an internal stakeholders group was formed to ensure the evaluation criteria of the tender document clearly articulated the need for the contractor to demonstrate their ability to service the needs of the City across the board, where on any one day they could be working for more than one directorate. Three individual tenders went to market in place of a panel, being a request for the provision of electrician services, a request for the provision of small maintenance services and a request for the provision of plumbing & gas fitting services.

The City has an ongoing need to engage both trades persons and skilled labour to provide the following preventative and reactive maintenance services across all directorates, in addition to minor capital works:

- a) Ten amp single phase power installations, fault finding, renewal and repair, internal and external lighting maintenance and repair;
- b) High bay lighting, requiring elevated work platforms - repair, renewal and new installations including car park, path, sports field and recreational public open space pole lighting;
- c) Main and sub switchboard, renewal repair and new installations, three phase, fifteen and twenty amp repair, renewal and installation;
- d) Non fixed plant fault finding, renewal, repair and installation; and
- e) Data and digital telephone cable, data point fault finding, repair renewal and maintenance, statutory compliance checking of emergency service installations.

CONSULTATION/ADVERTISING:

Tender No. 536/17 - provision of electrician services was advertised on Wednesday 17 May 2017 in the West Australian and on the City's website.

Contract Type	Hourly rate contract
Contract Term	Three years plus one at the sole discretion of the City.
Commencement date	On award.
Expiry Date	Three years from award.
Extensions of contract	One year at the sole discretion of the City.
Rise and fall included	Not applicable.

DETAILS:**Tenders Received:**

At the close of the tender advertising period 19 tenders were received from the following companies:

<ul style="list-style-type: none"> • AE Hoskins & Sons • Alison Electrical Technology • Auriemma Electrical Services • Boyan Electrical Services • Electrical Testing Services • Electritech Industries • Elexcaom • EOS Electrical • Gilmore & Jooste Electrical • Happy Power & Lighting 	<ul style="list-style-type: none"> • Hender Lee Electrical • Janissen Electrics • Interlec WA Pty Ltd • Kalamunda Electrics • KP Electric (Australia Pty Ltd) • Metrowest Service Pty Ltd • Multiple Trades & Maintenance • Northlake Electrical Pty Ltd • SJ Electric Pty Ltd
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Tender Assessment:

The following evaluation criteria was included in the request for the tender:

CRITERIA	WEIGHTING
<p>Flat Price, Hourly Rate This contract is offered on a fixed hourly rate basis. Include in the hourly rate fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST).</p>	35%
<p>Capacity to Deliver Demonstrate capacity to achieve the proposed level of service. Use demonstrated examples of Contracts held with similar service deliverables (where possible). Note in detail Contracts held or past held with Local Government.</p> <p>Include in your response clear documented evidence (may include but not limited to; software programs, QAS management, nominated supervisory and contact staff, staff training, HSE statements, SWMS etc.) of successful results in relevant previous projects demonstrating the ability to provide a high level of:</p> <p>a) Your ability to respond as per 2.1.12 b) Site supervision c) Practices providing a safe working environment d) Practices environmental protection</p>	20%
<p>Expertise and Relevant Experience in Similar Projects Provide evidence of demonstrated knowledge and experience in projects of similar service deliverables. Include in your response no less than three separate examples clearly outlining demonstrated experience in projects of a <u>similar scope</u> including:</p> <p>a) Written references and referees contact details b) Tenure of engagement c) Scope of work conducted d) Approximate value of contract P/A (to nearest \$10,000)</p>	20%

Relevant Experience of Key Personnel Credentials (i.e. formal qualifications, training and experience) of key personnel of the organisation. Provide an organisational chart. Roles of the key personnel for this Contract and their experience, including position in the firm's organisational structure. Include in your submission the <u>name and contact details</u> of the proposed Contract manager, leading hand or supervisor for this Contract and their relevant experience.	15%
Financial History and Evidence of Stability Demonstrate financial history of your organisation to carry out works for this contract including demonstrated evidence of stability and experience.	10%
Total	100%

The tenders were assessed individually by each member of a Tender Evaluation Panel (below) and each tender was assessed using the aforementioned evaluation criteria. A scoring system was used as part of the assessment of the evaluation criteria. Unless otherwise stated, a response to one of these criteria, that provided all the information requested, was assessed as satisfactory and in the first instance, was awarded an average score of five points from a possible ten points. The extent to which the response demonstrated greater or lesser relevant satisfaction of each of these criteria resulted in a score greater (six to ten) or less (four to zero) than average. The aggregate score of each response was used in assessing the submissions.

Tender Evaluation Panel:

Community Engagement:	Coordinator Aquatic & Operations
Technical Services:	Acting Manager Depot Operations Asset Officer Maintenance (Panel Chair) Supervisor Parks Services
Corporate Services:	Manager Governance & Risk

All 19 tenders received were considered to be compliant and were assessed by each individual listed above, over a five week period. Scores were collated by the panel chair and the top three tenders were shortlisted, each member of the panel individually re-reviewed the three shortlisted tenders.

Further documented telephone qualitative reference checks were conducted. The panel convened and make the following recommendation.

Tender Evaluation Ranking:

Tender rankings are shown in the following table. Full details and submitted prices are shown in the table in **Confidential Attachment 1**.

Tenderer Name	Hourly Rate	Capacity to Deliver	Expertise & Relevance	Personnel Experience	Financial Stability	Total	Rank
CRITERIA (max score)	35.00	20.00	20.00	15.00	10.00	100.00	-
KP Electric (Australia) Pty Ltd	35.00	16.40	14.80	11.10	8.80	86.10	1 st
Boyan Electrical Services	26.41	15.60	16.80	11.10	8.60	78.51	2 nd
Northlake Electrical Pty Ltd	25.94	16.00	15.20	10.80	8.80	76.74	3 rd
EOS Electrical	33.92	12.40	12.80	9.30	6.80	75.22	4 th
Kalamunda Electrics	32.47	14.00	12.40	7.20	7.80	73.87	5 th
Electritech Industries	29.40	12.00	14.00	9.60	7.60	72.60	6 th
Metrowest Service Pty Ltd	30.63	14.00	13.20	10.20	2.40	70.43	7 th
AE Hoskins & Sons	24.78	13.20	11.20	9.00	8.40	66.58	8 th
Elexacom	25.94	13.20	14.40	10.20	2.60	66.34	9 th

Auriemma Electrical Services	30.21	12.40	11.60	9.30	2.00	65.51	10 th
SJ Electric (WA) Pty Ltd	22.94	9.20	12.80	11.10	8.60	64.64	11 th
Hender Lee Electrical	17.48	13.20	14.80	9.00	8.20	62.68	12 th
Gilmore & Jooste Electrical	27.56	10.40	9.20	7.20	8.20	62.56	13 th
Happy Power & Lighting	28.86	13.60	9.60	9.00	1.20	62.26	14 th
Alison Electrical Technology	24.50	10.40	10.80	6.30	3.00	55.00	15 th
Interlec WA Pty Ltd	24.78	10.80	10.40	6.60	0.60	53.18	16 th
Electrical Testing Services	22.58	6.40	12.00	9.30	1.20	51.48	17 th
Multiple Trades & Maintenance	29.40	3.60	5.60	1.80	6.60	47.00	18 th
Janissen Electrics	26.25	5.20	5.60	3.00	1.40	41.45	19 th

LEGAL/POLICY:

The tender was advertised and assessed in accordance with the *Local Government Act 1995*, *Local Government (Functions and General) Regulations 1996*, the City's Code of Tendering Policy 1.2.2 and Purchasing Policy No. 1.2.3.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The electrical maintenance tasks listed in the background of this item are budgeted for within reactive and preventative maintenance operating budgets and minor capital budgets across the City's directorates.

COMMENTS:

On evaluation, the qualitative points score for the shortlisted three submissions was extremely close with only three points separating the top three tenders. Of the three shortlisted tenders, of a possible total qualitative 200 points (excluding price), KP Electric (Australia) Pty Ltd scored - 159, Boyan Electrical Services - 161 and Northlake Electrical Pty Ltd - 158, demonstrating the closeness in quality of the submissions.

Given that Boyan Electrical Services has been incumbent to the City for some 20+ years the panel reviewed the qualitative results in terms of value for money for the City. Whilst Boyan Electrical Services do have an intimate knowledge of the City's electrical assets, the panel has not recommended that contractor be awarded the tender on the basis of its quoted hourly rate. Both Boyan Electrical Services and Northlake Electrical Pty Ltd scored almost exactly the same in terms of qualitative points, however KP Electric (Australia) Pty Ltd scored significantly higher on pricing points due to their lower hourly rate.

Detailed reference checks confirmed that clients of KP Electric (Australia) Pty Ltd are satisfied they are receiving value for money more than 97% of the time.

In view of the above the evaluation panel considers that KP Electric (Australia) Pty Ltd has provided the most advantageous tender for the City and has demonstrated its capacity, experience and personnel required to conduct the scope of work proposed.

6.5 LATE REPORT: TENDER NO. 539/17 - SUPPLY AND LAYING OF HOT MIXED ASPHALT

REPORT TO BE ISSUED PRIOR TO COUNCIL BRIEFING 12 SEPTEMBER 2017

7 CORPORATE SERVICES

7.1 TERMINATION OF LEASE AND OPTIONS FOR FUTURE USE - 245 (LOT 245) VINCENT STREET, LEEDERVILLE

TRIM Ref: D17/118750

Author: Meluka Bancroft, Property Leasing Officer

Authoriser: John Paton, Director Corporate Services

Attachments: 1. Aerial View of 245 Vincent Street 
2. Plan of 245 Vincent Street showing internal layout 

RECOMMENDATION:

That Council:

1. **APPROVES** by mutual agreement the termination of the lease of 245 Vincent Street, Leederville, dated 20 September 2011, held by Patricia Giles Centre Inc. effective 31 August 2017;
2. **NOTES** and **ENDORSES** Administration's intent to appoint a suitably qualified and experienced agent to secure and manage a residential lease over 245 Vincent Street, Leederville;
3. **APPROVES BY ABSOLUTE MAJORITY**, in accordance with section 6.8(1) of the *Local Government Act 1995*, the unbudgeted expenditure of \$7,700 plus GST to enable the upgrade of the kitchen at 245 Vincent Street, Leederville, to a residential standard (oven, cooktop, range hood, dishwasher, pantry and overhead cupboards) and other minor works to facilitate the residential lease in 2. above; and
4. **NOTES** the expenditure in 3. above will be offset by an increase in the property income.

PURPOSE OF REPORT:

To consider a notice from the Patricia Giles Centre Inc to terminate its lease of 245 Vincent Street, Leederville, on 31 August 2017 and to consider future disposition options for the site.

BACKGROUND:

The Property

The legal description of the land located at 245 Vincent Street, Leederville is Lot 245 on Deposited Plan 25293 and being the whole of the land comprised within Certificate of Title Volume 2723 Folio 520 (**Land**). The Land was acquired by the City [of Perth] in 1973 and is held in freehold. It abuts Venables Park, which is Crown Land vested in the City for the purpose of public recreation. The Land area is 206m² and comprises a weatherboard and corrugated iron roofed house which was constructed in 1914/15 (**Cottage**). A plan of the Land is attached at **Attachment 1**.

Following the purchase in 1973, the Cottage was tenanted, however in September 1999 it was declared unfit for human habitation. At the Ordinary Council Meeting of 20 December 1999 (Item 10.3.4) Council resolved to restore the cottage, at a cost of approximately \$61,000. The restoration project was carried out as a 'live work project' by Aboriginal students then enrolled in the Central Metropolitan College of TAFE.

Following the restoration of the cottage, the City invited expressions of interest for its future lease. In 2001 the Patricia Giles Centre Inc submitted a request for the lease of the Land, and has leased the Land since 1 December 2001, pursuant to the following Council resolutions (**Lease**):

Ordinary Meeting of Council	Term, commencing	Rent
6 November 2001 (Item 10.3.1)	5 years , 1 December 2001	\$5,000 pa plus outgoings
22 August 2006 (Item 10.3.5)	5 years, 1 December 2006	\$6,184 pa plus outgoings
5 April 2011 (Item 9.3.1)	5 years plus 5 year option, 1 December 2011	\$7,460 pa plus outgoings

The Patricia Giles Centre Inc exercised its option to extend the lease term for a further five years on 9 September 2016, expiring 30 November 2021. The current rent is \$8,900 plus outgoings.

The Cottage was added to the City's Municipal Heritage Inventory (**City's Heritage Inventory**) as a Management Category A – Conservation Essential building in 2006. The Inventory includes the following information:

The weatherboard house at No 245 Vincent Street is a fine and notable example of a Late Colonial Cottage style, which has associations with the Bourne family, early residents of Leederville, who owned and occupied the place from 1915 to 1973.

The Land is zoned 'Urban' under the provisions of the Metropolitan Region Scheme and 'residential R80' under the City of Vincent Town Planning Scheme No. 1. Pursuant to the proposed City of Vincent Town Planning Scheme No. 2 the zoning would be 'Regional Centre' and any development would be governed by the Leederville Masterplan Built Form Guidelines. However, due to the heritage nature of the Cottage any development would need to comply with the City's Heritage Management Policy No. 7.6.1, which would restrict the development opportunities.

The Lessee

The Patricia Giles Centre Inc is a not for profit service established to assist children and families who have experienced domestic violence through the provision of individual and group counselling, information and education.

The Patricia Giles Centre Inc has confirmed that it has been in the process of reviewing and rationalising its assets and as an outcome of that review, the use of the Land is no longer required. On 19 May 2017, Patricia Giles Centre Inc advised it intended to terminate the Lease on 31 August 2017.

The Lease does not contemplate the early determination of the Lease, except if the Lessee is in breach of the terms of the Lease or if the premises is damaged to the extent that it becomes substantially unfit for use. The Patricia Giles Centre Inc was not in breach of the Lease and the cottage has not become unfit for use. Notwithstanding the above, Administration recommends that the Council agrees to the early determination of the Lease and investigates alternative uses and options for the Land.

In preparation for vacating the premises, the Cottage has been repainted both internally and externally, and the decking has been oiled. The Patricia Giles Centre Inc paid for the cost of this work.

DETAILS:

The Cottage is in good condition and comprises four square rooms, three of which were originally bedrooms / living room but were used by the Patricia Giles Centre Inc as offices and counselling / meeting rooms. The other main room is the kitchen, which is furnished as a simple office kitchen (does not contain a cooktop or oven). If the Cottage was to be used residentially, the kitchen would need to be upgraded to include an oven, cooktop, range hood and pantry. There is also a bathroom, laundry and storage area at the rear of the building. A plan of the internal layout of the Cottage is attached at **Attachment 2**.

The City has no immediate demand for the Cottage, and therefore Administration considers it appropriate to investigate disposition options. The three options available are:

- sell the land;
- lease the land for a community purpose; or
- lease the land residentially.

All options require the City to comply with section 3.58 of the *Local Government Act 1995*, which is set out below.

Disposal of the Land

While the Land is situated close to the Leederville Town Centre, public transport, is zoned 'Residential 80' and has an area of approximately 406m², development of the Land is likely to be limited due to the cottage being listed on the City's Heritage Inventory. The City has obtained a market valuation of the Land, which has estimated the current value to be in the order of \$600,000. This value is under the threshold for a 'major land transaction', consequently, the options for selling the land would be as follows:

- Dispose of the land through a tender or auction; or
- Implement an expression of interest process, either by the City or through an agent. If the Land was proposed to be sold through an expression of interest process, it would be necessary for the City to provide public notice of the proposed sale and consider any submissions.

Lease of the Land to community group

Another option is for the City to retain the Land and Cottage as is and invite expressions of interest for the lease of the Land. The Cottage may suit a community group, however, the rental return from this type of lease is unlikely to offset the City's maintenance and renewal costs on the Cottage. That use would also need to comply with relevant zoning.

Furthermore, the City intends to undertake a review of the utilisation of its community facilities to ensure optimum utilisation. It is likely there is capacity to increase utilisation of existing facilities over the longer term through enhanced management and enabling tenancy arrangements.

Residential Lease

The third option is for the City to lease the Land for a residential purpose. Entering into a residential lease would likely provide a better financial return to the City than a community lease, and would not restrict the City's future use of the Land.

This option would require the City undertaking minor works, including refitting the kitchen as a residential kitchen, provision of a washing line and other minor works. The estimated cost of these works would be in the order of \$7,700 excluding GST and take approximately 2 - 3 weeks. This cost would equate to approximately 4 months of the residential rent. It is also noted that it is likely to increase the market value of the Land.

Administration would propose that a real-estate agent be engaged to manage the residential lease (including securing a tenant). The City has contacted a number of local real-estate agents to obtain market appraisals and the management fees and terms. The market values provided a rental income ranging from \$350 - \$480 a week, equating to an annual return of between \$18,200 and \$24,960.

The City would not be required to comply with section 3.58 of the *Local Government Act 1995* if leasing the Cottage to a person for a residential purpose. Therefore it would not be necessary for public notice of the proposed lease to be provided.

CONSULTATION/ADVERTISING:

Depending on the option supported by Council, the City may be required to advertise and provide public notice of its intention to dispose of the Land, due to the requirements set out in section 3.58 of the *Local Government Act 1995*.

LEGAL/POLICY:

Local Government Act 1995 section 3.58 - Disposing of Property, provides that, at sub section (2), a local government can only dispose of property (which includes to lease) to:

- “(a) *the highest bidder at public auction; or*
- “(b) *the person who at a public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*”

A local government can also dispose of property by complying with sub section (3), if, before agreeing to dispose of the property –

- “(a) *it gives local public notice of the proposed disposition –*
 - “(i) *describing the property concerned; and*
 - “(ii) *giving details of the proposed disposition; and*
 - “(iii) *inviting submissions to be made to the local government before the date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
- “(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*”

If complying with sub section (3), the details required to satisfy sub section (3)(a)(ii) include –

- “(a) *the names of all parties concerned; and*
- “(b) *the consideration to be received by the local government for the disposition; and*
- “(c) *the market value of the disposition –*
 - “(i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - “(ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.”*

Section 3.58(5) provides that section 3.58 does not apply to certain types of dispositions, including dispositions which are provided by the *Local Government (Functions and General) Regulations 1996 to be exempt*. Regulation 30 provides a range of dispositions that are exempt from the application of section 3.58 of the Act, including dispositions to:

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

Therefore if the disposition was to a charitable or educational group whose members would not receive any pecuniary benefit from the transaction, it would not be necessary for the City to comply with the process set out in section 3.58. If the City was to lease the Land residentially it would also be exempt from the requirements of section 3.58.

RISK MANAGEMENT IMPLICATIONS:

Medium There are a number of risks associated with the Land being left vacant following the termination of the Patricia Giles Centre Inc’s lease on 31 August 2017, including vandalism and increased maintenance and upkeep costs for the City.

STRATEGIC IMPLICATIONS:

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

2.1.3 Develop business strategies that reduce reliance on rates revenue

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The City currently receives an annual rent of \$8,900 from the lease of the Cottage to the Patricia Giles Centre Inc. The Lease provides that the Lessee is responsible for the repair and maintenance of the Land, and therefore the majority of the costs incurred in respect to the cottage have been paid by the Patricia Giles Centre Inc.

The market valuation for selling the Land is approximately \$600,000, while residentially leasing the Land for a weekly rent of \$440-\$480, which would provide an annual return of between \$22,880 and \$24,960 (minus the management fees of approximately \$1,900).

COMMENTS:

Given the nature of service provided by the Patricia Giles Centre Inc. and current level of return being achieved from the Land, it is considered appropriate to accept the termination of the Lease over the Land from 31 August 2017.

As the Land is held in the City's freehold ownership, the City does have options, however a decision to sell is more appropriately made in consideration of a broader strategic assessment of the City's land holdings. In the interim, it is appropriate to ensure the land is managed appropriately and achieves a reasonable rate of return.

Administration has considered the future uses of the Land and recommends that a residential lease would be the most appropriate at this time as:

- the use would be consistent with current zoning;
- the rate of return based on market rates is likely to be higher than a community use;
- residential leases, whilst covered by the *Residential Tenancies Act 1987*, are likely to be easier to terminate if and when an alternative use or disposition is considered.

7.2	FINANCIAL STATEMENTS AS AT 31 JULY 2017
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TRIM Ref: D17/113263

Author: Nilesh Makwana, Accounting Officer

Authoriser: John Paton, Director Corporate Services

Attachments: 1. Financial Statements as at 31 July 2017 

RECOMMENDATION:

That Council **RECEIVES** the Financial Statements for the month ended 31 July 2017 as shown in Attachment 1.

PURPOSE OF REPORT:

To present the provisional Financial Statements for the period ended 31 July 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.

As stated above the financial reports as presented are provisional copies to provide an estimate of the July position. There are still a number of 2016-17 year end transactions and adjustments that need to be completed which will impact the 2017-18 opening balance.

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 July 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	6-62
5.	Capital Expenditure and Funding and Capital Works Schedule	63-77
6.	Cash Backed Reserves	78
7.	Rating Information and Graph	79-80
8.	Debtor Report	81
9.	Beatty Park Leisure Centre Financial Position	82

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 July 2017

CITY OF VINCENT FINANCIAL POSITION AS AT 31 JULY 017

	Adopted Budget 2017/18 \$	YTD Budget 2017/18 \$	YTD Actual 2017/18 \$	Variance 2017/18 \$	Variance 2017/18 %
REVENUE	22,396,493	1,917,447	1,984,701	67,254	4%
EXPENDITURE	(57,020,430)	(4,966,155)	(2,807,082)	2,159,073	-43%
Add Deferred Rates Adjustment	0	0	0	0	0%
Add Back Depreciation	9,663,980	805,319	0	(805,319)	-100%
(Profit)/Loss on Asset Disposals	(411,373)	0	0	0	0%
	9,252,607	805,319	0	(805,319)	-100%
NET OPERATING EXCLUDING RATES	(25,371,330)	(2,243,389)	(822,380)	1,421,009	-63%
CAPITAL REVENUE					
Non-Operating Grants, Subsidies and Contributions	2,692,344	460,000	456,064	(3,936)	-1%
Proceeds from Joint Venture Operations	333,333	0	0	0	0%
Proceeds from Disposal of assets	204,500	0	0	0	0%
Transfers from Reserves	1,309,605	5,500	5,253	(247)	-4%
	4,539,782	465,500	461,317	(4,183)	-1%
Capital Expenditure	(13,411,320)	(39,700)	(59,471)	(19,771)	50%
Repayments Loan Capital	(881,398)	(70,946)	(70,946)	0	0%
Transfers to Reserves	(1,850,534)	(128,392)	(30,758)	97,634	-76%
	(16,143,252)	(239,038)	(161,175)	77,863	-33%
NET CAPITAL	(11,603,470)	226,462	300,142	73,680	33%
TOTAL NET OPERATING AND CAPITAL	(36,974,800)	(2,016,927)	(522,238)	1,494,688	-74%
Rates	32,939,532	32,534,532	32,768,089	233,557	1%
Opening Funding Surplus	4,035,268	4,035,268	4,853,470	818,202	20%
CLOSING SURPLUS/(DEFICIT)	0	34,552,873	37,099,321	2,546,448	7%

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 'Profit on Sale of Assets', but this is excluded in the Nature and Type report, however 'Rates' revenue is added.

Revenue by programme is showing a positive variance of 4% (\$67k), this is due to higher revenue in Health \$20k, Community Amenity \$103k, Economic Services \$26k and Other Property and Services \$31k. However, Transport revenue is lower by \$96k.

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

Operating Expenditure

Expenditure by programme is showing a favourable variance of 43% (\$2.16m). This is due to lower expenditure in Governance \$128k, General Purpose Funding \$176k, Health \$23k, Education and Welfare \$40k, Community Amenities \$250k, Recreation and Culture \$767k, Transport \$654k, and Other Property and Services \$93k. Depreciation of \$805,319 has not yet been charged for July 2017, this will be processed once 2016/17 end of year processes are completed, including asset revaluation. The favourable variance would be 27% if the depreciation was allocated.

Transfer from Reserves

Transfer from Reserves is aligned with the timing of Capital Works projects that are Reserves funded. Most of these projects have not yet started.

Capital Expenditure

The variance is attributed to timing on budget adoption. For further detail, refer to Note 5 on **Attachment 1**.

Transfer to Reserves

Monthly transfer to reserves commenced in July 2017, based on budget phasing.

Opening Funding Surplus/(Deficit)

The estimated surplus opening balance brought forward from 2016/17 is currently reflecting \$4,853,470, as compared to the adopted budget opening surplus balance of \$4,035,268. The actual balance will change once the 2016/17 end of year process is completed and the accounts are audited.

Closing Surplus/(Deficit)

There is currently a surplus of \$37,099,321, compared to year to date budget surplus of \$34,552,873. This is substantially attributed to the positive variance in operating expenditure, current level of Capital Expenditure and the increase shown in the opening balance.

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 July 2017 is \$37,099,321, 87.39% of this is represented by rates owing which were only levied at the end of July.

4. Summary of Income and Expenditure by Service Areas (Note 4 Page 6 – 62)

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

5. Capital Expenditure and Funding Summary (Note 5 Page 63 - 77)

The following table is a Summary of the 2017/2018 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.

	Original Budget	YTD Budget	YTD Actual	Budget Remaining
	\$	\$	\$	%
Land and Buildings	2,343,358	700	2,950	100%
Infrastructure Assets	8,358,501	30,000	56,237	99%
Plant and Equipment	1,597,846	9,000	341	100%
Furniture and Equipment	1,111,615	0	(57)	100%
Total	13,411,320	39,700	59,471	100%

	Original Budget	YTD Budget	YTD Actual	Budget Remaining
	\$	\$	\$	%
Own Source Funding – Municipal	9,204,871	34,200	54,218	99%
Cash Backed Reserves	1,309,605	5,500	5,253	100%
Capital Grant and Contribution	2,692,344	0	0	100%
Other (Disposals/Trade In)	204,500	0	0	100%
Total	13,411,320	39,700	59,471	100%

Note: Detailed analysis are included on page 63 - 77 of Attachment 1.

6. Cash Backed Reserves (Note 6 Page 78)

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 July 2017 is \$9,077,181.

7. Rating Information (Note 7 Page 79 - 80)

The notices for rates and charges levied for 2017/18 were issued on 07 August 2017.

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

First Instalment	12 September 2017
Second Instalment	06 November 2017
Third Instalment	08 January 2018
Fourth Instalment	06 March 2018

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

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$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 July is \$32,420,247 (this includes deferred rates of \$120,365). This represents 96.05% of the collectable income compared to 94.52% at the same time last year.

8. Receivables (Note 8 Page 81)

Receivables of \$3,739,080 are outstanding at the end of July 2017, of which \$2,703,857 has been outstanding over 90 days. This is comprised of:

- \$2,138,902 (79.1%) 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.
- \$371,209 (13.7%) relates to Cash in Lieu Parking. Some Cash in Lieu Parking debtors have special payment arrangements over more than one year.
- \$91,323 (7.2%) 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 82)

As at 31 July 2017 the operating surplus for the Centre was \$70,171 in comparison to the year to date budgeted deficit of \$118,788, however it is noted that Depreciation has not been allocated for July 2017.

The cash position showed a current cash surplus of \$70,171 in comparison to year to date budget estimate of a cash deficit of \$73,209.

10. Explanation of Material Variances

All material variance as at 31 July 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 2017/18 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:

Not applicable.

COMMENTS:

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

7.3	AUTHORISATION OF EXPENDITURE FOR THE PERIOD 29 JULY 2017 TO 23 AUGUST 2017
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TRIM Ref: D17/116091
Author: Nikki Hirrill, Accounts Payable Officer
Authoriser: John Paton, Director Corporate Services
Attachments:

1. Payments by EFT August 2017 
2. Payments by Cheque August 2017 
3. Payments by Credit Card August 2017 

RECOMMENDATION:

That Council RECEIVES the list of accounts paid under delegated authority for the period 29 July 2017 to 23 August 2017 as detailed in attachment 1, 2 and 3 as summarised below:

Cheque Numbers 81471 – 81537	\$589,317.41
Cancelled Cheques 81357, 81358, 81461, 81464 and 81452	-\$4,424.00
EFT Documents 2119 - 2130	\$3,212,457.90
Payroll	\$1,223,051.61

Direct Debits

- Lease Fees \$1,101.28
- Loan Repayments \$147,114.89
- Bank Fees and Charges \$18,281.94
- Credit Cards \$9,201.62

Total Direct Debit	\$175,699.73
Total Accounts Paid	\$5,196,102.65

PURPOSE OF REPORT:

To present to Council the expenditure and list of accounts paid for the period 29 July 2017 to 23 August 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 for the period 29 July 2017 to 23 August 2017, covers the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account (Attachment 1, 2 and 3)		
Cheques	81471 - 81537	\$589,317.41

Cancelled Cheques	81357, 81358, 81461, 81464 and 81452	-\$4,424.00
EFT Payments	2119 - 2130	\$3,212,457.90
Sub Total		\$3,797,351.31

Transfer of Payroll by EFT	08/08/17	\$545,324.50
	22/08/17	\$677,727.11
	August 2017	\$1,223,051.61

Bank Charges and Other Direct Debits

Lease Fees	\$1,101.28
Loan Repayments	\$147,114.89
Bank Charges – CBA	\$18,281.94
Credit Cards	\$9,201.62

Total Bank Charges and Other Direct Debits (Sub Total) **\$175,699.73**

Total Payments **\$5,196,102.65**

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 Annual Budget.

COMMENTS:

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

7.4 INVESTMENT REPORT AS AT 31 AUGUST 2017

TRIM Ref: D17/122750
Author: Sheryl Teoh, Accounting Officer
Authoriser: John Paton, Director Corporate Services
Attachments: 1. Investment Report 31/08/2017 

RECOMMENDATION:

That Council **NOTES** the provisional Investment Report for the month ended 31 August 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.

This Investment Report as presented is provisional to provide an estimate of the year-end position. There are still a number of year end transactions, and adjustments that need to be completed before the year end accounts will be finalised and audited. Whilst the overall balance of investments and interest earned is not likely to change, the allocations between Municipal, Trust and Reserve funds may need to be adjusted.

DETAILS:

Total funds held for the period ended 31 August 2017 including on call in the City's operating account were \$30,161,860; compared to \$26,167,645 for the period ended 31 August 2016.

Total Investments for the period ended 31 August 2017 were \$27,714,651 as compared to \$21,212,649 for the period ended 31 July 2017; and \$22,573,297 for the period ended 31 August 2016.

Investment comparison table:

Month Ended	2016/17		2017/18	
	Total Funds Held	Total Investments	Total Funds Held	Total Investments
July	\$19,683,412	\$18,420,252	\$23,433,728	\$21,212,649
August	\$26,167,645	\$22,573,297	\$30,161,860	\$27,714,651
September	\$36,754,571	\$34,302,896		
October	\$37,581,885	\$34,521,542		
November	\$37,034,885	\$35,775,011		
December	\$33,692,431	\$31,165,443		
January	\$34,645,041	\$33,201,749		
February	\$34,028,716	\$32,316,251		
March	\$32,070,200	\$31,424,409		
April	\$30,661,122	\$26,206,328		
May	\$27,412,051	\$25,718,292		
June	\$24,670,461	\$23,533,279		

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

	Adopted Budget	YTD Budget	YTD Actual	% of YTD Budget
Municipal	\$414,960	\$45,270	\$40,214	88.83%
Reserve	\$258,420	\$39,650	\$40,039	100.98%
Sub-total	\$673,380	\$84,920	\$80,253	94.50%
Leederville Gardens Inc Surplus Trust*	\$0	\$0	\$24,637	0.00%
Total	\$673,380	\$84,920	\$104,890	123.52%

*Interest estimates for Leederville Gardens Inc Surplus Trust were not included in the 2017/18 Budget as actual interest earned is held in Trust and restricted.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The power to invest is governed by the *Local Government Act 1995*.

6.14. Power to invest

- (b) (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 as trust funds may be invested under the Trustees Act 1962 Part III.*
- (c) (2A) *A local government is to comply with the regulations when investing money referred to in subsection (1).*
- (d) (2) *Regulations in relation to investments by local governments may —*
 - (a) *make provision in respect of the investment of money referred to in subsection (1); and*
 - [(b) *deleted*]
 - (c) *prescribe circumstances in which a local government is required to invest money held by it; and*
 - (d) *provide for the application of investment earnings; and*
 - (e) *generally provide for the management of those investments.*

Further controls are established through the following provisions in the Local Government (Financial Management) Regulations 1996:

19. Investments, control procedures for

- (e) (1) *A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.*
- (f) (2) *The control procedures are to enable the identification of —*
 - (a) *the nature and location of all investments; and*
 - (b) *the transactions related to each investment.*

19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

- (g) (1) In this regulation —
 - authorised institution** means —
 - (a) an authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5; or
 - (b) the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;
 - foreign currency** means a currency except the currency of Australia.
- (h) (2) When investing money under section 6.14(1), a local government may not do any of the following —
 - (a) deposit with an institution except an authorised institution;
 - (b) deposit for a fixed term of more than 3 years;

- (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
- (d) invest in bonds with a term to maturity of more than 3 years;
- (e) invest in a foreign currency.

To further guide the prudent and responsible investment of the City's funds, Council has adopted the City's Investment Policy No. 1.2.4, which delegates the authority to invest surplus funds to the Chief Executive Officer or his delegate.

Administration has established guidelines for the management of the City's investments, including the following ratings table.

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%	28.4%	30%	Nil	90%	66.9%
Group B	A	A1	20%	14.4%	30%	Nil	80%	22.4%
Group C	BBB	A2	10%	10.6%	n/a	Nil	20%	10.6%

*As per subtotals on **Attachment 1**

RISK MANAGEMENT IMPLICATIONS:

Moderate: 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.

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 increased from the previous period due to excess funds available from receipt of rates revenue after creditors and other payments.

Funds invested with the Members Equity Bank exceeded 10% by 0.6% at the end of August 2017. On balance, this investment was considered appropriate after consideration of attaining higher rate of return, the institution's social and environmental responsibility rating, by proportion it will reduce as the investment portfolio increases and the risk associated with the investment is deemed to be negligible.

The City has obtained a weighted average interest rate of 2.51% for current investments including the operating account; and 2.60% excluding the operating account. The Reserve Bank 90 days Accepted Bill rate for August 2017 is 1.70%.

As at 31 August 2017, the City's total investment earnings excluding the Leederville Gardens Inc. Surplus Trust income, is lower than the year to date budget by 5.50%. It is anticipated this will come in line with budget forecasts as rate income continues to be received.

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, 33.02% of the City's investments were held in non-fossil fuel lending institutions as at 31 August 2017.

As stated above the financial reports as presented are provisional based on an estimate of the year-end position and pending finalisation and audit of the prior year accounts.

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

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



7.5 STANDING ORDERS AMENDMENT LOCAL LAW 2017

TRIM Ref: D17/112891

Author: Tim Evans, Manager Governance and Risk

Authoriser: John Paton, Director Corporate Services

Attachments:

1. Standing Orders Local Law 2008 
2. Standing Orders Amendment Local Law 2017 

RECOMMENDATION:

That Council:

1. **GIVES** Statewide and local public notice, in accordance with sections 3.12(3)(a) and (3a) of the *Local Government Act 1995*, stating that:
 - 1.1. It is proposed to make the City of Vincent Standing Orders Amendment Local Law 2017 included as Attachment 2;
 - 1.2. The purpose of the Standing Orders Amendment Local Law 2017 is to make a number of minor amendments to the principal City of Vincent Standing Orders Local Law 2008 to allow for the orderly conduct of meetings of Council meetings.
 - 1.3. The effect of the Standing Orders Amendment Local Law 2017 is to rename the Standing Orders Local Law 2008 to become the Meeting Procedures Local Law 2008 and to make minor amendments to the procedures for conducting Council meetings.
 - 1.4. Copies of the proposed local law may be inspected at the City's offices and on its website;
 - 1.5. Submissions about the proposed local law may be made to the City within a period of not less than six weeks after the notice is given;
2. **NOTES** that in accordance with Section 3.12(3)(b) of the *Local Government Act 1995* a copy of the proposed local law and notice will be provided to the Minister for Local Government; Heritage; Culture and the Arts and that any submissions will be presented to Council for consideration.

PURPOSE OF REPORT:

To consider giving state-wide and local public notice for a proposed City of Vincent Standing Orders Amendment Local Law 2017.

BACKGROUND:

The objective of the Standing Orders Local Law 2008 is to provide rules, procedures and guidelines to assist in the good conduct of meetings of the Council, committees and the standards to be observed by persons attending such meetings.

At the Ordinary Meeting held on 7 March 2017, Council resolved (in part) the following:

"That Council:

1. *Pursuant to section 3.16(4) of the Local Government Act 1995, DETERMINES BY ABSOLUTE MAJORITY that it considers that the following local laws should be amended for the reasons set out below and REQUIRES Administration, for each local law, to present a report back to Council by September 2017 to consider making amendments to those local laws, pursuant to section 3.12 of the Local Government Act 1995:*

<i>Local Law</i>	<i>Reason</i>
<i>Standing Orders Local Law 2008</i>	<i>To consider a number of minor amendments to support the smooth running of Council Meetings.</i>

This report is presented to amend the City of Vincent Standing Orders Local Law 2008 and to identify the process the City must follow in the making of a local law as prescribed in section 3.12 of the *Local Government Act 1995*.

DETAILS:

During the City's 8 year local law review, submissions relating to the City's local laws were invited in November 2016. There were no submissions relating to the City's Standing Orders Local Law.

As the Standing Orders Local Law primarily affects the City's Council Members, Administration sought the views of Council Members at workshops on 11 April 2017 and on 1 August 2017. Informed by those discussions Administration has reviewed the Local Law in detail and is proposing a number of minor amendments to the local law which are described in the table below:

Page No.	Item #	Proposed Change	Reason
1	Name	The name of the local law will be amended from "Standing Orders" to "Meeting Procedures"	It is considered that the name change will make the law more recognisable and accessible to the general public.
6	1.6	The definition of "Presiding Member" will be amended so that it matches the definition of "Presiding Member" in the WALGA model local law.	To align with standard industry practice.
6	1.6	The definition of "document" will be amended so that it matches the definition of "document" in the FOI Act.	To align with current legislation.
6	1.6	It is proposed to standardise the definitions so that defined words are not capitalised unless they are names or proper nouns. ("agenda", "closed doors", "document", "employee").	To align with standard industry practice.
7	2.2(1)(b)	Clause 2.2(1)(b) - which is a requirement to sign the notice of meeting, will be deleted	It is considered that the need for notice papers to be physically signed is no longer necessary.
7	2.2(1)(e)	Remove references to delivering agendas by physical post.	It is no longer considered necessary to post hard copies of meeting papers.
9	2.8(5)	In the order of business, state that "confidential" items" will be considered at the end.	To align the local law with current practice.
10	2.9(1)	It is proposed to remove the requirement to provide leave of absence applications at least one hour before the commencement of the meeting.	The clause is not considered necessary.
13	2.18(6)	It is proposed to remove the requirement to "bind" or paste the minutes or to keep a "minutes book".	This clause is no longer considered necessary. Minutes will be kept in line with normal recordkeeping practice for any other permanent record.
14	2.19(6)(a)	The requirement to state a person's address will be replaced by a requirement to state their suburb of residence.	To better protect the privacy of members of the public.
14	2.19(6)(c)	Clarify that each person can only speak once during public question time.	To align the local law with current practice.
14	2.19(9)	Preclude a list of written questions from being considered as being "asked" during public question time.	To clarify the intent of the local law in relation to the process for asking questions at Council Meetings.

17	2.24(5)	Include a requirement for the CEO to nominate an officer who will be responsible for dealing with the petition.	To formalise and clarify the process for having petitions dealt with by the organisation.
23	5.2(3)	Allow for the possibility of electronic voting.	To provide future options for using voting technology at Council Meetings.
26	6.1	Delete reference to clause 3.6.4 which does not exist.	To amend an error in the local law.
32	8.10 and 8.11	Delete explicit prohibitions on alcohol consumption and smoking.	The clause is no longer considered necessary as smoking and alcohol consumption are already prohibited under other legislation and the City's code of conduct.
37	9.79(2)	Addition of power for the presiding member to require a person to "be seated".	To increase the powers of the presiding member to deal with unruly behaviour.
40	12.9	It is proposed to include recognition of "Council Briefings" and remove "forums".	To align the local law with current practice.

In relation to the proposed change of name of the local law from "Standing Orders Local Law" to "Meeting Procedures Local Law", the City has two options in terms of the process for making this change. The City could amend the existing Standing Orders Local Law 2008 and simply amend all references to "Standing Orders" and replace them with "Meeting Procedures". The end result would be that the City's local law will be titled "Meeting Procedures Local Law 2008". Administration is recommending this option. Alternatively, the City could repeal the Standing Orders Local Law 2008 and replace it with a new local law entitled "Meeting Procedures Local Law 2017".

CONSULTATION/ADVERTISING:

During the City's 8 year local law review, submissions relating to the City's local laws were invited in November 2016. There were no submissions relating to the City's Standing Orders Local Law.

Section 3.12 of the *Local Government Act 1995* sets out the consultation requirements for making a local law. This section of the Act is reproduced in the Legal/Policy section of this report.

In accordance with *Policy 4.1.5 - Community Consultation*, Administration will also write to any impacted Business and Community Groups.

LEGAL/POLICY:

"3.12. Procedure for making local laws

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
 - (a) *give Statewide public notice stating that —*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*

- (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.
* Absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice*
- (a) *stating the title of the local law; and*
- (b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
- (c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section — making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law."*

RISK MANAGEMENT IMPLICATIONS:

Low: There are considered to be minimal risk involved in reviewing the City's Local Laws.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Plan for the Future – Strategic Community Plan 2013 – 2023* – the following Objectives state:

'4.1: *Provide good strategic decision-making, governance, leadership and professional management.*

4.1.5 *Focus on stakeholder needs, values, engagement and involvement.'*

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

There are nominal costs associated with making the local law, including advertising and Gazettal which can be expended from the City's operating budget.

COMMENTS:

Administration has reviewed and compared its Standing Orders Local Law with those adopted by several other Local Governments and the WALGA Model Local Law and it was determined that the amendments proposed to the City of Vincent's local law are consistent with contemporary practices and trends.

Administration considers that the proposed changes are minor in nature and are largely adequately explained in the table in the "DETAILS" section of this report. However, the sections below expand on three particular proposed amendments in order to clarify the reasons behind these proposals.

Change of Name of the Local Law

Administration has consulted with the Department of Local Government, Sport and Cultural Industries in relation to the proposed change of name of the local law and the advice received was that while both options were appropriate, an amendment was considered to be preferable in all instances where there was not considerable redrafting of sections of the law, such as in this case. Amendment local laws are considered to be easier to adopt because with any amendment local law, only the items that are being changed (3 pages) are considered and assessed by the Joint Standing Committee for Delegated Legislation. If a new local law was made, the entire new local law (44 pages) would be assessed. This would also have an impact on the fees charged to the City to gazette the local law which are related to the time spent on the assessment of it.

Requirement to State Address

The requirement for a person to state their name and address when addressing Council has long been standard practice in local government. Administration notes that in the past decade there has been a change in expectations around the level of privacy of people's personal information, which has been brought to the fore by the new paradigm of accessibility to information made available via the web. In light of these changing expectations, Administration considers that the public interest in soliciting and recording the address of people who ask public questions no longer outweighs the privacy concerns of a number of members of the public and may act as a barrier to public participation at Council meetings. Consequently, it is proposed to amend this section of the local law and require only that a person must state their name and the suburb in which they reside.

Recognition of Council Briefings

Council at its meeting on 4 November 2014 resolved to move to a monthly meeting cycle in 2015, comprising monthly Council Briefings and Council Meetings. Council Briefings occur on the Tuesday of the week prior to the Ordinary Council Meeting and provide Council Members with the opportunity to ask questions and clarify issues relevant to the specific agenda items due to be presented to Council in the following week. The briefing is not a decision-making forum and the Council has no power to make decisions at the Briefing. To date, Council Briefings are not covered by the Standing Orders Local Law 2008. However, the City invariably holds public question time at the start of the meeting and follows the practice of declaring any interests relating to items on the agenda. It is proposed that these practices be formalised by amending this section of the local law to stipulate that these sections of the local law apply to Council Briefings.



7.6	REVIEW OF POLICY 4.2.4 – COUNCIL MEETINGS - RECORDING AND WEB STREAMING
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TRIM Ref: D17/121071

Author: Tim Evans, Manager Governance and Risk

Authoriser: John Paton, Director Corporate Services

Attachments:

1. **DRAFT Policy 4.2.4 - Council Meetings - Recording and Web Streaming - for Council Adoption - September 2017** 
2. **Policy 4.2.4 – Council Meetings - Recording and Web Streaming - Tracked Changes** 

RECOMMENDATION:

That Council:

1. **ADOPTS** the amended Policy 4.2.4 – Council Meetings – Recording and Web Streaming, as shown in Attachment 1, and agrees that public advertising and community consultation is not required due to the minor nature of the amendments; and
2. **NOTES** that the amendments will have the effect of making an archive of the Council Meetings web streams available to the public via the City's website.

PURPOSE OF REPORT:

To consider amending the City's Policy 4.2.4 – Council Meetings – Recording and Web Streaming.

BACKGROUND:

At the Council Meeting of 7 March 2017, Council resolved to adopt Policy 4.2.4, thereby causing Council Meetings and Council Briefings to be live streamed via the web. The necessary infrastructure was put in place and live Streaming commenced at the Council Meeting of 30 May 2017.

DETAILS:

Live streaming of Council Meetings has now been in place for four months which has allowed Council Members, staff members and the public to become used to the presence of cameras in the Council Chamber. It has also allowed Administration time to evaluate the solution that was put in place and to review whether further adjustments to the system or the policy might be proposed.

The popularity of the live streams has more than matched the expectations of Administration, with the viewing figures for the Council Meetings to date as follows:

Meeting Type	Date	Unique visitors
Meeting	30-May-17	118
Briefing	20-Jul-17	44
Meeting	27-Jul-17	78
Briefing	18-Jul-17	33
Meeting	25-Jul-17	72
Briefing	15-Aug-17	49
Meeting	22-Aug-17	76

Feedback from the public has been almost exclusively positive. However several requests have been received for an archive of the live streams to be made available after the meeting has finished in order to allow people who may not be available during the time of the meeting to view the proceedings at a subsequent date and time.

The majority of attendees at Council Meetings are primarily interested in a particular item that affects them and consequently, in order to get the most value out of an archive of Council Meetings, it is extremely useful for that archive to be "bookmarked". That is to say that it is possible to click on a particular item and be taken directly to the place in the web stream where that item was discussed.

The web streaming solution that the City has implemented already has the capability to do this and Administration is already maintaining such an archive for internal use. Therefore there will be no additional cost to make the archive available to the public.

Administration has proposed amendments to Policy 4.2.4 - Council Meetings – Recording and Web Streaming in order to effect this change. **Attachment 1** shows the version of the policy that is recommended for adoption. **Attachment 2** shows the tracked changes that are being proposed to the current adopted policy.

CONSULTATION/ADVERTISING:

Policy No. 4.1.5 Community Consultation in Appendix 2 of the Guidelines (Item 10), states that community consultation is required for new policies, or significant amendments to existing policies. Administration has assessed the current proposed amendments to Policy 4.2.4 and believes that they are not significant amendments and therefore community consultation is not required.

LEGAL/POLICY:

The *City of Vincent Standing Orders Local Law 2008* sets out how the City's Council Meetings must operate. In a separate item in this agenda, it is proposed to make a minor amendment to this local law to recognise the fact that the City is now streaming its Council Meetings via the web and to introduce an allowable procedural motions to cause the live stream to cease and to re-commence.

Policy 4.2.4 is proposed to be amended to provide public access to an archive of Council Meetings.

RISK MANAGEMENT IMPLICATIONS:

Low: The potential risk associated with live streaming of meetings have previously been discussed and addressed through Councils original decision to live stream its meetings. Amending the relevant Policy in the manner proposed is not considered to materially alter these risks.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan 2013-2023 - Key Result Area Four – "Leadership, Governance and Management" and, in particular, "4.1.2 - Manage the organisation in a responsible, efficient and accountable manner".

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

There will be no additional cost to make the archive available to the public. In addition there will no longer be a requirement to pay a fee to access recordings of Council Meetings resulting in a nominal loss of revenue of approximately \$100 per year.

COMMENTS:














Administration considers that providing members of the public with access to an archive of Council Meetings will increase the ability of the City's constituents to participate in and engage with the decision making processes of Council and aligns with the City's stated goal of improving transparency and accountability within the City.

Administration undertook a desktop exercise to review the practices of other local governments in relation to web streaming and archiving of Council Meetings. Following the review, it is understood that the City would be the first Council in Western Australia to provide a full video and audio archive of Council Meetings with bookmarks to individual items of interest.

8 COMMUNITY ENGAGEMENT

Nil

9 CHIEF EXECUTIVE OFFICER**9.1 INFORMATION BULLETIN****TRIM Ref:** D17/95465**Author:** Emma Simmons, Governance and Council Support Officer**Authoriser:** Len Kosova, Chief Executive Officer

- Attachments:**
1. Minutes of the Design Advisory Committee Meeting held on 7 June 2017 
 2. Minutes of the Design Advisory Committee Meeting held on 5 July 2017 
 3. Minutes of the Design Advisory Committee Meeting held on 19 July 2017 
 4. Minutes of the Environmental Advisory Group Meeting held on 7 August 2017 
 5. Unconfirmed Minutes of the Road Safety Advisory Group Meeting held on 10 August 2017 
 6. Unconfirmed Minutes of the SVCPP Meeting 3 August 2017 
 7. Statistics for Development Services (Statutory Planning) as at the end of August 2017 
 8. Register of Legal Action and Prosecutions Register Monthly - Confidential
 9. Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 24 August 2017 
 10. Register of Applications Referred to the MetroWest Development Assessment Panel – Current 
 11. Register of Applications Referred to the Design Advisory Committee – Current 
 12. Register of Petitions - Progress Report - September 2017 
 13. Register of Notices of Motion - Progress Report - September 2017 
 14. Register of Reports to be Actioned - Progress Report - September 2017 

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated September 2017.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES