



CITY OF VINCENT

ORDINARY COUNCIL MEETING

5 April 2016

Notice of Meeting and Agenda

Notice is hereby given that an Ordinary Meeting of the Council of the City of Vincent will be held at the Administration and Civic Centre, at 244 Vincent Street (corner Loftus Street) Leederville, on **Tuesday 5 April 2016** at 6:00pm.

Len Kosova
CHIEF EXECUTIVE OFFICER

1 April 2016

ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY

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

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

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

RECORDING OF COUNCIL MEETINGS

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

ORDER OF BUSINESS

1. (a) **Declaration of Opening**
(b) **Acknowledgement of Country Statement**
“Today we meet on the lands of the Nyoongar people and we honour them as the traditional custodians of this land”.
 2. **Apologies/Members on Approved Leave of Absence**
 - 2.1 Cr Laine McDonald on approved leave of absence until 7 April 2016 (inclusive) due to personal commitments.
 3. (a) **Public Question Time and Receiving of Public Statements**
(b) **Response to Previous Public Questions Taken On Notice**
 4. **Applications for Leave of Absence**

Nil.
 5. **The Receiving of Petitions, Deputations and Presentations**

Nil.
 6. **Confirmation of Minutes**
 - 6.1 Ordinary Meeting of Council held on 8 March 2016; and
 - 6.2 Special Confidential Meeting of Council held on 29 March 2016.
 7. **Announcements by the Presiding Member (Without Discussion)**
 8. **Declarations of Interest**
 9. **Reports**

As listed in the Index.
 10. **Motions of which Previous Notice has been given**
 - 10.1 NOTICE OF MOTION: Mayor John Carey – Request To Amend City of Vincent Policy No. 3.10.10 – Community Bus – Use and Operation ***Withdrawn by the Mayor***
 - 10.2 NOTICE OF MOTION: Cr Roslyn Harley and Cr Emma Cole – Request for a New Plan for Axford Park
 - 10.3 NOTICE OF MOTION: Mayor John Carey and Cr Emma Cole – Request to Prepare a Streetscape Enhancement Plan for Ellesmere Street (London Street to Shakespeare Street), Mt Hawthorn
 - 10.4 NOTICE OF MOTION: Mayor John Carey and Cr Roslyn Harley – Request to create a portal for Accountability and Governance
 - 10.5 NOTICE OF MOTION: Mayor John Carey: Amendments to Planning Policies relating to Commercial and Mixed Use Developments, Variations and Exercise of Discretion, and Multiple Dwellings
 - 10.6 LATE ITEM: NOTICE OF MOTION: Cr Joshua Topelberg – Request for a Review Period of the City of Vincent Town Planning Scheme No. 2
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11. **Questions by Members of which Due Notice has been given** (Without Discussion)
Nil.
 12. **Representation on Committees and Public Bodies**
Nil.
 13. **Urgent Business**
Nil.
 14. **Confidential Items/Matters for which the Meeting May be Closed**
("Behind Closed Doors")
 - 14.1 CONFIDENTIAL REPORT: Lease of Dorrien Gardens, 3 Lawley Street, West Perth – Perth Soccer Club Inc (SC529)
 - 14.2 CONFIDENTIAL REPORT: Appointment of Community Members to the City of Vincent Advisory and Working Groups (SC1449, SC194, SC1228, SC1292, SC1199, SC1854 and SC2559)
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9.1 PLANNING SERVICES

9.1.1 Nos. 405-407 (Lot: 55 & 56; D/P 2454) Oxford Street, Mount Hawthorn – Reconsideration of a Condition on a previous approval for the Proposed Demolition of Existing Commercial Building and Construction of Mixed Use Development

Ward:	North	Date:	17 March 2016
Precinct:	Precinct 2 – Mount Hawthorn Centre	File Ref:	PR54371; 5.2016.71.1
Attachments:	1 – Consultation Map 2 – Car Parking Table		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Acting Senior Statutory Planning Officer		
Responsible Officer:	G Poczyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Planning Solutions (Aust) Pty Ltd on behalf of the owner 405-407 Oxford Street Trust Pty Ltd, to reconsider and replace condition 5.4 of planning approval No. 5.2014.333.1 granted on 8 July 2014 for the proposed demolition of existing commercial building and construction of a mixed-use development at Nos. 405-407 (Lots: 55 & 56; D/P: 2454) Oxford Street, Mount Hawthorn with the following:

1. A minimum of 4 commercial carparking bays shall be shown as common property on any strata plan; and
2. Any car parking bay that is allocated to a commercial tenancy on the strata plan shall be made available for general use for owners and visitors to the development after hours.

PURPOSE OF REPORT:

To consider an application to reconsider Condition 5.4 of the Planning Approvals granted on 11 March 2014 and 8 July 2014, which relates to the use of the commercial car parking bays.

BACKGROUND:

History:

Date	Comment
11 March 2014	Council at its Ordinary Meeting approved an application for a Four Storey Mixed Use development on the subject site.
8 July 2014	Council at its Ordinary Meeting approved an application for a Four Storey Mixed Use (Amendment to Approved Plans) on the subject site.

Previous Reports to Council:

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

DETAILS:

Landowner:	405 - 407 Oxford Street Trust Pty Ltd
Applicant:	Planning Solutions Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Commercial Draft Town Planning Scheme No. 2 (TPS2): District Centre
Existing Land Use:	Consulting Rooms, Offices, Shop and Multiple Dwellings
Use Class:	Consulting Rooms, Offices, Shop and Multiple Dwellings
Use Classification:	"P" and "AA"
Lot Area:	1164 square metres
Right of Way (ROW):	Western, 5 metre width, City owned
Heritage List:	No
Date of Application:	23 February 2016

The proposal is to reconsider Condition 5.4 of the Planning Approvals granted on 11 March 2014 and 8 July 2014 Ordinary Meetings of Council which states:

"5.4 The car park area for visitors of the residential component and commercial car bays shall be shown as common property on any strata plan;"

This Condition is a requirement of the City's Policy No. 7.7.1 – Parking & Access.

The intention of this condition is to ensure that commercial car parking bays are allocated to the commercial tenancies as a whole rather than to each tenancy individually to allow for flexibility in the use of car parking spaces.

The development is nearing completion and the applicant has requested this condition be removed to enable them to allocate bays for the exclusive use of individual tenancies.

The applicant's justification in support of the proposal has been summarised as follows:

There is an excess of car parking bays onsite. This means that there is a high likelihood that bays will be availability during and after hours for visitors to the development. Allocating the bays to specific commercial tenancies on the strata plan meets the intent of Policy No. 7.7.1 to maintain order as users of the development to quickly, safely and easily reach their parking space without fear of it being taking up by another user. This helps to reduce pressure on traffic flow both internally and on the surrounding streets and on street parking.

The commercial tenancies located on the ground and first floors are currently approved as Consulting Rooms (4 consultants), Offices (763 square metres) and Shop (61 square metres). Of the 16 car bays allocated to the commercial use, taking current adjustment factors into account, the consulting rooms require 4.7 bays, the offices require 5.874 bays and the shop requires 1 bay. This results in an overall demand for 12 bays, leaving a surplus of 4 bays.

The application is referred to Council as the condition was imposed as part of the planning approvals previously approved by Council.

ASSESSMENT:

The assessment is unchanged from the previous proposals.

CONSULTATION/ADVERTISING:

Required by Legislation:	No	Required by City of Vincent Policy:	No
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No advertising of the proposed development is required as the application is seeking to delete a condition of Planning Approval which relates to the allocation of car parking bays.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

When initially considered the application achieved Design Excellence by the DAC.

The proposed reconsideration of Condition 5.4 does not alter the DAC comments.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 7.1.2 – Mount Hawthorn Precinct;
- Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use; 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*.

Under the *Planning and Development (Local Planning Scheme) Regulations 2015* (Clause 77 (1)(b) – Amending or cancelling development approval) Council can amend any condition previously imposed on a planning approval pertaining to the development in question. This amendment can be done during or after the period within which the development approval must be substantially commenced.

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:

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

This proposal has no sustainability implications.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The City's Policy No. 7.7.1 requires that commercial car bays are designated as common property on the strata plan, and accordingly condition 5.4 was imposed. As common property the bays are available to anyone using or visiting the site and therefore ensures maximum use.

This development requires that 12 car parking bays are provided for the commercial component, but 16 bays have been provided, which results in a surplus of 4 commercial bays.

Administration is prepared to support deletion of condition 5.4 of the planning approval No. 5.2014.333.1 on the condition that the four surplus bays are allocated to common property on the strata plan and all commercial carbays are available to other users of the development after business hours.

CONCLUSION:

It is recommended that Council approves this proposal.

9.1.2 No. 6 (Lot: 6; D/P: 4004) Church Street, Perth – Change of Use from Recreational Facility (Yoga Studio) to Recreational Facility (Yoga Studio/Group Fitness and Personal Training Gym) (Retrospective)

Ward:	South	Date:	17 March 2016
Precinct:	Precinct 13 – Beaufort	File Ref:	PR20004; 5.2015.575.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Car Parking and Bicycle Tables		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Acting Senior Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by T Ngapera of Poly Pride Fitness on behalf of the owner M Allmark for the Change of Use from Recreational Facility (Yoga Studio) to Recreational Facility (Yoga Studio/Group Fitness and Personal Training Gym) (Retrospective) at No. 6 (Lot: 6; D/P: 4004) Church Street, Perth as shown on plans date stamped 15 December 2015, included as Attachment 2, subject to the following conditions:

1. Validity of Approval

The approval for the recreational facility to include Yoga Studio/Group Fitness and Personal Training Gym is valid for a period of 12 months from the date of the issue of the Planning Approval;

2. Building

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

3. Use of the Premises

- 3.1** A maximum of 20 persons shall be at the premises at any one time; and
- 3.2** The hours of operation shall be limited to:
 - Monday to Friday: 6:00am – 8:30pm; and
 - Saturday/Sunday: 8:00am – 6:00pm;

4. Parking

The existing kerbing shall be modified to the City’s requirements at the applicant/owner’s cost to allow vehicles to enter the property and park at 90 degrees to the street alignment as shown on Attachment 2; and

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

5.1 Acoustic Report

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

5.2 Bicycle Bays

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

5.3 Car Parking

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

5.4 Waste

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

ADVICE NOTES:

- 1. With reference to Condition 1, should the applicant wish to continue the recreational facility use (Yoga Studio/Group Fitness/Personal Gym) beyond the date of validity of this approval, a fresh application for planning approval must be made before this approval expires;**
- 2. A Road and Verge security bond for the sum of \$1,000 shall be lodged with the City by the applicant, prior to any works commencing, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable; and**
- 3. Any new signage that does not comply with the City's Policy No. 7.5.2 – Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a Building Permit application, being submitted and approved prior to the erection of the signage.**

PURPOSE OF REPORT:

To consider an application to expand the scope and operation of the existing Recreational Facility for a Yoga Studio to include group fitness and a personal training gym and extend the approval for the existing Yoga Studio.

BACKGROUND:

On 10 February 2015, Council granted retrospective approval for a change of use for the subject premise from Warehouse to Recreational Facility (Yoga Studio) with operating hours concluding at 7:00pm Monday to Friday and 12:00 noon on Saturday and Sunday.

A further application was approved on 7 April 2015 for an extension of operating hours as shown below:

- Monday-Friday: 6:00am – 8:30pm; and
- Saturday/Sunday: 8:00am – 6:00pm.

The second approval superseded the February approval and expires on 22 April 2016.

Following the only complaint regarding noise this year, the City's Compliance Services attended the site on 20 November 2015 and noted that additional group fitness classes and personal training sessions were operating.

It also became evident that certain requirements from the February and April 2015 approvals had not been met. These include the bike racks which have not been installed and the car parking bays at the front of the property which have not been modified to accord with the approved car parking layout.

The City advised the operators of the Yoga Studio that approval is required for the additional fitness component and that the matters relating to the car and bike parking need to be addressed and will enforce these requirements pending the outcome of this proposal.

It is recommended that the conditions relating to the car and bike parking are imposed on this approval.

History:

Date	Comment
10 February 2015	Council at its Ordinary Meeting approved an application for a Change of Use from Warehouse to Recreational Facility (Yoga Studio – Retrospective Approval)
7 April 2015	Council at its Ordinary Meeting approved an application for a Change of Use from Warehouse to Recreational Facility (Yoga Studio) for an extension of operating hours.

Previous Reports to Council:

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

DETAILS:

Landowner:	M Allmark
Applicant:	T Ngapera – Poly Pride Fitness
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential/Commercial R80 Draft Town Planning Scheme No. 2 (TPS2): Residential/Commercial R80
Existing Land Use:	Recreation Facility (Yoga Studio)
Use Class:	Recreational Facility
Use Classification:	“AA”
Lot Area:	352 square metres
Right of Way (ROW):	Not Applicable
Heritage List:	No
Date of Application:	15 December 2015

The Yoga Studio in operation has commenced additional recreational uses as it was not as busy as anticipated. The validity of the current approval expires in April 2016.

The current application is for the continuation of the existing Yoga Studio as well as group fitness and personal training. The group fitness classes include specialised fitness classes, circuits, boxing and childrens' fitness classes.

All elements operating at this site fall under the definition of “recreational facility” of the City’s Town Planning Scheme No. 1.

The existing limitations of:

- a. a maximum of 20 persons at the premises at any one time; and
- b. to operating hours (a total of 92.5 hours per week);

continue to apply.

The Group Fitness/Personal Training Gym component has been operating unapproved alongside the Yoga Studio at least since November 2015.

Three comments of support were submitted with the application.

The proposal is referred to Council because the initial decision for the use of this site for recreational purposes was made by Council.

ASSESSMENT:

The assessment is unchanged from the previous proposal.

CONSULTATION/ADVERTISING

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	7 January 2016 – 22 January 2016
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Comments Received:	Three submissions consisting of one comment of support (from the owner of the premises) and two objections.
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Summary of Comments Received:	Officer Technical Comment
Concern in relation to the provision of group fitness onsite.	The group fitness/personal training use aligns with the approved Recreational use (Yoga Studio) use and will operate under the same limitations on hours and attendees and is not an intensification of the existing approved use.
Concern in relation to the level of noise coming from the facility including music and from the instructors.	The noise levels are required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i> .

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the Change of Use from Recreational Facility (Yoga Studio) to Recreational Facility (Yoga Studio/Group Fitness and Personal Training) Retrospective.

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 7.1.13 – Beaufort Precinct;
- Policy No. 7.5.21 – Sound Attenuation; and
- Policy No 7.7.1 – Parking and Access.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment:

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

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

SOCIAL
The proposed use will act as a social meeting place and provide an additional form of recreation.

ECONOMIC
The proposal will provide increased employment opportunities and diversity of land uses.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The existing yoga studio, once operating, was less busy than the operators initially anticipated, leaving capacity in the tenancy for the proposed group fitness/personal training recreational use.

Both types of recreation will function alongside each other and are subject to the existing approved hours and limitations on the number of patrons.

It is not expected that the expanded use will have any greater impact than the existing approval. To enable the City to reconsider the new use comprising of the Yoga Studio/Group Fitness and Personal training, it is recommended that a condition is imposed to limit the validity of the approval to 12 months.

CONCLUSION:

It is recommended that Council approves this proposal.

9.1.3 No. 29 (Lot: 47; D/P 1962) Scarborough Beach Road, Corner of Hardy Street, North Perth – Proposed Change of Use from Eating House with Incidental Vintage Car Storage and Display Area and Associated Car Parking to Eating House, Shop and associated Car Parking

Ward:	North	Date:	17 March 2016
Precinct:	Precinct 6 – Smiths Lake	File Ref:	PR16605; 2015.529.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Car Parking and Bicycle Tables		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Acting Senior Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Urban and Rural Perspectives on behalf of the owner 356 Pty Ltd, for the Proposed Change of Use from Eating House with Incidental Vintage Car Storage and Display Area and associated Car Parking to Eating House, Shop and associated car parking at No. 29 (Lot: 47; D/P: 1962) Scarborough Beach Road, North Perth as shown on plans date stamped 23 November 2015 and amended plans date stamped 4 March 2016, included as Attachment 2, subject to the following conditions:

1. Use

- 1.1 The proposed shop shall have a maximum floor area of 39.41 square metres;
- 1.2 The maximum number of patrons for the proposed café shall be 80 patrons; and
- 1.3 The doors, windows and adjacent floor areas facing Scarborough Beach Road and Hardy Street shall maintain active and interactive relationships with these streets;

2. Car Parking and Access

- 2.1 A minimum of 10 bays shall be provided onsite;
- 2.2 The car park shall be used only by employees, tenants and visitors directly associated with the development; and
- 2.3 The car parking areas on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;

3. External Fixtures

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

4. **Verge Trees**

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

5. Within 28 days of approval the following shall be submitted to an approved by the City:

5.1 **Acoustic Report**

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

5.2 **Waste Management**

5.2.1 A Waste Management Plan prepared to the satisfaction of the City detailing a bin store area of sufficient size to accommodate the City's bin requirements; and

5.2.2 All waste management for the development shall thereafter comply with the approved Waste Management Plan; and

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

6.1 **Bicycle Bays**

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

ADVICE NOTES:

1. With reference to Condition 1.1 and 1.2, any increase in floor space/patron numbers or change of use of the subject land shall require Planning Approval to be applied to and obtained from the City;
2. With reference to Condition 5.2.1, waste collection will be taken from Hardy Street.

PURPOSE OF REPORT:

To consider a proposal to change the use from Eating House with Incidental Vintage Car Storage and Display Area and associated Car Parking to Eating House and Shop with associated Car Parking.

BACKGROUND:

History

Date	Comment
27 August 2013	Council at its Ordinary Meeting approved an application for the Proposed Partial Demolition of Existing Service Station and Construction of Eating House with Incidental Vintage Car Storage and Display Area and Associated Car Parking.
24 July 2014	The City approved under Delegated Authority an application for Wall and Front Fence Addition to the Existing Building.

A cash-in-lieu payment for a shortfall of 4.53 bays (\$22,675) was paid on 13 September 2013.

Previous Reports to Council

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

DETAILS:

Landowner:	356 Pty Ltd
Applicant:	Urban and Rural Perspectives
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60 Draft Town Planning Scheme No. 2 (TPS2): Residential/Commercial R80
Existing Land Use:	Eating House and Incidental Vehicle Storage
Use Class:	Eating House and Shop
Use Classification:	"SA" and "SA"
Lot Area:	662 square metres
Right of Way (ROW):	Nil
Heritage List:	No
Date of Application:	23 November 2015

The property is currently under construction as the existing service station building is being converted to accommodate the uses approved in 2013. A part of this approval is for an eating house with an approved floor area of 85 square metres (approximately 35 patrons).

Compared to the previous approval the current proposal is for an increase in the floor area of the eating house component to 218 square metres in order to accommodate 80 patrons, and the addition of a shop use (floor area 39.51 square metres). The two uses will occupy the space that was previously approved for the Vintage Car Storage and display use component and storage area. It also includes the area available on the previously approved mezzanine floor.

The proposed shop will be directly associated with the eating house use and be accessible internally.

The renovations currently underway include the construction of additional toilet facilities on the mezzanine floor.

The proposed development also includes a car parking area at the rear of the property for 10 car bays.

The applicant's justification for the proposal is that the increase in the eating house component and the shop can be accommodated within the existing building and the number of car bays required aligns with the number of car bays that have been provided.

The proposal is referred to Council as the uses are SA uses under the City's Town Planning Scheme No. 1 and more than one objection have been received during the advertising period.

ASSESSMENT:

Summary Assessment

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

Design Element	Deemed-to-Comply	Requires the Discretion of Council
Land Use		✓
Street Setback	✓	

Design Element	Deemed-to-Comply	Requires the Discretion of Council
Front Fence	✓	
Parking & Access	✓	
Bicycles		✓

Detailed Assessment

The assessment against the relevant Town Planning Scheme provisions is as follows:

Land Use			
Location	Requirement	Proposal	Variation
	City of Vincent Town Planning Scheme No. 1 Use Class Table	Eating House • “SA” Use Shop • “SA” use	Not Applicable

Land Use
<p>Officer Technical Comment:</p> <p>The site is zoned Residential R60. Both proposed uses are “SA” uses in the residential zone and not permitted unless Council has exercised its discretion.</p> <p>The property has been used for a significant period in the past as a Service Station and Council supported its ongoing use for non-residential purposes with the 2013 approval. As the proposed uses are entirely within the approved building footprint, this change of use will not alter the appearance of the streetscapes of Scarborough Beach Road and Hardy Street from what has already been approved.</p> <p>An eating house was approved in 2013, albeit at a reduced scale, whilst the shop is a new use for the site. The eating house is proposed to be contained entirely within the building and the increased capacity can be managed with appropriate acoustic measures. It is recommended that a condition is imposed to address any additional noise issues.</p> <p>The proposed shop is of a small scale and as it functions alongside the eating house use and is accessible only via the eating house, it is not expected to have any negative impact on the locality.</p> <p>With the recent payment of cash-in-lieu for 4.53 car bays and the 10 bay car parking area at the rear of the property, the proposal complies with the car parking requirements of the City’s Policy No. 7.7.1 – Parking and Access (Attachment 3).</p> <p>The carpark also serves as a buffer to the single residential properties to the south of the site.</p>

Bicycles			
Location	Policy Requirement	Proposal	Variation
Onsite	City of Vincent Policy No. 7.7.1 – Parking and Access Class 1 or 2 – 4 Bicycle Bays	Class 1 or 2 – Nil Bicycle Racks	Class 1 or 2 – Four Bicycle Racks
	Class 3 – 8 Bicycle Bays	Class 3 – 8 Bicycle Racks	Nil

Bicycles
Design Principles:
Not Applicable.
Applicant's Justification:
None provided.
Officer Technical Comment:
The applicant is required to provide one Class 1 or 2 bicycle parking and three Class 3 bicycle facilities onsite under the previous approval. Given the proposed changes as part of this application with the additional Eating House area and Shop use, the applicant is required to provide an additional three Class 1 or 2 bicycle facilities (a total of four), and eight Class 3 bicycle facilities (which have been provided along the verge).
The four required Class 1 or 2 bicycle facilities have been conditioned as part of this approval and are required to be provided prior to the occupation of the building.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	18 February 2016 – 1 March 2016		
Comments Received:	Four submissions received being two objections and two comments of concern.		

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Parking and Traffic</u></p> <p>Concern that there is inadequate onsite parking, the proposal will add to local traffic and will result in increased number of vehicles parking on the verge, which will further exacerbate car parking and traffic issues in the locality.</p> <p>The owner should pay for all costs associated with suggested bays along Hardy Street.</p> <p>Request to consider the Council's plans to control traffic in the area and in particular along Hardy Street. Concern in relation to children in the street and the impact of traffic to them. Possible inclusions such as speed calming devices, no parking areas including verges.</p>	<p>The carparking proposed for complies with the requirements of City's Policy No. 7.7.1 – Parking and Access. The increased traffic generated by the proposal is minor and can be accommodated by the existing road network.</p> <p>Angle parking is currently being installed in Hardy Street adjacent to the development site at the cost of the owner of this property. This arrangement is not part of the existing approved planning approval.</p> <p>Formalising the verge car parking will yield more bays than the informal verge parking has provided.</p> <p>Traffic calming is a separate issue from the planning application.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Noise</u></p> <p>Concern in relation to increased noise levels and anti-social behaviour from patrons.</p>	<p>All noise levels are required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>. It is recommended that a condition is imposed that requires that the measures recommended from an acoustics report are implemented. Addressing anti-social behaviour is primarily a police matter.</p>
<p><u>Waste</u></p> <p>Concern regarding the removal of rubbish particular the timing of it. Request that rubbish removal be limited to not before 7am to reduce daily pollution and inconvenience for residents.</p>	<p>Waste collection will occur in accordance with the City's usual schedule for the remainder of the street.</p>

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

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 7.1.6 – Smith's Lake Precinct; and
- Policy No. 7.7.1 – Parking and Access.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The reuse of the existing building has a lower environmental impact compared to constructing a new building for this purpose.

SOCIAL
The development will act as a social meeting place providing a variety of food and beverage for the public in the immediate area.

ECONOMIC
The development will provide increased local employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The site previously accommodated a service station and Council supported the continued non-residential use of the site with the approval that was granted in 2013.

Whilst the intensity of the use increases with this proposal compared to the earlier approval, the impact from the increase in patrons is not expected to have a negative impact on the locality because:

- all activity is contained within the existing building footprint;
- measures are recommended to be imposed to address potential noise issues; and
- carparking provided complies with the minimum requirements.

The renovations of an existing building will also improve the streetscape and the proposal will add to the diversity of the area as an additional shop and more extensive dining facilities are provided.

CONCLUSION:

It is recommended that Council approves this proposal.

9.1.4 No. 54 (Lot: 63; D/P 6049) Milton Street, Mount Hawthorn – Proposed Demolition of Existing Single House and Construction of Seven Multiple Dwellings and associated Car Parking

Ward:	North	Date:	17 March 2016
Precinct:	Precinct 1 – Mount Hawthorn	File Ref:	PR50009; 5.2015.561.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Car Parking and Bicycle Tables 4 – Marked up plans showing proposed versus required setbacks 5 – Extract of Design Advisory Committee Minutes and Comments		
Tabled Items:	Nil		
Reporting Officer:	C Sullivan, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Megara on behalf of the owner GXY Aust-Asia Investment Pty Ltd, for the proposed demolition of the existing single house and construction of two storey multiple dwelling development comprising seven two-bedroom multiple dwellings and associated car parking at No. 54 (Lot: 63; D/P: 6049) Milton Street, Mount Hawthorn as shown on plans date stamped 4 March 2016 and 11 March 2016, included as Attachment 2, subject to the following conditions:

1. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 52 and 56 Milton Street in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City;

2. **Car Parking and Access**

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

3. **External Fixtures**

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

4. **Verge Trees**

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

5. **Retention of Existing Trees**

5.1 The mature tree located along the southern boundary within the front setback area shall be retained to become part of the proposed landscaping for the development and protected during construction; and

5.2 Protection of the trees during construction requires that the following shall not occur beneath the drip line of the trees to be protected and maintained:

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

6. **Car Parking Permits**

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

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

7.1 **Revised Plans**

7.1.1 **Vehicle Access Gate**

The vehicle and pedestrian access gates should be a minimum of 75% visually permeable; and

7.1.2 **Feature Wall**

The upper floor eastern elevation boundary wall is required to incorporate an architectural feature/articulation to the satisfaction of the City;

7.2 Acoustic Report

An Acoustic Report in accordance with the City's Policy No. 7.5.21 – Sound Attenuation;

7.3 Landscape and Reticulation Plan

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

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

7.3.2 Areas to be irrigated or reticulated; and

7.3.3 The removal of redundant crossovers;

7.5 Schedule of External Finishes

A detailed schedule of external finishes (including materials and colour schemes and details);

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

7.7 Waste Management

7.7.1 A Waste Management Plan prepared to the satisfaction of the City detailing a bin store area sufficient to accommodate the City's bin requirements; and

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

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

8.1 Clothes Drying Facility

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

8.2 Car Parking

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

8.3 Stormwater

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

8.4 Acoustic Report Certification

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

8.5 Landscape Plan

With reference to Conditions 6.3 and 6.4, all works shown in the plans approved with the Building Permit shall be undertaken in accordance with the approved plans and maintained thereafter to the satisfaction of the City at the applicant's expense; and

8.6 Bicycle Bays

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

ADVICE NOTES:

1. Any new street/front wall, fence and gate within the Milton Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;
 2. With reference to Condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
 3. With reference to Condition 2.6, all new crossovers to the development site are subject to a separate application to be approved by the City;
 4. A Road and Verge security bond for the sum of \$2,500 shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;
 5. With reference to Conditions 7.3, the City encourages landscaping methods and species selection which do not rely on reticulation;
 6. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If there is a request to erect scaffolding, site fencing etc. or if building materials are required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate;
-

7. **With reference to Condition 8.3, no further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings;**
8. **Any additional property numbering to the abovementioned address which results from this application will be allocated by the City of Vincent. The applicant is requested to liaise with the City in this regard during the building permit process;**
9. **A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site; and**
10. **With reference to Condition 7.1.2, some examples of how articulation can be achieved include the use of recesses, varying materials, finishes and/or colour.**

PURPOSE OF REPORT:

To consider a proposal for seven Multiple Dwellings.

BACKGROUND:

Nil.

DETAILS:

Landowner:	GXY Aust-Asia Investment Pty Ltd
Applicant:	Megara
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): R60 Draft Town Planning Scheme No. 2 (TPS2): R60
Existing Land Use:	Single House
Use Class:	Multiple Dwelling
Use Classification:	'P'
Lot Area:	756 square metres
Right of Way (ROW):	N/A
Heritage List:	No
Date of Application:	9 December 2015

The proposal is to demolish the existing single house and construct a two storey multiple dwelling development comprising seven two-bedroom multiple dwellings split across two separate buildings, with the car parking area located between the front and rear buildings.

The proposal has the appearance of a two storey dwelling when viewed from Milton Street, with vehicle access beneath the upper floor on the eastern side of the lot.

The mature tree within the front setback area is proposed to be retained, and the design has been modified to ensure this tree is able to be retained.

The proposal was revised on several occasions as follows:

Date	Comment
2 March 2016	Plans amended to address vehicle access/passing area.
4 March 2016	Plans amended to provide an additional visitor car parking bay.

ASSESSMENT:

Summary Assessment

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

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

Detailed Assessment

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

Density/Plot Ratio			
Location	Policy Requirement	Proposal	Variation
	Residential Design Codes, Part 6, Clause 6.1.1		
	0.7 = 529.2 square metres	0.75 = 567 square metres	37.8 square metres

The assessment against the relevant design principles is as follows:

Density/Plot Ratio	
Design Principles	
Residential Design Codes Clause 6.1.1	
P1	Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.
Summary of Applicant's Justification	
<ul style="list-style-type: none"> The design includes a very minor plot ratio variation of approximately 5.4 square metres per dwelling, and ensures liveable internal spaces for future residents. No additional density results from the minor plot ratio variation. 	

Density/Plot Ratio
Officer Technical Comment:
<p>The proposal seeks a total plot ratio increase of 0.05 or 37.8 square metres (exceeds the permitted plot ratio by 7.14%).</p> <p>The applicant's justification does not address the design principle of the Residential Design Codes for bulk and scale. The proposal meets the requirements for scale and bulk for this area as it aligns with the permitted height of two storeys.</p> <p>The built form is similar to other new developments in the locality. The design splits the development across two buildings separated by the car parking area in the middle of the site which assists to reduce the bulk when viewed from adjoining properties. The development also has no overshadowing or overlooking implications for adjoining properties.</p> <p>The plot ratio is considered to be acceptable.</p>

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

Street Setback			
Location	Policy Requirement	Proposal	Variation
	Policy No. 7.2.1 – Residential Design Elements		
Ground floor	Average of 5 properties on either side = 4.7 metres	4 metres	0.7 metres
Upper floor	2 metre behind each portion of the ground floor setback	Walls directly above ground floor	2 metres
Upper floor (balconies)	1 metre behind each portion of the ground floor setback	Balconies directly above ground floor	1 metre

The assessment against the relevant design principles is as follows:

Street Setback	
Design Principles	
Policy No. 7.2.1 – Residential Design Elements	
SPC 5	
(i)	<p>Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site.
(ii)	<p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>

Street Setback
Summary of Applicant's Justification
<ul style="list-style-type: none"> • The building has a small encroachment to the front setback on the ground floor (0.7 metres) to allow the eastern side to be setback behind the retained mature tree. • This mature tree has no specific statutory protection but has been retained to add to the landscaping, streetscape and greening of the site and Vincent generally. • The development complies with the design principle SPC 5 (i) to ensure the amenity of the neighbourhood is maintained and to allow for the provision of landscaping and space for additional (and existing) tree plantings to grow to maturity, or indeed maintain their existing maturity. • The streetscape has been designed with two balconies and a ground floor outdoor living area with three active habitable frontages providing passive surveillance and activation of the streetscape. • The development is appropriately located on the site having regard to the existing setback of both adjoining properties.
Officer Technical Comment:
<p>The proposal seeks a minor variation to the ground floor setback of 0.7 metres to the western portion of the front elevation. The remainder of the ground floor has a setback of 4.7 metres and complies.</p> <p>The front elevation on both the ground and upper floors are articulated in terms of materials and staggering of the apartment frontages, which aligns with the design principles for upper storey front setback variations as outlined in the Residential Design Elements.</p> <p>The proposed street setback allows for the provision of landscaping, does not restrict the solar access of this development or the adjoining properties, and facilitates the effective use of the site.</p> <p>The proposed retention of some significant existing vegetation on the site in the form of the mature tree in the front setback area softens the impact of a new built form in the street, assists to maintain the existing streetscape and retains the amenity of the adjoining properties.</p> <p>The setback is similar to newly completed developments along Milton Street and as this proposal meets the relevant design principles it is acceptable.</p>

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

Building Setbacks/Boundary Wall			
Location	Policy Requirement	Proposal	Variation
	<p>Residential Design Codes Clause 6.1.4</p> <p><u>Boundary Walls</u></p> <p>A Boundary Wall may be built to one side lot boundary with a maximum height of 3.5 metres, and an average height of 3 metres, and a maximum length of two-thirds of the length of the boundary.</p>	<p>Boundary walls proposed on both East and West Boundaries</p> <p>Maximum boundary wall height of 6.7 metres (Eastern Boundary)</p> <p>Average wall height of 6.7 metres (Eastern Boundary)</p>	<p>Two boundary walls in lieu of one</p> <p>3.2 metres in height</p> <p>3.7 metres in height</p>

Building Setbacks/Boundary Wall			
Location	Policy Requirement	Proposal	Variation
	<u>Lot Boundary Setback</u>		
	First Floor (Western Boundary) = 2.1 metres	1.125 metres 1.5 metres	- 0.6 metres - 0.975 metres
	First Floor (Eastern Boundary) = 2.1 metres	1.125 metres 1.5 metres	- 0.6 metres - 0.975 metres

The assessment against the relevant design principles is as follows:

Building Setbacks/Boundary Wall
Design Principles
Residential Design Codes Clause 6.1.4
<p>P4.1 Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; moderate the visual impact of building bulk on a neighbouring property; ensure access to daylight and direct sun for adjoining properties; and assist with the protection of privacy between adjoining properties.
Summary of Applicant's Justification
<ul style="list-style-type: none"> The elevations to both side boundaries include multiple planes and depths. The design is also articulated as two separate buildings which serves to reduce the perception of bulk which would appear far greater should the elevations be continuous and flat. The proposed development also meets the 'deemed to comply requirements' of Element 6.4.2 C2.1 ('Solar access for adjoining sites') of the R-Codes as it does not detrimentally impact access to light and ventilation for any existing dwellings on the adjoining properties. The proposed setback variations to the side boundaries will not have an adverse impact on the local streetscape in terms of its bulk and scale. The proposed development also meets the 'deemed to comply requirements' of Element 6.4.1 C1.1 ('Visual privacy') of the R-Codes.
Officer Technical Comment:
<p><u>Boundary Wall</u></p> <p>The proposal includes four portions of wall, three at ground floor and one at first floor level.</p> <p>The proposed development has three individual portions of boundary wall (max length of 8.8 metres) at ground floor level, which accumulatively do not exceed the two thirds the length of the boundary limit. The proposed boundary wall on the western elevation abuts the rear garden area of the dwelling at No. 56 Milton Street, and the proposed boundary wall on the eastern elevation abuts the driveway of the existing development at No. 52 Milton Street. The ground floor sections of boundary wall can be supported.</p> <p>The fourth section of boundary wall is on the eastern boundary on the upper floor. The lower section is open and supported by piers only. The total length of this section of wall is 12.69 metres, with a height of 6.7 metres. The proposed boundary wall is adjacent to the vehicle access leg of the existing development at No. 52 Milton Street and has no impact on the adjoining residences.</p> <p>The proposed upper floor boundary wall was incorporated into the design to ensure the mature tree at the front of the site was able to be retained.</p> <p>It is recommended that a feature is included into the upper floor eastern boundary wall.</p>

Building Setbacks/Boundary Wall
<p><u>Setbacks</u></p> <p>Minor variations (between 0.6 metres and 0.975 metres) to lot boundary setbacks are proposed on the upper floor to the east and west boundaries. The eastern boundary abuts the driveway of an existing multiple dwelling development at No. 52 Milton Street therefore the setback on this side would have no impact to the residents on this side. The western boundary abuts the rear garden area of the dwelling at No. 56 Milton Street. The orientation of the site means that the setbacks do not impact on overshadowing of adjoining lots. The two building design allows for a break in the overall building wall length (max 15 metre length per wall) which also reduces any potential negative impact.</p> <p>This proposed setbacks meet the relevant design principles and are acceptable, because the setbacks do not restrict day light, direct sun and ventilation for the proposed development or adjoining properties, or create any privacy issues for adjoining properties.</p>

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

Roof Form			
Location	Policy Requirement	Proposal	Variation
	<p>Policy No. 7.2.1 – Residential Design Elements</p> <p>Roof Pitch between 30-45 degrees</p>	Concealed Roof	30-45 degrees

The assessment against the relevant design principles is as follows:

Roof Form
<p>Design Principles</p> <p>Policy No. 7.2.1 – Residential Design Elements</p> <p>BDPC 3</p> <p>(i) The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
<p>Applicant’s Justification</p> <ul style="list-style-type: none"> • <i>“The variation to the roof pitch is minor. The pitch suits the modern style of the building and serves to reduce the overall height as opposed to additional height that a pitched style roof would provide.</i> • <i>The proposed roof form results in an overall lower height of the development, which in turn results in reduced level of overshadowing and bulk.</i> • <i>The existing streetscape has a mix of roof forms and styles therefore the proposed development is considered to complement the streetscape.”</i>
<p>Officer Technical Comment:</p> <p>The proposed roof form variation assists to keep the overall height and bulk of the proposed buildings lower than would be created with a higher pitched roof. The streetscape already has a mix of roof designs and the proposed concealed roof would not have a detrimental impact to the streetscape and does not result in undue overshadowing.</p> <p>This proposal meets the relevant design principles and is acceptable.</p>

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

Landscaping			
Location	Policy Requirement	Proposal	Variation
	<p>Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings Clause 4.2</p> <p>A minimum of 10% of total site area should be provided as soft landscaping within common property areas (75.6 square metres)</p>	<p>7.5% soft landscaping within common property areas (57 square metres)</p>	<p>2.5% shortfall of soft landscaping within common property areas (18.6 square metres)</p>

The assessment against the relevant design principles is as follows:

Landscaping	
Design Principles	
Policy No 7.4.8 – Development Guidelines for Multiple Dwellings	
<p>P2</p> <ul style="list-style-type: none"> Assists in contributing to the amenity of the locality Assists in providing a landscaped setting for the building Assists in the protection of mature trees Maintains a sense of open space between buildings Assists in increasing tree and vegetation coverage 	
Applicant's Justification	
<ul style="list-style-type: none"> <i>"The development complies with both R Codes Design Principles of clause 5.3.2 P2 ('Landscaping') to contribute to the streetscape and retain existing trees to maintain a sense of place by retaining the currently unprotected mature tree in the street setback area.</i> <i>By keeping the mature tree in the front setback we comply with the principles in City Policy No. 7.4.2 Clause 4.2 by assisting in the protection of mature trees and assisting in increasing tree and vegetation coverage."</i> 	
Officer Technical Comment:	
<p>The proposal seeks minor variations to the landscaping provision. Soft landscaping complies within private areas, but there is a minor shortfall within common property areas.</p> <p>The deemed to comply criteria can be varied where the City is satisfied that the design principles have been met. In this instance the City is satisfied that the design principles have been met as the retention of the mature tree in the front setback area assists in contributing to the amenity of the locality, providing a landscaped setting for the building and maintains a sense of open space between building. Retaining the mature tree within the front setback area has greater benefits for this area and adjoining properties than the provision of a complying area of soft landscaping on the property.</p> <p>This proposal is acceptable in this regard.</p>	

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	23 February 2016 – 8 March 2016
Comments Received:	Five objections were received, and one letter with concerns.

The plans differ from those advertised as two visitor bays are now proposed and there have been some minor adjustments to vehicle access, landscaping and bin store size/position.

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Car Parking</u></p> <p>Milton Street is already very busy every night with cars parking all the way along making it dangerous for residents to cross the road.</p> <p>Vehicles travel too fast along the street.</p>	<p>The development proposal has been amended since advertising to provide one additional visitor car parking bay, plus bicycle parking. The development now complies with the requirements for bicycle and car parking as set out in the Residential Design Codes.</p> <p>Vehicle speed is not a planning consideration.</p>
<p><u>Landscaping</u></p> <p>The adjacent development had to pull up their 'green' driveway and now have significantly reduced landscaping provision creating a concrete jungle appearance. Concern that the same thing will happen at this development.</p>	<p>The proposal seeks City's discretion to the landscaping provisions but retains the large tree within the street setback area. The City has discretion to consider a reduced landscaping area where it is satisfied that the applicant has retained mature landscaping onsite. In this instance the retention of the mature tree outweighs the benefit of requiring the developer to provide new landscaping at ground level.</p>
<p><u>Plot Ratio</u></p> <p>Proposed plot ratio is not consistent with neighbouring developments.</p>	<p>The proposed plot ratio does not result in a bulk and scale that exceeds the future desired built form of the area and it acceptable.</p>
<p><u>Boundary Setbacks</u></p> <p>Should be compliant.</p>	<p>The eastern boundary abuts the driveway of an existing multiple dwelling development at No. 52 Milton Street therefore the setback on this side has no impact on the residents of these properties. The western boundary abuts the rear garden area of No. 56 Milton Street.</p> <p>The orientation of the site means that the proposed setbacks do not create additional overshadowing to adjoining lots, and the two building design allows for a break in the overall building wall length (max 15 metre length per wall) which also reduces impact to the adjoining properties.</p>
<p><u>Unightly</u></p> <p>Occupiers of surrounding developments frequently have washing/unsightly items on balcony/courtyard area that are not obscured from the street.</p>	<p>Air conditioning units have been relocated off balconies and into areas less visible from the street.</p> <p>It is recommended that a condition is imposed that requires clothes drying facilities be provided for each unit.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Loss of Amenity</u></p> <p>Concern that rear facing balconies/courtyards will cause overlooking and noise issues to adjacent occupiers resulting in occupiers having to use air conditioning in lieu of natural ventilation.</p> <p>Request that a high brick wall is constructed to protect amenity of adjoining property.</p> <p>Concern regarding location of air conditioning units facing adjoining properties.</p>	<p>The proposed courtyards and balconies comply with visual privacy requirements.</p> <p>The noise levels are required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p>A 1.8 metre high fence/wall is proposed to be constructed along the side and rear lot boundaries which meets the requirements under the <i>Dividing Fences Act 1961</i>.</p> <p>Air conditioning units have been relocated away from adjoining property boundaries to the western side of the internal stair as shown on the plans in Attachment 2.</p>
<p><u>Maintenance</u></p> <p>Concern that proposed new trees will drop leaves/litter onto adjoining property. Request that strata company pays to maintain clear gutters etc. of adjoining properties.</p>	<p>The City does not have the ability to require strata companies to maintain or pay for maintenance of adjoining properties.</p>
<p><u>Health and Safety</u></p> <p>Concern regarding removal of asbestos onsite</p>	<p>Appropriate methods of asbestos removal is mandatory.</p>

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: Yes

The proposal was referred to DAC on 23 September 2015 and again on 20 January 2016. Refer to **Attachment 5** for the extract of Minutes from the meetings.

During the DAC process the proposal was redesigned to accommodate the retention of the mature tree, further articulate the elevations and provide increased setbacks from the rear boundary. As a result of these Administration's view as outlined in the DAC Minutes in relation to the aspects that the proposal would be seeking discretion for has changed.

The proposal does not require Design Excellence as it is two storey.

The DAC awarded Design Excellence at the meeting of 20 January 2016.

Plans have been amended after DAC considerations to resolve issues relating to visitor car parking but the changes have no impact on the design or built form.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 7.1.1 – Mount Hawthorn Precinct;
- Policy No. 7.2.1 – Residential Design Elements; and
- Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment:

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The design of the building allows for adequate light and ventilation to all affected properties and a mature tree is proposed to be retained.

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

The proposal seeks approval for seven two bedroom multiple dwellings. The area has already seen change from single dwellings to grouped dwelling and multiple dwelling developments over the last few years. The height and bulk of the proposal is comparable to existing developments in the area.

The majority of the objections relate to car parking provision and construction works. The plans have been amended since advertising to accommodate fully compliant car and bicycle parking. It is recommended that a condition is imposed to require a construction management plan to minimise disruption to adjoining residents.

The proposal has also been amended to incorporate DAC design recommendations and retains a mature tree to the front of the site which will assist to reduce overall impact to the streetscape, and allowing for variations to landscaping provision.

The double storey boundary wall adjacent to No. 52 Milton Street is open on ground floor level and it is recommended that a condition is imposed seeking design features to be incorporated into the upper floor portion of boundary wall. No objections relating to the double storey boundary wall were received.

The proposal is considered to be a good design, and an appropriate type and size of development for this site that is not expected to have a negative impact on the amenity of adjoining properties.

CONCLUSION:

It is recommended that Council approves this proposal.

9.1.5 Changes to the Heritage Assistance Fund Decision Making Framework

Ward:	Both	Date:	17 March 2016
Precinct:	All	File Ref:	SC196
Attachments:	1 – Proposed Policy No. 7.6.9 – Heritage Assistance Fund 2 – Delegated Authority Register 2013-2014 No. 6.18 Approval of Heritage Assistance Fund 3 – Current Heritage Assistance Fund Information Sheet		
Tabled Items:	Nil		
Reporting Officer:	H Au, Heritage Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council:

- ENDORSES new Council Policy No. 7.6.9 – Heritage Assistance Fund to guide Administration in allocating funds, as shown in Attachment 1;**
- DETERMINES that it is not necessary to carry out public consultation for new Policy No. 7.6.9 – Heritage Assistance Fund included as Attachment 1, as the proposed changes relate exclusively to the City’s administrative process for allocation of funds from the Heritage Assistance Fund and is consistent with the most recent advertisement of Round 1 for 2015/2016 for the Heritage Assistance Fund; and**
- REVOKES by an ABSOLUTE MAJORITY Delegated Authority No 6.18 – Approval of Heritage Grants, as shown in Attachment 2, as the adoption of Policy No 7.6.9 will allow the implementation of the Heritage Assistance Fund to occur on an “Acting Through” basis.**

PURPOSE OF REPORT:

To consider and endorse changes to the way Administration implements the Heritage Assistance Fund (HAF), including introducing a new policy, removing a Council delegation, and to approve the recommended recipients of heritage assistance funding for Round 1 2015/2016.

BACKGROUND:

The HAF was first endorsed by Council on 20 September 2005. It was introduced to add to the suite of other benefits made available to property owners whose homes are on the City’s Municipal Heritage Inventory (Heritage List).

At that meeting, Council also endorsed the following documents:

- An Information Sheet, detailing the selection criteria for how the fund will be administered and other procedural matters (current version refer **Attachment 3**);
- The Heritage Assistance Fund Application Form; and
- The Heritage Assistance Fund – Conditions of Funding.

Following the introduction of the HAF, Delegation 6.18 (shown in **Attachment 2**) applies which provides authorisation to the CEO to ‘*approve heritage grants as part of the City of Vincent Heritage Assistance Fund*’. A number of conditions and reporting requirements are set out in the Council endorsed ‘Information Sheet’.

Together these documents create the framework of how the funds have been administered since 2005.

History:

Date	Comment
26 April 2005	Council at its Ordinary Meeting resolved that a HAF is to be developed.
20 September 2005	Council at its Special Meeting endorsed various supporting documents to assist in the implementation of the HAF, including the HAF Information Sheet and HAF Conditions of Funding.
2006	The first round of the HAF commenced.
9 March 2006 – current	A total of 20 HAF grant rounds have been completed.

The Council endorsed Information Sheet has been amended over time by Administration without Council input. Although most changes were editorial in nature, there have been some changes beyond Delegation 6.18. The changes that have occurred over time, are summarised below:

Date	Action
2010	An information sheet dated 2010 outlines the selection criteria, consistent with Delegation 6.18 and includes a commitment of the City to fund up to 30% of the works to a cap of \$3,000 to eligible applicants, subject to funding availability.
2012	The endorsed Information Sheet was amended in April 2012 and: <ol style="list-style-type: none"> 1. increased funding up to 50% of the project works to a cap of \$5,000; and 2. required applications for reimbursement of funds to be made in writing. All other selection criteria were consistent with those contained in Delegation 6.18.
2013	Another amendment to the information sheet was made in July 2013. The only apparent change is to include an additional provision which gives the City the right to make the final decision in the case of any disputes.
2014	Changes were made to the way Administration ran the program because the practice was to commit money from the following year's budget. No changes were made to the information sheet.
Dec 2015	Editorial amendments were made to the Information Sheet and advertised for information. There were no changes to the selection criteria or percentages.

Previous Reports to Council:

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

DETAILS:

New Policy No. 7.6.9 – Heritage Assistance Fund

The details and requirements of Delegation 6.18 and the current information sheet that form the framework of the HAF have been consolidated into a new policy. This will establish a centralised and clear decision making instrument in the allocation of public funds as a grant to private residents.

In summary, the policy outlines the following:

- The key objectives of the policy;
- Funding categories, being;
 - Documentation (research on the property, heritage impact statements, conservation plans etc.);
 - Conservation works (capital improvements and/or maintenance);
- Eligibility;
 - Property owners whose place is on the Heritage List;
 - Lessees of City owned property which is on the Heritage List;
 - Those who do not have a rate debt with the City;
- Selection Criteria;
 - These are consistent with the current conditions and reporting requirements of Delegation 6.18;
- Fund details;
 - The frequency of funding rounds (2 recommended per year);
 - The allocation of funding per round, which depends on the approved budget for the HAF for that year;
 - The percentage of the total cost of the project which is capped, recommended to be 50% of the total cost of the project up to \$5,000;
 - The ability for administration to vary any of these requirements as required.

Round 1 Recipients 2015/2016

The HAF is generally administered in two rounds over the financial year. The City calls for expressions of interest and undertakes an assessment of each application against the selection criteria outlined in Delegated Authority No. 6.18 and the process identified in the Information Sheet.

For Round 1 of the 2015/2016 financial year, the City received eight applications for funding for a total amount of \$30,225.75. Each application was assessed and found to be eligible for funding, which will be allocated by Administration once the new policy is adopted.

CONSULTATION/ADVERTISING

The City's Policy No. 4.1.5 – Community Consultation would ordinarily require the new policy to be advertised before it was adopted by Council. It is not considered necessary in this instance as the requirements of the proposed policy have already been in effect for some time and are contained in Delegation 6.18.

This new policy is not a local planning policy and as such, Council is not bound by statutory advertising requirements.

Required by Legislation:	No	Required by City of Vincent Policy:	No
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LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1; and
- Policy No. 7.6.7 – Heritage Management – Municipal Heritage Inventory (MHI) Incentives and Development Bonuses.

RISK MANAGEMENT IMPLICATIONS:

It is Administration's view that there are minimal risks to Council should the officer's recommendation be supported.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The HAF promotes the ongoing retention and quality of the City's heritage listed buildings by providing funding to offset the cost of works associated with maintaining these buildings. The changes to the process of implementing the HAF do not have any sustainability implications.

FINANCIAL/BUDGET IMPLICATIONS:

The funds for the HAF are provided from the City's operational budget and subject to Council approval each financial year. \$60,000 has been allocated for the 2015/16 financial year. This is the first round for this financial year and \$30,225.75 is proposed to be allocated.

The proposed changes discussed in this report will not have any additional financial implications to the City.

COMMENTS:

The HAF is an important tool the City uses to incentivise property owners to agree to have their properties placed on the Heritage List. It has been a very popular initiative since its introduction in 2005.

Administration has been using a combination of the conditions and reporting requirements of Delegation 6.18 and a Council endorsed Information Sheet to guide decision making for the allocation of the fund.

A consolidation of these two documents into a single Council policy will streamline this process for future HAF rounds.

1. New Council Policy No. 7.6.9 – Heritage Assistance Fund

As the HAF allocates public funds to private properties, the adoption of a new policy will assist Administration to determine the future allocation of funds provided by the HAF program.

In its proposed form, the policy will:

- Centralise the requirements and head of power to administer the HAF;
- Provide a clear mandate to spend the public funds for this program;
- Align this process with other processes that guide Administration decision making; and
- Contribute to ensure transparency in the City's decision making.

On this basis Administration recommends that the policy be adopted.

2. Revoke Delegation 6.18 – Approval of Heritage Grants

Under Section 3.1 of the *Local Government Act 1995* the application of the HAF program becomes a 'general function' of the local government where it is supported by Council Policy. It can and should be administered through the relevant Director and/or Manager of the corresponding business unit in an "Acting Through" capacity.

Delegation 6.18 which provides the CEO the delegated authority to approve 'heritage grants' as part of the HAF subject to condition is unnecessary and can be revoked.

3. Recipients for Round 1 – 2015/2016

Administration has withheld approval of the applications for this round, pending Council's decision on the proposed policy, and the process will be completed administratively once Council has adopted the policy.

CONCLUSION:

It is requested that Council supports the officer's recommendation.

9.1.6 Review of Process for Outdoor Eating Areas and Display of Goods on Footpaths

Ward:	Both	Date:	23 March 2016
Precinct:	All	File Ref:	SC
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer(s):	G Poezyn, Director Development Services Len Kosova, Chief Executive Officer		
Responsible Officer:	G Poezyn Director Development Services		

OFFICER RECOMMENDATION:

That Council:

1. **REQUESTS the Chief Executive Officer to prepare an amendment to the City of Vincent's Trading in Public Places Local Law 2008 for Council's formal consideration and following public consultation on the 8-yearly review of local laws, in order to give effect to the following changes to the licencing of Outdoor Eating Areas and Display of Goods on Footpaths:**
 - 1.1 **To generally remove the need for the City's approval of outdoor eating areas and display areas, where those areas comply with existing Local Law and Policy standards and conditions for approval of such areas; and**
 - 1.2 **To specify any circumstances when the City's approval will still be required;**
2. **NOTES AND ENDORSES Administration's intent to develop an electronic self-assessment and self-certification tool to assist businesses in the City of Vincent to apply for and obtain licences for outdoor eating areas and outdoor display areas as an interim measure, pending the formal review and revision of the Trading in Public Places Local Law 2008; and**
3. **LISTS for consideration in the Draft 2016/17 Annual Budget a revision and reduction to the fee charged for outdoor eating areas and outdoor display areas, to reflect the self-assessment and self-certification approach referred to in 2 above.**

PURPOSE OF REPORT:

To consider an approach for removing the need for the City's approval of Outdoor Eating Areas and Display of Goods on Footpaths.

BACKGROUND:

At its Ordinary Meeting held on 8 December 2015, Council considered a Notice of Motion relating to this matter and resolved as follows:

"That Council REQUESTS the Chief Executive Officer to review the City's rules and requirements relating to outdoor eating areas, to investigate the possibility of removing the need for the City's approval of those areas, and report back to Council by May 2016"

The need for the City's approval of outdoor eating areas arises from the Trading in Public Places Local Law 2008, which also mandates the need for approval to display goods on footpaths, for stall holders and traders, and for street entertainers.

Additional guidance on the licencing of outdoor eating areas and display areas (including conditions and specifications) is provided by Policy No. 3.8.1 – Outdoor Eating Areas and Policy No. 3.9.10 – Display of Goods on a Footpath.

Although Council's resolution from December 2015 only required Administration to investigate the possibility of removing the need for the City's approval of outdoor eating areas, Administration expanded its review to also capture display of goods on footpaths, given that similar approval requirements apply and both uses are valuable for place activation.

A Council Member workshop was held on 15 March 2016 where this matter was discussed. At the workshop, it was clear that an appetite exists for removing and simplifying the current licencing requirements for Outdoor Eating Areas and Display of Goods on Footpaths. This can only be done by amending the Trading in Public Places Local Law. Council Members present at the workshop did not indicate any interest to reduce the licencing requirements for Stall Holders and Traders and Street Entertainers, as these were largely viewed as itinerant businesses and not directly contributing to the local business community and economy.

DETAILS:

Outdoor dining areas and display of goods on footpaths create diversity, visual interest and a variety of activity and experiences in the public realm, which all go towards enhancing the atmosphere and vibrancy of a place.

The City's existing regulatory framework provides a comprehensive and prescriptive range of requirements that need to be satisfied prior to or as a condition of approval for outdoor eating areas and the display of goods on footpaths.

Examples of Local Law requirements that need to be satisfied before a licence is issued include:

- health requirements (to ensure that the kitchen and toilet facilities are adequate for the proposed number of persons that will be served from the restaurant and the adjoining alfresco area);
- provisions to indemnify the City in case of damage or injury;
- provisions relating to the layout of the public space proposed to be used (total area, location of area in relation to the street and to ensure pedestrian movement, existing street furniture and items proposed to be placed in the space, including the specifications for awnings, blinds etc.); and
- Management of the area (operating times; requirements for cleanliness and to prevent congestion)

The purpose of these requirements are to protect businesses, customers, the City and members of the public (more broadly) and to ensure that use of the public realm for commercial purposes is equitable and safe.

In its current format, the process requires the City to assess, approve and control outdoor eating areas and the display of goods on footpaths.

The Trading in Public Places Local Law requires a business owner to apply for approval of an outdoor eating area or display area, and for an approval (if granted) to be issued in a form approved by the City. On these terms, it is possible to move towards a self-assessment and self-certification model of licencing, by including all of the existing standards and conditions as criteria that need to be checked, certified and complied with by each business intending to operate an outdoor eating area or display goods on a footpath. These requirements can be incorporated into an electronic self-assessment and self-certification tool that places the onus and obligation on business owners to accurately describe their proposed activity, thus enabling the City to take more of a monitoring and compliance role – in turn reducing the need to charge the existing fees for cost-recovery.

The current Local Law has been entirely constructed around the need for an application, assessment and approval of outdoor eating areas and display areas. This need for approval 'in all cases' can only be eliminated or converted to a need for approval 'by exception' if the Local Law is amended.

CONSULTATION/ADVERTISING:

No public consultation has been undertaken in preparing this report to Council.

Public consultation (minimum 6 weeks) will need to occur this year in respect of the review of the Trading in Public Places Local Law. If (either at that time or in response to submissions received) Council proposes to amend or revoke the Local Law, then it will need to embark on an additional public consultation process to specifically invite comment on the amendment(s) or revocation proposed.

LEGAL/POLICY:

The Trading in Public Places Law 2008 is due for its 8-yearly review this year, in accordance with Section 3.16 of the *Local Government Act 1995*. If Council decides to amend the Local Law after it has completed the review process stipulated under s. 3.16, then it must initiate the formal Local Law amendment process prescribed by s. 3.12 of the Act.

As previously stated, guidance on outdoor eating areas and display of goods on footpaths is also provided by Council's Policies No. 3.8.1 and No. 3.9.10.

RISK MANAGEMENT IMPLICATIONS:

Low/Medium: Whilst the proposed move towards self-assessment, self-certification and eventual removal of the need for City approval of outdoor eating areas and display areas is not without its risks, Administration's view is that:

- Those risks can be mitigated and managed through the self-certification obligations, simplification of the current regulatory framework and through proactive monitoring and enforcement by the City;
- The City is already exposed to these risks by being involved in the assessment and approval process by effectively warranting (through its approval) that everything is in order and acceptable; and
- The Local Law includes a right for the City to take action in respect of any identified risk or non-compliance, which right would not be fettered through either self-certification or removing the need for approval altogether.

STRATEGIC IMPLICATIONS:

This initiative will contribute to the following objective from the City's *Strategic Community Plan 2013-2023*:

"Economic Development

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

SUSTAINABILITY IMPLICATIONS:

Not applicable

FINANCIAL/BUDGET IMPLICATIONS:

Under the City's 2015/16 Budget, the following fees and charges apply to outdoor eating areas and display of goods on footpaths:

<u>Outdoor Eating Area:</u>	Initial Application - \$220
	Annual Licence Renewal - \$73
	Transfer of Annual Licence - \$73
	Charge/m2 - \$88
	Brass Delineation Plates - \$27/plate
	Amendment Fee (for changing 25% or less) - \$114
	Amendment Fee (for changing more than 25%) - \$218

Display of Goods on Footpath: \$78 (1 year licence) or \$130 (3 year licence)

These fees are in addition to the fees that apply for licencing and inspection of a food business under the *Food Act 2008*.

The City currently receives approximately \$130,000 p.a. in income from annual licence fees associated with outdoor eating areas and display of goods on footpaths. These fees both reflect and offset the cost of the City administering the current licencing framework. However, if this framework is adapted into a self-assessment and self-certification approach then the fees charged by the City could be dramatically reduced, to reflect the lesser resourcing requirements for the City to itself assess and issue approvals.

COMMENTS:

Administration supports amending the Trading in Public Places Local Law to generally remove the need for the City's approval for outdoor eating areas and display areas, where those areas comply with existing standards and conditions. However, such an amendment to the Local Law will likely take in excess of 12 months to progress and will ultimately need to be approved by the WA Parliament through its Joint Standing Committee on Delegated Legislation.

In the meantime, Administration is intending to develop an electronic self-assessment and self-certification tool to allow businesses to (themselves) assess, certify and obtain an approval under the Local Law for outdoor eating areas and display areas. This will involve some expenditure to develop, test and implement the tool, which would occur in the current financial year, to (ideally) prepare for implementing this new approach in the 2016/17 financial year. Implementing the tool would in turn then justify a reduction in fees charged by the City for licencing of these activities, recognising that the onus and obligation to assess and achieve compliance would move from the City to the business operator.

A streamlined approvals process, would empower businesses to adapt to changing rules and economic/customer conditions, and would create a more attractive statutory framework for doing business in and with the City of Vincent.

It is recommended that Council adopts the Officer Recommendation.

9.2 TECHNICAL SERVICES

9.2.1 Vincent Bike Network Plan – Bulwer Street Bike Lanes ‘Phase Two’ (Smith Street to Lord Street), Highgate

Ward:	South	Date:	17 March 2016
Precinct:	Precinct 12 – Hyde Park Precinct 14 – Forrest Precinct 13 – Beaufort	File Ref:	SC423
Attachments:	1 – Plan No’s 3193-CP-06, 07 and 08		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

That Council:

1. **APPROVES** the extension of the Bulwer Street On road bike lanes project, in 2015/16, from Smith Street to Lord Street, estimated to cost \$160,000 as shown on Plan No’s 3193-CP-06, 07 and 08 at Attachment 1; and
2. **APPROVES BY ABSOLUTE MAJORITY**, in accordance with Section 6.8 (1) of the Local Government Act 1995, the additional expenditure associated with the 2015/16 Bulwer Street Bike Lanes Project, to be funded from the Tamala Park Reserve.

PURPOSE OF REPORT:

To consider approving extending the existing Bulwer Street Bike Lanes project to Lord Street in 2015/16.

BACKGROUND:

Ordinary Meeting of Council held on 17 November 2015:

Council considered a report on the proposed Options for on road bike lanes on Bulwer Street, between Palmerston and Lord Streets where the following decision was made:

“That Council:

1. *APPROVES the implementation of the following sections of the Bulwer Street on road bike lanes project, in 2015/16, estimated to cost \$800,000;*
 - 2.1 *Palmerston Street to William Street, estimated to cost \$320,000, as shown on Plan No’s 3193-CP-01, 02 and 03 at Attachment 3;*
 - 2.2 *William Street to Beaufort Street, Option 2 (as shown on Plan No’s 3193-CP-03A, 04B and 05 at Attachment 4) at an estimated cost of \$300,000, subject to the deletion of the car bays on the north side of Bulwer Street between Grant Street and Beaufort Street; and*
 - 2.3 *Beaufort Street to Smith Street, estimated to cost \$180,000, as shown on Plan No’s 3193-CP-06 at Attachment 4;*
3. *LISTS \$160,000, for consideration in the 2016/17 draft budget to complete the section of on road bike lanes from Smith Street to Lord Street as shown on Plan No’s 3193-CP-07 and 08 at Attachment 5;*

4. *CONSULTS with residents of Baker Avenue regarding the proposal to construct time restricted paid 90 degree angle parking on the east side of the street, to be 3P at all times, with the first hour free, as shown on Plan No. 3262-CP-01 at Attachment 2;*
5. *RECEIVES a further report at the conclusion of the Baker Avenue consultation; and*
6. *ADVISES all respondents and stakeholders of its decision."*

DETAILS:

Bike Network Plan – Bulwer Street:

The City's Bike Network Plan clearly identifies the importance of the Bulwer Street east-west cycling route.

In 2014, Council made a decision to construct bike lanes on the Vincent to Palmerston Street section of Bulwer Street. This decision was supported by the Transport and Engineering firm AURECON, who developed the Bike Network Plan.

Extension to Lord Street:

Works on Phase 2 are currently progressing and as per Council's decision are proposed terminate at Smith Street this financial year, with the extension to Lord Street planned for 2016/17.

There was general consensus with this view amongst Council Members, however the project extension from Smith Street to Lord Street, estimated to cost \$160,000, was inadvertently omitted from inclusion in the budget review.

Administration Comments:

It would be prudent to implement the project now, as Engineering Operations are mobilised on site and geared up to continue with the project to Lord Street.

- This section connects with nib Stadium and leads to the East Perth Public Transport Centre and the Principal Shared Path (off Claisebrook).
- The bike lane would be protected by a median nib.
- On the north side, car parking bays would be installed on the carriageway side of the bike lane, giving riders additional protection (refer attached Plan No's 3193-CP- 06, 07 and 08 **Attachment 1**).

CONSULTATION/ADVERTISING:

Affected residents and businesses will be advised of the works via the distribution of Information Bulletins.

LEGAL/POLICY:

The initiative aligns with the City's *Strategic Plan 2013-23*, *Physical Activity Plan 2009-2013* and the *Sustainable Environment Strategy 2011-2016*.

STRATEGIC IMPLICATIONS:

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

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

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

(d) Promote alternative methods of transport."

In accordance with the City's Sustainable Environment Strategy 2013-2016, Objective 1 states:

"Contribute to cleaner air by encouraging the use of and promoting alternative modes of transport (other than car use)"

SUSTAINABILITY IMPLICATIONS:

An increased cycling participation rate by both residents and the wider community should lead to improved general health and wellbeing of the community, while reducing carbon emissions and the dependence on motorised transport.

RISK MANAGEMENT IMPLICATIONS:

Low. The design of the bike lane infrastructure has included input from Aurecon consultants; Bicycle Network; Bicycling WA; Bicycle Transportation Alliance; Department of Transport and Main Roads WA.

FINANCIAL/BUDGET IMPLICATIONS:

The 2015/16 Budget includes an amount of \$800,000 for the implementation of the Bulwer Street project. The following costs have been estimated based on costs to implement the bike lanes completed in 2014/15.

Bike Lanes

Section	Estimated cost	Comment	Status
Palmerston to William	\$320,000	Proposed embayed parking and non-protected bike lanes One advanced start box	Approved – In progress
William to Beaufort Option 2	\$300,000	Fully protected (except for nine embayed parking bays) with two advance start boxes. Balance of on road parking removed.	Approved – In progress
Beaufort to Stirling	\$100,000	Fully protected both sides, some on road parking north side only. One advance start box	Approved – Set out, not commenced
Stirling to Smith	\$80,000	Fully protected both sides, some on road parking north side only	Approved – Set out, not Commenced
Smith to Lord	\$160,000	Fully protected both sides, some on road parking north side only. <u>Additional funding required</u>	Not approved.
Total	\$960,000		

The extension of the project would require additional funding of \$160,000. The City has three Reserves established with a purpose that would align with the expenditure associated with the proposed extension of the Bulwer Street Bike lane, specifically:

Reserve	Purpose	Budget 30/06/2016
Capital Reserve	For future major capital works and projects.	\$98,918
Parking Funded Transport Initiative Reserve	For the provision of sustainable transport initiatives and modes and including, but not limited to, the provision and maintenance of footpaths, cycle ways and other cycling support facilities, bus shelters and other transit facilities.	\$0
Tamala Park Land Sales Reserve	For future significant/major capital works, infrastructure, project or debt reduction programme for the benefit of the City.	\$1,500,752

Given the forecast funding available in each of the above Reserves, the Tamala Parks Land Sales Reserve is the only Reserve with the current capacity to fund the project. Funding is also available in the Cash in Lieu of Parking Reserve, which has a projected balance of \$820,117 at 30 June 2016. This Reserve is funded from contributions levied as part of a Development Application, in accordance with the City's Parking and Access Policy No 7.7.1, which provides for the payment of cash in lieu of parking shortfalls. The Policy provides that the contribution is to be held in a Reserve Account for the purpose of providing and/or upgrading existing and proposed Transport Infrastructure as defined in the policy. Cycling infrastructure is within the definition of "Transport Infrastructure" under the policy.

Notwithstanding the above Policy provisions, the approved purpose of the Cash in Lieu of Parking Reserve is "*for the upgrade of existing car parking facilities or the establishment of new car parking facilities and associated infrastructure*". As the works associated with the proposed extension of the Bulwer Street Bike Lane would not be consistent with the approved purpose of the Cash in Lieu of Parking Reserve, should Council wish to use this Reserve to fund the works, then under section 6.11(2)(b) of the *Local Government Act 1995*, Council must by Absolute Majority give one month's local public notice of the proposed use of the funds from that Reserve.

COMMENTS:

Council has been progressively implementing the Vincent Bike Network Plan along Scarborough Beach Road, Oxford Street, Vincent Street and Bulwer Street.

CONCLUSION:

It is recommended that Council supports Administration's recommendation to complete the On road cycle paths for Smith Street to Lord Street.

As Engineering Operations are already on site this would represent a cost saving in mobilising staff and as such it would be prudent to progress with this phase now.

9.2.2 Proposed Additional Traffic Calming – Forrest Street and Hyde Street/Alma Road Intersection, Mount Lawley

Ward:	Both	Date:	17 March 2016
Precinct:	Precinct 10 - Norfolk	File Ref:	SC795, SC831, SC228
Attachments:	1 – Plan No 3266-CP-01 2 – Summary of Comments		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

- NOTES** the comments received regarding the implementation of traffic calming in Forrest Street and at the Hyde Street/Alma Road intersection, Mount Lawley, as shown in Attachment 2;
- APPROVES** the implementation of traffic calming in Forrest Street and at the Alma Road/Hyde Street intersection estimated to cost \$30,000 as shown on attached Plan No. 3266-CP-01 (Attachment 1); and
- ADVISES** all respondents of its decision.

PURPOSE OF REPORT:

To consider the outcome of the recent consultation regarding the proposed installation of traffic calming adjacent to the Hyde Street Reserve.

BACKGROUND:

Ordinary Meeting of Council 20 January 2015:

Following a meeting with residents in November 2014 Administration presented a report to Council. The matter was subsequently considered and the following decision was made (in part):

“That Council:

- LISTS FOR CONSIDERATION in the 2015/16 draft budget the following improvements requested by residents;*

<i>Residents Requests</i>	<i>Estimated Cost</i>
<i>Additional Traffic calming in Forrest Street</i>	<i>\$20,000</i>
<i>Traffic Calming in Hyde Street adjoining the Reserve</i>	<i>\$10,000</i>
<i>Provision of children crossing Signage on Forrest Street and Alma Road (to be actioned by MRWA)</i>	<i>N/A</i>
<i>Lighting of reserve</i>	<i>\$20,000</i>
<i>Replacing ‘asbestos’ fencing (50% contribution)</i>	<i>\$3,000</i>
<i>Planting of additional trees</i>	<i>\$1,000</i>
<i>Artwork on the wall</i>	<i>\$5,000</i>
<i>Additional swings</i>	<i>\$9,000</i>
TOTAL	<i>\$68,000”</i>

This report relates to the first two items in the above table.

DETAILS:

Administration investigated the request for additional traffic calming around the park and developed the attached Plan No 3266-CP-01 at **Attachment 1**.

The proposal includes the following:

- Two new speed humps in Forrest Street;
- A raised plateau at the intersection of Forrest Street and Hyde Street; and
- A raised plateau at the intersection of Hyde Street and Alma Road.

The above proposal would better regulate traffic speeds and improve safety for park users.

CONSULTATION/ADVERTISING:

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

Required by legislation	No	Required by City of Vincent Policy	Yes
Consultation period	5 February to 23 February 2016		
Comments Received	136 consultation packs were distributed. At the close of consultation 10 responses were received with six in favour, one against and three neither for nor against the proposal. (Refer Attachment 2).		

Administration Comments:

The six respondents in favour raised some minor issues which would not materially affect the proposal. The three respondents who were neither for nor against raised issues that were outside of the scope of the current proposal. (Refer **Attachment 2**).

LEGAL/POLICY:

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.

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

SUSTAINABILITY IMPLICATIONS:

To ensure the road infrastructure is maintained to an acceptable level of service, including road safety improvements, with funds allocated annually to various programs.

FINANCIAL/BUDGET IMPLICATIONS:

The 2015/16 Budget has an amount of \$30,000 allocated for traffic calming in Forrest and Hyde Streets, Mount Lawley, which has not been spent to date.

COMMENTS:

The Hyde Street Reserve is a small park located at the corner of Hyde and Forrest Streets in Mount Lawley. A number of improvements, as requested, were supported by Administration and were recommended for consideration in the 2015/16 draft budget and subsequently approved by Council. One of the improvements proposes traffic calming in Forrest and Hyde Streets.

CONCLUSION:

The proposed improvements will better regulate traffic and improve the amenity for users of the small park at the corner of Hyde and Forrest Streets and is supported by Administration.

9.2.3 Proposed 'On Road' Parking Improvements – Lake Street, Perth

Ward:	South	Date:	17 March 2016
Precinct:	Precinct 12 – Hyde Park	File Ref:	SC423
Attachments:	1 – Plan No 3316-CP-01		
Tabled Items:	Nil		
Reporting Officer:	A Brown, Engineering Technical Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

That Council:

- APPROVES BY ABSOLUTE MAJORITY**, in accordance with Section 6.8 (1) of the *Local Government Act 1995*, the implementation of the angle parking in Lake Street, Perth estimated to cost \$35,000 to be funded from the Cash in Lieu for Parking Reserve as shown on attached No 3316-CP-01 (Attachment 1); and
- ADVISES** adjoining businesses of its decision.

PURPOSE OF REPORT:

To consider implementing additional on road car parking bays in Lake Street, Perth due to the removal of several on road parking bays on Bulwer Street.

BACKGROUND:

Ordinary Meeting of Council held on 17 November 2015:

Council considered a report on the proposed options for on road bike lanes on Bulwer Street, between Palmerston and Lord Streets where the following decision was made (in part):

“That Council:

- APPROVES the implementation of the following sections of the Bulwer Street on road bike lanes project, in 2015/16, estimated to cost \$800,000;*
 - Palmerston Street to William Street, estimated to cost \$320,000, as shown on Plan No’s 3193-CP-01, 02 and 03 at Attachment;”*

DETAILS:

Parking Bulwer Street:

The proposed embayed parking outside No’s 215 to 229 on the south side of Bulwer Street, just east of Lake Street, required to be deleted and a short section of protected bike lane be installed for the following reasons:

- The existing awning structure outside No’s 215 to 229 Bulwer Street, which was previously a cantilever structure, now has numerous supports due to previous structural issues;
- It appears that the installation of the supports post-dated the road survey; and
- With the supports in place there was no scope to embay the parking.

Approval for the installation of the awning support was granted on 10 December 2010. The works were undertaken in 2011 and were been installed as per the approved plans dated 30 November 2010.

Parking Lake Street:

Investigations into alternative parking revealed that there was scope to accommodate seven, 90 degree angle parking bays on the western side of Lake Street near Bulwer Street (as shown on attached Plan No 3316-CP-01 at **Attachment 1**).

The construction of these parking bays would not result in net gain in parking for the area as there are currently three parallel parking bays at this location, however it would maintain the status quo of existing parking infrastructure for the patrons who may wish to attend any of the businesses in the area.

CONSULTATION/ADVERTISING:

As the proposal will have minimal impact on the adjoining businesses it is recommended that they be notified, rather than consulted, of Council's decision.

LEGAL/POLICY:

The initiative aligns with the City's *Strategic Plan 2013-23*, *Physical Activity Plan 2009-2013* and the *Sustainable Environment Strategy 2011-2016*.

STRATEGIC IMPLICATIONS:

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

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

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

(d) Promote alternative methods of transport."

SUSTAINABILITY IMPLICATIONS:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: This proposal will improve the level of service and the amenity of the area.

FINANCIAL/BUDGET IMPLICATIONS:

The estimated cost for implementing angle parking in Lake Street is \$30,000 and it is recommended that the project be funded from the Cash in Lieu for Parking Reserve.

COMMENTS:

During the community consultation for the bike lanes on Bulwer Street, several respondents expressed concerns at the proposed loss of parking in the area.

The unavoidable loss of an additional four parking bays in Bulwer Street can be resolved by implementing angle parking in the commercial zone in Lake Street.

It is further recommended that the existing time restriction remain and be extended to the proposed angle parking bays.

CONCLUSION:

Council support the construction of the angle parking in Lake Street, to be funded from the Cash in Lieu for Parking Reserve, and requires Administration to notify affected businesses.

9.2.4 Proposed Parking Restriction – Alma Road, Hutt Street and Raglan Road, Mount Lawley

Ward:	South	Date:	17 March 2016
Precinct:	Precinct 12 – Hyde Park	File Ref:	SC847, SC228
Attachments:	1 – Plan No. 3182-PP-01A 2 – Consultation Summary		
Tabled Items:	Nil		
Reporting Officer:	A Brown, Engineering Technical Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. NOTES:

- 1.1 residents were consulted at the conclusion of the six month trial of parking restrictions in Alma Road, Hutt Street and Raglan Road, Mount Lawley as shown on attached Plan No 3182-PP-01A (Attachment 1); and
- 1.2 the comments received regarding the implementation of parking restrictions in Alma Road, Hutt Street and Raglan Road, Mount Lawley, as shown in Attachment 2;
- 2. **APPROVES** the permanent introduction of 2P parking restrictions 8.00am to 5.30pm Monday to Friday and 8.00am to 12 Noon Saturday, in Alma Road, Hutt Street and Raglan Road, Mount Lawley; and
- 3. **ADVISES** the residents of Alma Road, Hutt Street and Raglan Road, and other respondents, of its decision.

PURPOSE OF REPORT:

To consider the parking restrictions in Alma Road, Hutt Street and Raglan Road, Mount Lawley.

BACKGROUND:

Ordinary Meeting of Council 7 April 2015:

The City received requests to review the existing parking in Alma Road, Hutt Street and Raglan Road, Mount Lawley due to increased congestion within the streets as a result of proposed development. Council approved the following (in part):

- “2. *APPROVES the implementation of a six months trial which includes a 2P restriction 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturday in Alma Road between William Street and Walcott Street and in Raglan Road between William Street and Hutt Street, excluding the existing No Stopping area on the south side of Alma Road between Hutt Street and Walcott Street, and in Hutt Street between Alma Road and Raglan Road, as shown on attached Plan No. 3182-PP-01A (Attachment 003);”*

DETAILS:

The following restrictions were implemented on a six months trial basis which commenced in late May 2015 and concluded in November 2015 however the restrictions are still in place pending Council's consideration of the matter.

Location	Road width	Restriction
Alma Road – William to Walcott	6 metres	North side – 2P 8:00am to 5:30pm Monday to Friday, 8:00am to Noon Saturday. South side – No Stopping William to Hutt (existing No Stopping, Hutt to Walcott).
Raglan Road – William to Hutt	7.4 metres	North and South side – 2P 8:00am to 5:30pm Monday to Friday, 8:00am to Noon Saturday. This currently exists Raglan Road, Hutt to Walcott.
Hutt Street – Raglan to Alma	6 metres	No Stopping both sides – this currently exists Hutt Street, Raglan to Grosvenor.

CONSULTATION/ADVERTISING:

The consultation was undertaken at the end of the trial period in accordance with the City's Community Consultation policy.

Required by legislation	No	Required by City of Vincent Policy	Yes
Consultation period	1 March to 17 March 2016		
Comments Received	156 consultation packs were distributed. At the close of consultation 13 responses were received with seven in favour, four against and two neither for nor against the proposal. (Refer Attachment 2).		

Administration Comments:

Residents were consulted regarding retaining the 2P parking restriction trial, 8:00am to 5:30pm Monday to Friday and 8:00am to 12noon Saturday.

With increased infill development there may be an ever increasing demand for parking, and restrictions will ensure there is a 'churn' ensuring that there is parking available for residents with valid parking permits.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

There would be no financial impact on the City for these restrictions to remain in place as all required signage is already installed.

COMMENTS:

The City consulted with residents at the conclusion of the six months trial restriction in Alma Road, Hutt Street and Raglan Road, Mount Lawley, and the majority of respondents were in favour of the restrictions remaining, very few comments or complaints were received during the trial.

CONCLUSION:

The parking restrictions trialled on the roads above have proved successful with very few comments received during the trial period. Therefore it is recommended that the parking restrictions should be made permanent.

9.2.5 Proposed Bike Boulevard Project – Progress Report 2

Ward:	Both	Date:	17 March 2016
Precinct:	Precinct 3 – Leederville Precinct 1 – Mt Hawthorn	File Ref:	SC1847, SC817
Attachments:	1 – Final Design – Plan No: 15P1042000-06 2 – Department of Transport Report 3 – Preliminary Plan		
Tabled Items:	Nil		
Reporting Officers:	F Sauzier, TravelSmart Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. NOTES:

1.1 that the Department of Transport has completed a detailed public consultation with residents regarding the proposal to implement a ‘Demonstration Bike Boulevard’ along Shakespeare Street, Mount Hawthorn, between Green Street and Scarborough Beach Road, as shown in Attachment 1; and

1.2. the results of the final voting undertaken between 15 February 2016 and 29 February 2016, with Shakespeare Street residents, as detailed in the Department of Transport Report (refer Attachment 2);

3. SUPPORTS the implementation of a ‘Demonstration Bike Boulevard’ along Shakespeare Street, Mount Hawthorn, between Green Street and Scarborough Beach Road, subject to the Department of Transport;

3.1 agreeing to fully fund the project implementation including the detailed design and documentation and all associated construction costs;

3.2 entering into a funding agreement with the City of Vincent for the delivery, by the City, of the Demonstration Bike Boulevard project once Administration has prepared a detailed estimate for the project implementation; and

3.3 advising all respondents of the project approval in collaboration with the City’s Chief Executive Officer; and

4. RECEIVES a further report once the actions in 3 above have been completed.

PURPOSE OF REPORT:

To consider the outcome of the recent consultation conducted by the Department of Transport (DoT) regarding the development of a Demonstration Bike Boulevard project along Shakespeare Street, Mount Hawthorn, between Green Street and Scarborough Beach Road.

BACKGROUND:

Ordinary Meeting of Council 27 October 2015:

Council considered a proposal from the DoT to develop a 'Demonstration Bike Boulevard' Shakespeare Street, Mount Hawthorn, between Green Street and Scarborough Beach Road, where the following decision (Item 9.2.3) was made:

"That Council:

1. *ADVISES the Department of Transport that in principle it has no objection to the Department's proposal to develop a 'Demonstration Bike Boulevard along Shakespeare Street, Mount Hawthorn, south of Green Street, as shown in Attachment 1, subject to the Department of Transport:*
 - 1.1 *UNDERTAKING all public consultation with residents in the affected, area, in accordance with the City's Consultation Policy, for a minimum period of four weeks and including conducting a Community Consultation Forum on the proposal;*
 - 1.2 *FULLY funding all works associated with the consultation, design and, if approved, implementation of the project; and*
 - 1.3 *PROVIDING a detailed report to the City at the conclusion of the consultation period outlining the comments received and recommendations thereon; and*
2. *ADVISES the Department of Transport that Council's in principle 'no objection' to the Department's demonstration Bike Boulevard project does not guarantee and should not be misconstrued as Council's approval for the Department to carry out any works along Shakespeare Street, because;*
 - 2.1 *Shakespeare Street is a local road under the care, control and management of the City of Vincent; and*
 - 2.2 *Council's decision on the Bike Boulevard Project will be guided by the outcomes of the community consultation exercise referred to in 1 above;*
3. *RECEIVES a further report on the Department of Transport's demonstration Bike Boulevard Project at the conclusion of the public consultation period referred to in 1.1 above.*

DETAILS:

Council Forum on 29 September 2015:

DoT made a presentation which outlined that Bike Boulevards have been used worldwide to provide safe, efficient and attractive urban 'on-road' cycling environments.

The presentation identified that Bike Boulevards:

- involve modifying the road environment to slow motorised traffic – prioritising bikes and pedestrians;
 - are low traffic neighbourhood streets that have been optimised for cycling-providing direct, attractive routes;
 - are quiet and healthier than busy, car filled streets;
 - are welcoming to children, families and novice cyclists; and
 - are extremely safe – low speeds result in less conflict and reduced crash severity.
-

Shakespeare Street, Mount Hawthorn:

This street was identified as a preferred candidate for a Bike Boulevard due to the application of some specific criteria as follows:

- Provides a north-south connection;
- Connects with and/or forms part of the existing Perth Bicycle Network;
- Is a residential or predominantly residential street;
- Already experiences low traffic volumes and traffic speeds; and
- The road geometry of the street (vertical and horizontal grade, sight-lines etc.) is conducive to creating a shared space environment

A draft concept design for the possible Vincent Bike Boulevard was progressively developed by DoT in conjunction with GTA Consultants (who plan, design and deliver transport infrastructure and are working with DoT on three other Bike Boulevard projects in WA), and the City’s officers.

The final concept presented to the community in the last round of consultation incorporated comments previously received from the community including extensive input for the City’s Technical Services Directorate (Refer **Attachment 1**).

CONSULTATION/ADVERTISING:

The Department of Transport (DoT) has undertaken two phases of consultation with the residents affected by the proposed Shakespeare Street Bike Boulevard. The Consultation strategy was developed in conjunction with the City’s officers.

Phase	Strategy/Program
Phase One	November 2015 – 14 February 2016
Phase Two	15 February 2016 – 29 February 2016
Post-consultation	City of Vincent Council decision

Table 1: Overview of Consultation Phases (refer **Attachment 2**)

The full report prepared by Department of Transport can be found at **Attachment 2**.

The consultation methodology was developed by the DoT in conjunction with the City of Vincent and referencing the City’s Policy No. 4.1.5 – Community Consultation.

It involved engaging directly impacted stakeholders (residents of Shakespeare Street) and other City of Vincent residents using various communication tools. Input from the community was received in two phases via a range of activities, including written submissions, email, surveys and drop in sessions.

The approach throughout consultation was to seek input from residents and understand their issues (Phase One); revise the design to address issues raised; and present revised concept for further discussion with residents (Phase Two). The possibility of further consultation on specific locations could be undertaken during the development of construction plans.

A significant element of the project is that DoT will be conducting a two year research initiative, which aims to measure the success of the project. This will be funded and managed by DoT.

Results:

Results of the consultation have been separated into Phase One and Phase Two to indicate both the shift in concerns and number of respondents.

Phase One (42 responses)

Agree Outright	Agree With Changes (In Principle)	Disagree	Not Stated
14 (33%)	15 (36%)	7 (16%)	6 (14%)
Support: <ul style="list-style-type: none"> • Safer/quieter street • Retention of trees (no removal for parking) • More landscaping • Leake Street plan • Safer for young children • Would like more detailed plans (parking, Scarborough Beach intersection) • Slow points in favour of on street parking. 	Suggestions: <ul style="list-style-type: none"> • Line of sight (coming out of driveways and verge parking) • Street and kerb parking availability • Intersection closures (incl Woodstock) • 3m wide one way treatment • Narrowing street to 3.5m • Location of crossovers/speed humps (no 85 and 103 said no) • Link to end points • Evaluation of success? • Lighting (stage 2) – increase traffic at night? 	Issues: <ul style="list-style-type: none"> • Woodstock intersection closure • Narrowing of street • No verge parking • Disagree in current format (1) • Street parking • Apartments (86 Hobart) – traffic/delayed access in and out of apartments • 30km hour zone inconsistent • Unused laneways • Streetscape won't support current use (skateboards, scooters, football, cricket) • North south – no linkages to major points in the area • Emergency vehicle access 	Concerns <ul style="list-style-type: none"> • Encroachment on verge • Street parking • Impact on restricted turns at Shakespeare and Woodstock, and property access • Street narrowing • Attract fast/aggressive cyclists • Waste collection trucks – more traffic • Impact on rates • Against more lighting

Phase Two (Scenario 1 – 92 responses) (Scenario 2 - 89 responses)

A total of 89 votes were received by the deadline on 29 February and an additional three just after. All votes have been included. Approximately 30 houses did not vote

Two scenarios are presented below, as it is important to note that one ratepayer with three properties voted three times and another with two properties voted twice.

Scenario 1 (One Vote Per Property)	
For	56 votes or 61%
Against	36 votes or 39%
Total	92 votes

Scenario 2 (One Vote Per Ratepayer)	
For	56 votes or 63%
Against	33 votes or 37%
Total	89 votes

Table indicating vote outcome per street block:

	Property Owner		Ratepayer	
	YES	NO	YES	NO
Green to Ellesmere	18	10	18	10
Ellesmere to Woodstock	9	11	9	11
Woodstock to Hobart	25	15	25	12
Hobart to Scarborough Beach Road	4	0	4	0
Subtotal	56	36	56	33
TOTAL VOTED	92		89	

Note: On 31 March 2016 DoT advised that two late submissions had been received with both *in favour* of the proposal. This has not been reflected in the above table nor in the DoT report; however, when taking the two submissions into account the following information is provided:

- the total number of *property owner* responses are 94 with 58 *in favour*, an increase from 61% to 63% (37% against); and
- the total number of *ratepayer* responses are 91 with 58 *in favour*, an increase from 63% to 65% (35% against).

Administration Comments:

The proposal has evolved over time taking into account comments from Administration and feedback from the community and the results of the most recent consultation indicate majority support for the proposed demonstration Bike Boulevard on Shakespeare Street.

Some further reviewing of slow point design and locations would be undertaken in discussion with affected residents to maximise benefits if the proposal is supported.

To progress the matter, the DoT would need to formally agree to fully fund the project implementation including the detailed design and documentation and all associated construction costs. Further they would need to enter into a funding agreement with the City of Vincent for the delivery, by the City, of the Demonstration Bike Boulevard project once Administration had prepared a detailed estimate for the project implementation.

The City's Technical Services will be preparing a detailed budget estimate and submitting this to DoT. The project has been tentatively programed for implementation in June 2016.

LEGAL/POLICY:

The initiative aligns with the City's *Strategic Plan 2013-23*, *Physical Activity Plan 2013-2017* and the *Sustainable Environment Strategy 2011-2016*.

Shakespeare Street is a local road under the care, control and management of the City.

RISK MANAGEMENT IMPLICATIONS:

Low: Mainly related to amenity improvements for residents and their visitors and it is expected to enhance the streetscape of the area and create a safer road environment for cyclists and pedestrians alike.

STRATEGIC IMPLICATIONS:

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

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

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

(d) Promote alternative methods of transport."

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

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

SUSTAINABILITY IMPLICATIONS:

An increased cycling participation rate by both residents and the wider community should lead to improved general health and wellbeing of the community, while reducing carbon emissions and the dependence on motorised transport.

FINANCIAL/BUDGET IMPLICATIONS:

The Department of Transport (DoT) will be fully funding the project, including the consultation, promotion, design and construction. A detailed cost estimate is yet to be prepared however a budget of between \$500,000 and \$700,000 has been discussed.

COMMENTS:

The proposal to create a demonstration Bike Boulevard in Shakespeare Street will showcase how a standard residential street can be converted to a much more people friendly environment. DoT has undertaken extensive consultation with the affected residents, which was a key aspect of the proposal, prior to any decision being made to proceed with the project.

Once construction is completed, DoT have committed to a two year public engagement process to monitor and develop usage of the Bike Boulevard.

CONCLUSION:

Department of Transport has completed extensive consultation with the local community on Shakespeare Street, with residents given the opportunity to vote on a final plan. The voting results indicate support for the proposal to proceed. The City's Technical Service have the capacity to deliver the project commencing this financial year.

9.2.6 Cadillac Bike Rack Relocation

Ward:	South	Date:	17 March 2016
Precinct:	Precinct 4 – Oxford Centre Precinct 12 – Hyde Park	File Ref:	SC1669
Attachments:	1 – Plan No 3318-PP-01 2 – Plan No 3317-PP-01		
Tabled Items:	Nil		
Reporting Officers:	F Sauzier, TravelSmart Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **SUPPORTS** the installation of the Cadillac Bike Rack to be located in a parking bay adjacent to The Moon – Late Night Café, at No. 2/323 William Street, Northbridge as shown on attached Plan No 3318-PP-01 (Attachment 1); and
2. **ADVISES** the business at No. 323 William Street, Northbridge, of its decision.

PURPOSE OF REPORT:

To consider installing the Cadillac Bike rack to outside The Moon – Late Night Café, in William Street, Northbridge.

BACKGROUND:

Ordinary Meeting of Council held on 7 April 2015:

Council was advised that the Cadillac Bike Rack outside No. 711 Newcastle Street was installed as a trial in 2013. While it was popular, and did win a number of cycling awards, it was seen to be underutilised in that location. Further, the adjoining businesses, not usually associated with the cycling fraternity, repeatedly requested for it be relocated in order to provide an additional paid ticket parking space in the immediate area.

A series of proposed parking changes were presented to Council where the following decision was made (in part):

“That the Council;

1. *APPROVES* the following parking changes in the Leederville Town Centre, as shown on Plan No. 3180-PP-01A (Attachment 001);
 - 1.4 *existing ‘Cadillac’ Bike Rack being relocated from outside No. 711 Newcastle Street to the Loading Zone adjacent the Oxford Street Reserve and the existing car space outside No. 711 Newcastle Street to revert to ticket parking, to match the adjacent restrictions;*
2. *ADVISES* all businesses within the Leederville Town Centre and those at No. 100 Oxford Street of its decision.

DETAILS:

While Administration previously recommended that the Cadillac Bike Rack be located in the vicinity of the Oxford Street Reserve this has now been reconsidered for the following reasons:

- The location is already well served by bike parking;
- There is a need to retain the loading zone at this location; and
- The principle behind the Cadillac Bike Rack is that it should be located on a road and indicate how one car bay can serve 10 possible visitors to a local area.

As a result, an investigation into alternative locations for the relocation of the Cadillac Bike Rack was undertaken by the City's Place Manager and TravelSmart Officer.



Figure 1. Cadillac Rack in previous location, Newcastle Street, Leederville.

Alternative Locations Considered:

Location	Justification
Luna Cinema, Oxford St, Leederville	Luna owner advised location would restrict disabled/elderly access.
Scarborough Beach Road, Mount Hawthorn	Recent bike rack program has satisfied current needs.
View Street, North Perth	There are extensive demands on street parking close to this shopping precinct.
Corner Beaufort and Barlee Street, Mount Lawley	Appropriate bike parking already exists in the area.
323 William Street, Northbridge	Preferred location – insufficient bike parking currently available. Owner of The Moon is in favour.

Administration Comments:

After considering a number of locations in the City's five town centres, the most appropriate location identified was outside No. 323 William Street, Northbridge. The area often has bicycles locked to parking poles in the vicinity, creating an impediment to foot traffic.

The owner of The Moon – Late Night Café has expressed an interest but recommended the rack be installed in the most northerly car bay as they use the car bay directly in front as an outdoor lounge as part of the 'Streetside' Festival and other events.



Figure 2. 323 William Street, Northbridge – arrow indicates proposed location of Cadillac Bike Rack.

CONSULTATION/ADVERTISING:

The City will advise all businesses within the Leederville Town Centre and those at No. 323 William Street, Northbridge of the decision.

LEGAL/POLICY:

The initiative aligns with the City's *Strategic Plan 2013-23*, *Physical Activity Plan 2009-2013* and the *Sustainable Environment Strategy 2011-2016*.

STRATEGIC IMPLICATIONS:

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

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

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

(d) Promote alternative methods of transport."

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

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

SUSTAINABILITY IMPLICATIONS:

An increased cycling participation rate by both residents and the wider community should lead to improved general health and wellbeing of the community, while reducing carbon emissions and the dependence on motorised transport.

RISK MANAGEMENT IMPLICATIONS:

Low: This proposal will improve the level of service and the amenity of the area.

FINANCIAL/BUDGET IMPLICATIONS:

As the Cadillac Bike Rack has not as yet been reinstalled at Oxford Street Reserve, there will be no variation to the City's costs.

COMMENTS:

The Cadillac Bike Rack is an iconic piece of cycling infrastructure. Locating it in a highly visible location promotes active transport in the City, as 10 bikes can be parked in the space normally allocated to one car.

CONCLUSION:

Relocating the Cadillac Bike Rack to outside No 323 William Street, Northbridge, will provide a high profile end of trip facility for people riding a bike to the Northbridge entertainment precinct. The location already frequently has bikes locked to parking poles creating an impediment to foot traffic in the area and will benefit from this on-road facility.

9.2.7 Daphne Street, North Perth – Street Verge Tree Removal and Replacement

Ward:	North	Date:	17 March 2016
Precinct:	Precinct 6 – Smith’s Lake	File Ref:	FY4-03
Attachments:	1 – Plan No 3314-RP-01 2 – Consultation Summary		
Tabled Items:	Nil		
Reporting Officer:	J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **AUTHORISES the Director Technical Services to remove selected Hills Weeping Fig trees in Daphne Street, North Perth, where in that Officer’s opinion the trees are:**
 - 1.1 **causing unacceptable damage to the City’s infrastructure and/or adjoining properties; or**
 - 1.2 **structurally unsound as determined by an appropriately qualified Arboricultural consultant;**
2. **NOTES that where an existing tree has been removed, a more suitable replacement species will be planted in the street, as determined by the Director Technical Services in liaison with adjacent property owners; and**
3. **ADVISES owner/occupiers in Daphne Street of the Council’s decision.**

PURPOSE OF REPORT:

To consider the results of the recent consultation and meeting with residents in Daphne Street, North Perth regarding the progressive removal of the existing Hills Weeping Fig trees.

BACKGROUND:

Ordinary Meeting of Council - 9 September 2003:

Council considered a report in relation to the Hill’s Weeping Fig (Ficus) street trees located within the City and subsequently approved the retention of the Hills Weeping Fig street trees in the following streets:

- Mary Street, Highgate;
- Daphne Street, North Perth; and
- Pier Street, East Perth.

Council approved the removal/replacement of the Hills Weeping Fig street trees the following streets:

- Ashby Street, Mount Hawthorn; and
- Burt Street, Eton Street and View Street, North Perth.

Ordinary Meeting of Council - 26 October 2004 (Item 10.2.7):

A further report was presented to Council where the previous decision was revoked/changed, resulting in the Hills Weeping Fig street trees in View Street, North Perth, which were initially approved for removal/replacement now approved for retention.

DETAILS:

History:

Hills Weeping Fig (Ficus) trees are large trees that grow to approximately 25 metres with a similar sized canopy spread. They have a very invasive and aggressive root system and are known to cause damage to surrounding infrastructure and are therefore best located in a park environment. The majority of local governments in Perth have removed this species of tree located as street trees.

Hills Weeping Figs in Daphne Street:

Location:

These trees are growing in a verge no wider than 2.5 metres and while in the past some form of root barrier was installed at specific locations, this was a short term solution and damage is now reoccurring in some instances.

Previous Removals:

Over the past 18 months several large Hills Weeping Fig trees were removed from the northern end of Daphne Street, North Perth, due to storm damage and/or significant damage to public utilities and private property. An arboricultural consultant was engaged on each occasion to assess the trees and recommended their removal based on the significant pruning required of tree roots and subsequent potential for the tree to survive and/or collapse.

Representation from Residents:

Following the removals, residents in Daphne Street contacted the City requesting that other trees within the street (western side not under power lines) be assessed as they too are allegedly causing considerable damage to adjoining properties. In addition, as there were now many gaps in the streetscape it was highlighted that there was an urgent requirement to replant trees in the street as soon as possible.

CONSULTATION/ADVERTISING:

The residents of Daphne Street, North Perth were consulted regarding the Street Tree Removal and Replacement. Refer comments in **Attachment 2**.

Daphne Street:

Consultation period	9 November 2015 – 20 November 2015
Comments Received	47 consultation packs were distributed. At the close of consultation 16 responses were received with 12 in favour, two against and two neither for nor against the proposal.

Administration staff distributed consultation packs requesting owner/occupiers to comment on the proposed removal and replacement of the existing Hills Weeping Fig trees with an alternative species. The pack also included photographs of four potential replacement tree species, (two native and two exotic species) to all residents in Daphne Street.

In addition to the above, a street meeting was held in March 2016 to discuss street tree selection and other issues.

The results of the consultation, and meeting with residents clearly indicate that most are in favour of removing the Hill's Weeping Figs and replacing them with an alternative more suitable species.

At the street meeting residents agreed that the trees on the western side of the street, not located under power lines, should be removed/replaced immediately and those on the eastern side of the street, that are managed under power lines, should remain intact at least in the short to medium term.

Administration Comments:

It is recommended that tree removals should be based on an individual request basis and include both sides of the street as required. The trees located under power lines having their canopy lopped annually, are no different in terms of their underground root development and likelihood for potential damage to property.

It was also clearly evident from the consultation and street meeting that residents want trees to be planted in the vacant verge areas as soon as possible (May/June 2016) as shown in **Attachment 1**.

Street Tree selection:

As noted above, four replacement tree options were provided at this time, however none of these were a clear favourite with 13 responses received as follows:

- Jacaranda (exotic/deciduous) – 4 responses
- Bradford Pear (exotic/deciduous) – 4 responses
- Weeping Peppermint (native/evergreen) – 2 responses
- Yellow Bloodwood – (native/evergreen) – 2 responses
- Other – 1 response

In terms of management and amenity value, it was relayed to owner/occupiers that a single tree species as a replacement would be more suitable, however whilst Daphne Street originally comprised an intact streetscape with the same tree, there are now various tree species planted both exotic and native.

Administration has received calls from a number of residents suggesting alternative species, from those initially listed, some of which were considered suitable and some which were not.

While owner/occupiers have not reached a clear conclusion, the majority of residents/respondents favour the Royal Poinciana, Chinese Elm or the Yellow Bloodwood Eucalypt.

All of the above species are well suited to this location and it is therefore recommended that planting be undertaken in the vacant verge locations in May/June 2016 with a suitable tree species as determined by adjacent residents in liaison with the City's Parks Services officers.

LEGAL/POLICY

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium/High: Ficus trees are known to have a very aggressive and invasive root system. Damage has already been identified within the street to both public and private infrastructure and this will only increase in time and severity as the trees continue to grow.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Whilst a native tree species is preferred, there are numerous exotic species that are also suited to hot and dry climates without the requirement for excessive water following their initial establishment.

FINANCIAL/BUDGET IMPLICATIONS:

All costs associated with the removal and replacement of new trees in Daphne Street North Perth will be sourced from the street tree budget.

The estimated cost for tree removals is \$1,500 – \$2,500 per tree (maximum) dependant on size, given that some Hills Weeping figs are located under power lines and have much less canopy to remove and mulch.

The estimated cost for planting 10 trees at \$700 each including tree, stakes including soil additives and planting costs is \$7,000.

COMMENTS:

Over 13 years ago, Daphne Street was one of the streets where Council previously decided that this tree species be retained; however, due to damage being caused by the tree's invasive root system, residents have requested that a number of trees in the street be considered for removal.

CONCLUSION:

The removal/replacement of street trees in Daphne Street, North Perth, and replacement with a suitable species is supported.

9.2.8 Nuisance or Dangerous Trees located on Private Property

Ward:	Both	Date:	17 March 2016
Precinct:	All	File Ref:	SC1682
Attachments:	Confidential – Confidential Legal Advice 2 – Trees Located on Private Property Procedure		
Tabled Items:	Nil		
Reporting Officer:	J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **NOTES** the legal advice received in relation to the investigation and consequences of introducing new powers for Council to become more involved in the management of nuisance and dangerous trees on private property (as contained in Confidential Appendix 1);
2. **DOES NOT PROCEED** with the creation of a policy and/or local law for the management of nuisance and dangerous trees on private property, for the following reasons;
 - 2.1 a policy can only serve as a guide and cannot expand on the existing power already available to the City;
 - 2.2 the Local Law would most probably be subject to disallowance by the Parliament as it is likely to consider, as a matter of public policy, whether it is appropriate for local governments to legislate in an area of law which is already subject to well-known common law principles;
 - 2.3 in the unlikely event that a Local Law was approved, even in an amended form, Administration would need to consider whether it had the resources to deal with its enforcement and how sufficient evidence to prove an offence had been committed would be gathered; and
 - 2.4 the creation of such a law would transfer the responsibility for solving a civil dispute between neighbours from the neighbours to the City; and
3. **AUTHORISES** the Mayor to write to the Minister for Local Government to request consideration for legislative reform to address issues with nuisance trees, as has occurred in some other states of Australia.

PURPOSE OF REPORT:

To provide an overview of the current process in dealing with dangerous trees located on private property and/or the implications of introducing a Local Law or policy to deal with trees located on private property considered to be a 'nuisance'.

BACKGROUND:

The City, and Council members, occasionally receive complaints from residents about the intrusive impact of non-endemic trees on neighbouring private properties by way of dropping limbs, invasive root systems, fire hazards caused by shedding bark, seed pods, leaf litter and the like accumulating in gutters, and damage to fencing or buildings.

At present, these concerns are a civil matter to be addressed between neighbours, with the City having little to no ability to encourage or enforce a particular outcome – whether that be tree pruning, tree removal, fire hazard reduction or the like.

Ordinary Meeting of Council 8 December 2015:

A Notice of Motion was presented by Cr. Topelberg in relation to nuisance or dangerous trees on private property where the following decision was made:

“That Council REQUESTS the Chief Executive Officer to provide a report to Council by April 2016 to consider introducing Local Law and/or Policy provisions relating to the management of nuisance or dangerous trees on private property”

DETAILS:

History/Current Process:

Administration receives numerous requests on a weekly basis in regard to private tree issues. The majority of queries relate to what owners can, and cannot, undertake with regard to ‘nuisance’ issues and/or pruning of a neighbour’s tree(s).

Legal Aid W.A. previously provided brochures that local governments could obtain and make available to residents outlining their rights, however now this information is only available via their website and provides a comprehensive guide on what problems may arise and how to get help to resolve these issues.

Where an agreement with a neighbour in regard to a tree issue cannot be reached, Legal Aid W.A. provide mediation services and also (subject to qualification) dispute resolution conferences in respect to property matters.

Where an owner alleges a neighbouring tree is dangerous, the City has limited powers that it can apply under Schedules 3.1 and 3.2 of the *Local Government Act 1995 (LG Act)*. The following process is then followed as per the procedure No. P002 at **Attachment 2**:

- The complainant is initially requested to approach the land owner/occupier of the property in which the offending tree is located and attempt to resolve the matter.
- If the approach specified above is unsuccessful, the complainant is required to obtain a report, at their own expense, from a qualified Arboriculturalist and submit that report together with a written report to the City’s Administration.
- Upon receiving the report, the City’s Manager Parks and Property Services must be satisfied that the Arboriculturalist’s report justifies and supports the complaint.
- If the above report determines the tree unsafe, the Manager Parks and Property Services submits a report to the Chief Executive Officer recommending the serving of an Order/Notice on the owner/occupier of the property in which the offending tree is located.

Officers will usually also assist owners by visually assessing and identifying the species of tree and advising the owner if in our opinion an Arboricultural report is worthwhile.

Legal Advice:

Legal advice was sought regarding the introduction of a Local Law and/or Policy provisions relating to the management of nuisance or dangerous trees on private property,

The advice was very comprehensive and a full copy of that advice is contained in the **Confidential Appendix**.

Policy Provisions:

The following advice was obtained regarding the creation of a policy to manage nuisance or dangerous trees:

“A policy cannot, of itself create for the City a power to deal with nuisance or dangerous trees. A policy can only serve to guide the exercise of existing power.”

At present the City does not have any statutory power with respect to nuisance trees on private property, so the adoption of a policy in that regard would be redundant.

The City does have statutory powers in regards to 'dangerous trees' and could adopt a policy to exercise those powers, but the policy cannot expand on that power. Therefore, the adoption of policy provisions for nuisance or dangerous trees has no benefit".

Local Laws:

In relation to the introduction of a Local Law to manage nuisance or dangerous trees the following summary is provided based on the legal advice.

- The City does have existing powers under Section 3.27(1) of the LG Act, whereby in performing its general function, it may do things prescribed in Schedule 2 even though the land is not local government property nor is there consent to do so.
- Under schedules 3.1 and 3.2 of the LG Act, the City has certain limited powers with respect to dangerous trees on private property, however it is not given any powers with respect to 'nuisance trees' other than where they 'obstruct a thoroughfare'.
- No information can be found that any local government in Western Australia has a Local Law to deal with nuisance or dangerous trees on private property.
- Other states such as Queensland, Victoria and NSW have specific State Acts which may address some 'nuisance' tree issues.
- The LG Act empowers Local Governments to create Local Laws which are consistent with a Local Government's functions; however, they are subject to disallowance by Parliament on the recommendations of the Joint Standing Committee on Delegated Legislation (JSCDL). The JSCDL reviews local laws and makes comments and recommendations on them and the Parliament usually follows the recommendation of the JSCDL.
- The JSCDL historically has placed considerable emphasis on whether Local Law provisions go beyond that which is authorised or contemplated by the LG Act.
- The LG Act provides limited powers in respect to dangerous trees and any Local Law going further is likely to be considered inconsistent with the Act.
- In respect to nuisance trees, it is likely from the existence of the LG Act provisions for dangerous trees, that Local Laws will not empower the City to serve notice to an owner in respect to a nuisance tree or empower the City to enter land and carry out the work to remove a nuisance.
- A limited Local Law may be possible which imposes obligations on an owner to cut and remove branches overhanging a neighbour's property or to ensure a tree does not interfere with a person's use or enjoyment of their land.
- Should a limited Local Law be introduced, the JSCDL is likely to consider, as a matter of public policy, whether it is appropriate for a local government to legislate in an area of law already subject to common law principles.
- The city would also need to consider whether it has the resources to deal with the enforcement of a new Local Law and how to gather evidence sufficient to prove an offence has been committed.

Further, the advice suggests *"that the City ought to be slow to create a new law which transfers the responsibility for solving a neighbour dispute from the neighbours to the City."*

Administration Comments:

As highlighted in the advice received, some other states have specific *State Acts* which may address some 'nuisance' tree issues. In addition the LG Act provides limited powers in respect to dangerous trees and any Local Law going further is likely to be considered inconsistent with the Act and subject to disallowance by the JSCDL.

Administration is concerned that if the City was to introduce even a limited Local Law in respect to nuisance trees, resourcing would be a significant issue.

As the advice suggests, the City ought to be slow to create a new law which transfers the responsibility for solving a neighbour dispute from the neighbours to the City.

Therefore while there is only one particular nuisance tree issue that Administration is aware of, at present, Administration has already received calls from residents, having seen the Council decision and waiting on a decision, prior to formally presenting the City with their particular case in regards to a neighbouring tree issue.

Based on the comprehensive advice received it is considered that there would be little point in progressing with the preparation of a Local Law due to the following:

- The Local Law would most probably be subject to disallowance by the JSCDL;
- In the unlikely event that a Local Law was approved, even in an amended form, Administration would need to consider whether it had the resources to deal with the enforcement and how it would gather evidence sufficient to prove an offence had been committed; and
- The creation of a new law would transfer the responsibility for solving a civil dispute between neighbours from the neighbours to the City.

CONSULTATION/ADVERTISING:

In the event that Council decides that a new policy or Local Law be drafted in respect to nuisance and dangerous trees on private property, it will need to be advertised in accordance with the City Policy No. 4.1.5 – Community Consultation or *Local Government Act 1995* Section 3.12.

LEGAL/POLICY

Currently, with respect to dangerous tree issues, the City has certain limited powers in accordance with Schedules 3.1 and 3.2 of the *Local Government Act 1995*.

RISK MANAGEMENT IMPLICATIONS:

Low: There is no significant risk to the city in view of the current processes involving both dangerous and nuisance trees located within private property.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Trees are a very important part of the local landscape and provide significant social, economic and environmental benefits. The city as part of our Greening Plan is intending to increase canopy cover across the municipality by planting trees and encouraging owner/occupiers to retain and plant additional trees in their own properties.

FINANCIAL/BUDGET IMPLICATIONS:

Currently there are no significant cost implications to the city other than Administration time in discussing and occasionally providing a service to residents by assessing and providing advice on a private tree(s).

Should the City introduce a Local Law and have to exercise its powers to the detriment of one party or the other, there may be significant financial implications in engaging legal professionals, if courts proceedings result.

COMMENTS:

Based on the advice received, it is evident that if the City was to even consider introducing a Local Law or limited Local Law it may be disallowed following a review by the JSCDL. As stated above, the committee is likely to consider, as a matter of public policy, whether it is appropriate for local governments to legislate in an area of law which is already subject to well-known common law principles.

CONCLUSION:

In view of the above it is recommended that the Council does not proceed with the introduction of a new policy or Local Law in regards to the management of private trees and that the status quo remains.

9.2.9 Tender No. 513/15 – Supply and Delivery of One 14m³ Rear Loader Refuse Truck for Parks Services

Ward:	Both	Date:	17 March 2016
Precinct:	All	File Ref:	SC2530
Attachments:	Confidential – Pricing Schedule		
Tabled Items:	Nil		
Reporting Officer:	J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council **ACCEPTS** Tender No 513/15 from Major Motors for the supply and delivery of one 14m³ rear loader refuse truck with a Superior Pak compactor unit, for the price of \$300,018 (excluding GST) as per the costing schedule in the tender submission and general conditions of tendering.

PURPOSE OF REPORT:

To obtain Council approval for awarding of Tender No. 513/15 – supply and delivery of one 14m³ rear loader refuse truck for parks services.

BACKGROUND:

The City’s rubbish truck compactors have a useful life of approximately seven years and the rubbish compactor used as part of Parks Services operations has been listed for replacement as part of the long-term major plant and equipment program for the 2015/16 financial year.

The Parks Services rubbish compactor is used predominantly to empty street litter bins and remove general parks rubbish throughout the city as required. A dedicated green waste run is also undertaken once per week where pruning’s and leaf litter is collected and taken to the green waste facility at the Brockway Transfer Station in Shenton Park.

DETAILS:

Tender 513/15 - Supply and Delivery of One 14m³ Rear Loader Refuse Truck for Parks Services was advertised on 5 December 2015.

Contract Type	Lump sum contract
Contract Term	Not applicable – The duration of the fabrication works for the compactor component will be approximately 4-5 months.
Commencement date	Not applicable – The fabrication works for the compactor component works will commence in March 2016.
Expiry Date	Not applicable – The fabrication works for the compactor component to be completed and the truck (complete) delivered by 31 July 2016.

Tenders Received:

The tenders received were from the following registered companies:

- Major Motors (4 options);
- Truck Centre (2 options);
- WA Hino (2 options/1 option submitted was nonconforming);
- Daimler Trucks (all nonconforming).

Tender Assessment:

The tenders were assessed by a Tender Evaluation Panel and each tender was assessed using the selection criteria below in accordance with the tender documentation.

CRITERIA	WEIGHTING
Mandatory product features	30%
Special facilities	25%
Price (tender)	20%
Operators ergonomics	10%
Life cycle costs	5%
Warranty	5%
Delivery	5%
	100%

Tender Evaluation Ranking:

Scores were allocated accordingly by the panel for each Schedule as noted above and the table exhibited in the **Confidential Attachment 1** indicates the prices submitted.

Selection Criteria	Weighting	Major Motors (Option 1) Papas Waste compactor	Major Motors (Option 2) Garwood compactor	Major Motors (Option 3) Superior Pak compactor	Major Motors (Option 4) Bucher Municipal compactor	Truck Centre (Option 1) Superior Pak compactor	Truck Centre (Option 2) Bucher Municipal compactor	WA Hino (Option 1) Bucher Municipal compactor	WA Hino (Option 2) Garwood compactor
Mandatory product features	30%	0.0	27.8	30.0	0.0	0.0	0.0	0.0	0.0
Special facilities	25%	25.0	24.4	25.0	15.6	25.0	20.0	21.9	5.0
Price (tender)	20%	20.0	18.6	18.4	17.4	19.9	18.8	17.4	18.6
Operators ergonomics	10%	10.0	10.0	10.0	10.0	7.8	8.8	8.8	8.8
Life cycle costs	5%	4.9	4.9	4.9	4.9	2.8	2.8	2.8	2.8
Warranty	5%	3.9	4.9	4.5	4.1	4.0	3.9	2.5	2.9
Delivery	5%	4.9	4.9	4.9	4.9	2.0	2.0	2.1	2.1
Total	100%	68.7	95.5	97.7	56.9	61.5	56.3	55.5	40.2
Ranking		3 rd	2 nd	1 st	5 th	4 th	6 th	7 th	8 th

Administration Comments:

The Isuzu truck being provided by Major Motors comply with the tender specification is available immediately, have performed in similar roles satisfactorily and provide good value for money. The Superior Pak compactor also fully complies with all parts of the tender specification and this combination in terms of operation and servicing provides the best value to the city.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY

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

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.

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$400,000 has been allocated in the 2015/16 budget for the replacement of the existing rubbish truck utilised by Parks Services.

The preferred tenderer has submitted a price of \$300,018 (excluding GST).

COMMENTS:

The City currently has a number of Isuzu trucks in its major plant fleet and all have performed extremely well in their respective operational roles over time. Discussions with staff at the City of Rockingham and City of Canning revealed that they are very pleased with both or their Isuzu trucks and Superior Pak compactors, both in operation and the availability of service when and if required.

CONCLUSION:

It is therefore requested that the officer's recommendation be adopted for Tender No. 513/15 from Major Motors for the Supply and Delivery of One 14m³ Rear Loader Refuse Truck with a Superior Pak compactor unit.

9.2.10 Terms of Reference for Pedestrian and Cycling Advisory Group

Ward:	-	Date:	23 March 2016
Precinct:	-	File Ref:	-
Attachments:	1 – Revised Terms of Reference		
Tabled Items:	Nil		
Reporting Officers:	F Sauzier, Travel Smart Officer R Lotznicker, Director Technical Services		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council

1. **ADOPTS** the Terms of Reference for the Pedestrian and Cycling Advisory Group as shown in Attachment 1; and
2. **AUTHORISES** the Chief Executive Officer to call for nominations for membership to the Pedestrian and Cycling Advisory Group.

PURPOSE OF REPORT:

To consider the revised Terms of Reference for the Pedestrian and Cycling Advisory Group, consistent with Council’s resolution from 22 September 2015.

BACKGROUND:

Council at its meeting on 22 September 2015 considered a report on the review of Advisory and Working Groups and Committees and resolved (amongst other things) to require a further report to be submitted to Council to consider:

5. b) *Draft Terms of Reference for the establishment and operation of a new Cycling Advisory Group and Reconciliation Action Plan Working Group, as outlined in Administration’s report.”*

DETAILS:

Changes have now been made to the respective Advisory Group Terms of Reference in accordance with Council’s decision from November 2015.

Administration has prepared draft Terms of Reference for the Cycling Advisory Group, as required by Council. In doing so, Administration is also proposing to name the group as the Pedestrian and Cycling Advisory Group, to reflect the potential of the group to contribute to creating safer streets and public places that are more conducive to cycling and walking.

The Draft Terms of Reference are included as **Attachment 1**.

The proposed aim of the Pedestrian and Cycling Advisory Group is to support and enhance safe and efficient walking and cycling in the City of Vincent and to improve the awareness of the rights of pedestrians and cyclists and encourage responsible riding.

The proposed objectives of the Advisory Group are to provide advice and make recommendations relating to:

- regular input into the review and development of the Vincent Bike Network Plan;
- review of the Physical Activity Strategic Plan 2009-2013;
- review and promotion of initiatives and infrastructure to enhance walking and cycling in the City of Vincent; and
- enhance the community’s knowledge and understanding of the City’s walking and cycling network.

CONSULTATION/ADVERTISING:

Not applicable

LEGAL/POLICY:

The City's various Advisory Groups and Working Groups can only make recommendations, which are reported to Council for information and/or consideration.

Membership of all Advisory Groups expires at each local government election. It is therefore opportune for Council to establish revised Terms of Reference for the five affected Advisory Groups referenced in this report, prior to calling for Expressions of Interest for community membership to those Groups (which will occur once Council has made a decision on the Terms of Reference) and ultimately appointing the members.

Importantly, Council's adoption of revised Terms of Reference for the affected Advisory Groups in no way prevents those Groups (once members have been appointed) putting forward recommendations to Council to make further changes to their Terms of Reference.

RISK MANAGEMENT IMPLICATIONS:

Low/Medium: Advisory and Working Groups play an advisory role, however do not have any legal status under the *Local Government Act 1995*. The operation of the Groups must be monitored to ensure compliance with the City's Policy No. 4.2.12 – Advisory Groups.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Community Plan 2013-2023 – "*Leadership, Governance and Management*", in particular, Objective 4.1.2 – "*Manage the Organisation in a responsible, efficient and accountable manner*".

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that Council adopts the draft Terms of Reference for the Pedestrian and Cycling Advisory Group and call for nominations for membership of that group.

9.3 CORPORATE SERVICES

9.3.1 Investment Report as at 29 February 2016

Ward:	Both	Date:	17 March 2016
Precinct:	All	File Ref:	SC1530
Attachments:	1 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	N Makwana, Accounting Officer B Wong, Accountant G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council **NOTES** the Investment Report for the month ended 29 February 2016 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 Policy No. 1.2.4 – Investment. Details are attached in **Attachment 1**.

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

DETAILS:

Total funds held for the period ended 29 February 2016 were \$31,529,914 as compared to \$21,501,417 at the end of 28 February 2015.

Total Investments for the period ended 29 February 2016 were \$29,221,565 as compared to \$29,229,172 at the end of January 2016. At 28 February 2015, \$19,361,000 was invested.

Investment comparison table:

	2014-2015	2015-2016
July	\$11,311,000	\$14,961,000
August	\$23,111,000	\$26,961,000
September	\$22,111,000	\$31,361,000
October	\$22,411,000	\$30,701,564
November	\$21,111,000	\$31,206,505
December	\$19,361,000	\$27,239,542
January	\$19,361,000	\$29,229,172
February	\$19,361,000	\$29,221,565

Total accrued interest earned on Investments as at 29 February 2016:

	Annual Budget	Budget Year to Date	Actual Year to Date	% of FY Budget
Municipal	\$320,000	\$213,336	\$334,766	104.61
Reserve	\$203,680	\$135,784	\$197,818	97.12

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

Long Term Rating (Standard & Poor's) or Equivalent	Short Term Rating (Standard & Poor's) or Equivalent	Direct Investments Maximum % with any one institution		Managed Funds Maximum % with any one institution		Maximum % of Total Portfolio	
		Policy	Actual	Policy	Actual	Policy	Actual
AAA Category	A1+	30%	Nil	45%	Nil	100%	Nil
AA Category	A1+	30%	29.3%	30%	Nil	90%	74.6%
A Category	A1	20%	17.7%	30%	Nil	80%	25.3%
BBB Category	A2	10%	Nil	n/a	Nil	20%	Nil

RISK MANAGEMENT IMPLICATIONS:

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

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

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

STRATEGIC IMPLICATIONS:

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

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

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

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

The funds invested have remained stable from the previous period after payments to creditors, staff etc. due to the funds available after dividend received from Tamala Park Regional Council during this month.

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

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

The City has obtained a weighted average interest rate for current investments of 2.76% which includes the City's operating account. When the investments are calculated excluding the operating account, the average investment rate achieved is 2.98% as compared to the Reserve Bank 90 days Accepted Bill rate of 2.28%. As of 29 February 2016, the City's actual investment earnings are exceeding the budget estimate by \$183,464 (53%).

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

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

9.3.2 Authorisation of Expenditure for the Period 1 February 2016 to 29 February 2016

Ward:	Both	Date:	17 March 2016
Precinct:	All	File Ref:	SC347
Attachments:	1 – Creditors Report – Payments by EFT 2 – Creditors Report – Payments by Cheque 3 – Credit Card Transactions		
Tabled Items:	-		
Reporting Officers:	R Tang, Accounts Payable Officer; G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council RECEIVES the list of accounts paid under Delegated Authority for the period 01 February 2016 to 29 February 2016 as detailed in Attachment 1, 2 and 3 as summarised below:

Cheque numbers 79460 - 79551	\$228,021.06
Cancelled Cheques	- \$6,000.00
EFT Documents 1900 - 1910	\$2,018,509.10
Payroll	\$1,039,330.16

Direct Debits

- **Lease Fees** \$8,075.12
- **Loan Repayment** \$145,730.25
- **Bank Fees and Charges** \$8,866.59
- **Credit Cards** \$11,421.64

Total Direct Debit	\$174,093.60
Total Accounts Paid	\$3,453,953.92

PURPOSE OF REPORT:

To present to Council the expenditure and list of accounts paid for the period 1 February 2016 to 29 February 2016.

BACKGROUND:

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

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

DETAILS:

The Schedule of Accounts paid, covers the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account (Attachment 1 and 2)		
Automatic Cheques	79460 - 79551	\$228,021.06
Cancelled Cheques	79472; 79499	-6,000.00
EFT Payments	1900 - 1910	\$2,018,509.10
Sub Total		\$2,240,530.16
Transfer of Payroll by EFT	02/02/16	\$2,964.59
	09/02/16	\$520,389.68
	25/01/16	\$515,975.89
	February 2016	\$1,039,330.16
Corporate Credit Cards (Attachment 3)		\$11,421.64
Bank Charges and Other Direct Debits		
Lease Fees		\$8,075.12
Loan Repayment		\$145,730.25
Bank Charges – CBA		\$8,866.59
Total Bank Charges and Other Direct Debits (Sub Total)		\$162,671.96
Less GST effect on Advance Account		0.00
Total Payments		\$3,453,953.92

LEGAL/POLICY:

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

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

- (1) *A payment may only be made from the municipal fund or the trust fund –*
 - *if the local government has delegated to the CEO the exercise of its power to make payments from those funds – by the CEO; or*
 - *otherwise, if the payment is authorised in advance by a resolution of the council.*

- (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.”*

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

“13. Lists of Accounts

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared –

- the payee’s name;*
- the amount of the payment;*
- the date of the payment; and*
- sufficient information to identify the transaction.*

(3) A list prepared under sub regulation (1) is to be –

- presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- recorded in the minutes of that meeting.*

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

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

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

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

SUSTAINABILITY IMPLICATIONS:

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

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENT:

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

9.3.3 Proposal to Operate a Before School Program at North Perth Town Hall – North Perth Out of School Care Inc.

Ward:	North	Date:	17 March 2016
Precinct:	North Perth Centre	File Ref:	SC497
Attachments:	1 – Letter from North Perth Out of School Care Inc. dated 14 December 2015		
Tabled Items:	Nil		
Reporting Officer:	M Bancroft, Property Leasing Officer		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

1. That Council **APPROVE** a proposal from North Perth Out of School Care Inc to enter into a licence with the City to use a portion of the North Perth Town Hall (main hall) for a before school care program, on the following key terms:
 - 1.1 **Expiry:** 30 November 2018 (to coincide with existing licence);
 - 1.2 **Permitted Use:** Child care facility;
 - 1.3 **Licence Fee:** \$3,600 per year (plus GST) indexed by CPI;
 - 1.4 **Statutory Compliance:** Lessor responsibility;
 - 1.5 **Outgoings:** to be paid by the Lessor;
 - 1.6 **Cleaning:** Lessee to keep clean and remove all items after each period of use;
 - 1.7 **Repair of damage:** Lessee to be responsible for cost;
 - 1.8 **Payment of Bond:** Lessee to pay a bond of \$5,000 to the City to cover cost of any cleaning and repair of damage required to be undertaken by the City.

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

PURPOSE OF REPORT:

To consider a request submitted by North Perth Out of School Care Inc (**NPOOSC**) for the use of the North Perth Town Hall (**Hall**) for a before school program.

BACKGROUND:

The Property

The Hall is located at 20-26 View Street, North Perth, being the land comprising Lot 2146 on Plan 1874, Swan Location 2146 in Certificate of Title Volume 2030 Folio 204, which is held in freehold by the City of Vincent.

The Hall is listed on the State Heritage Register and is classified under the City's Municipal Heritage Inventory (**Inventory**) as a Management Category A – Conservation Essential. The Hall was built in 1910 in the Federation Free Classical style and is an important element in the North Perth civic group. The Inventory includes the following information:

“The North Perth Town Hall (Main Hall) is a single storey façade set in front of a functionalist hall. The principal façade is basically in stucco with a stepped parapet which carries the building's name, set above a rather Beaux Arts composition, with central arched fanlit doorway, with frieze over, and symmetrical double hung windows and fanlights. Each of the façade openings is set between pilasters of red face brickwork. Side and rear facades are painted brickwork with regular pilasters and an orderly array of window and door openings.”

The North Perth Road Board District was gazetted in March 1899 and North Perth was declared a municipality in 1901. The following year, a town hall and council chambers were built on View Street. The building was designed by H. J. Prockter as one part of a larger Town Hall complex. His plan envisaged two smaller and one large central hall, interconnected to form one large structure. The hall that was built at this time was one of the smaller, or lesser, halls. It was built by Robert A. Gamble, who was elected Mayor of North Perth in 1909. In 1910, a larger hall, known as the Main Hall, was built on the adjoining site, in approximately the position envisaged by Prockter for the central, and largest, of the three halls in his design. This hall was not built in the same design as the first. In 1933, the Main Hall was enlarged with an addition to the front to bring the building line to the same level as the Lesser Hall, a new facade, lobby and side vestibules. In 1914, the Municipality of North Perth amalgamated with the City of Perth to form the Greater Perth Council and North Perth no longer had its own Mayor and town council. The halls were then used as district halls, providing overflow classrooms for the North Perth school, and a venue for a number of lodges and friendly societies, as well as for an infant health centre until a separate building for the centre was added on the eastern side of the Lesser Hall. This health centre was the first of its kind in the Town of Vincent area."

The Licensee

NPOOSC is a not-for-profit community organisation providing out of school care for children in the North Perth and Highgate areas. NPOOSC's vision is to enrich children's lives through a culturally diverse, sporting, artistic and educational program. The fees are \$21 per day for after school care and \$55 per day for holiday care.

NPOOSC has used a portion of the Hall for after school care pursuant to a licence since 1 December 2013 (**Licence**). The Licence is dated 21 November 2013. The Licence will expire on 30 November 2018 and there is no option to renew. The current hours of use pursuant to the Licence are 2pm to 6.30pm during the school term and 7am to 6.30pm during the school holidays.

The Licence provides that NPOOSC must keep the Hall clean and repair any damages or breakages it causes. The Hall is used by several other community groups and is hired out to the public for weddings and other functions. Therefore it is essential that the Hall is kept clean and in good repair. It has been noted by the City and also other groups hiring the Hall that it is often left dirty, there are chips and grubby marks on the walls and the polished wooden floorboards are scratched. The NPOOSC have been advised that they must clean the Hall after every use, but to date this does not appear to occur.

On average fifty children attend the NPOOSC every day. The NPOOSC conducts a number of activities, including excursions, incursions and healthy food is provided. The program is regulated by the Education and Care Regulatory Unit (ECRU) and is regularly assessed to ensure compliance with the National Quality Framework.

DETAILS:

The NPOOSC wrote to the City on 14 December 2015 requesting the City to grant a further licence to the NPOOSC for the use of the Hall between 7am and 8.45am each morning during the school term to provide before school care. A copy of this letter is attached to this Report as **Attachment 1**. The program would be limited to children attending North Perth Primary School so that they could be escorted directly to their school classrooms each morning. It is estimated that 70 children would attend the program each week.

The program would include a light breakfast and a range of quiet activities including board games, Lego, reading and colouring in / drawing. The children would be signed out and escorted to school at the end of the program each morning.

While NPOOSC has proposed that the hours of use would be 7am – 8.45am each morning, in order to include adequate time for the cleaning and tidying of the Hall each morning, to ensure it is left in a suitable condition for other users, the actual hours of the booking would potentially be 7am – 10am.

CONSULTATION/ADVERTISING:

Administration has contacted the NPOOSC to discuss the key terms proposed to be included in a licence. NPOOSC advised that:

- It agreed to paying a bond (amount to be determined by Council);
- It proposed that the licence fee would be less than the current licence fee (\$6,351.80 per year) as the use was less;
- The use would only be from 7am – 9am, to allow adequate time for cleaning (Administration proposes that more time for cleaning is required, as cleaning of the kitchen, toilets and mopping floors will be required daily).

As NPOOSC has educational objectives and the members would not receive any pecuniary profit from the proposed licence, the licence would meet the requirements of an exempt disposition, in accordance with Section 3.58(5) of the *Local Government Act 1995*. Therefore there would be no requirement for the City to advertise an intention to enter into a further licence with NPOOSC.

LEGAL/POLICY:

A licence provides the licensee with a contractual right to use property at the times and on the terms specified in the licence. It is different to a lease as it does not create any estate or interest in the property (it is not a proprietary right). However, given the formalities of a licence and the extensive right to use the property it can provide, it appears that a licence would fall within the scope of 'dispose' as defined in the *Local Government Act 1995*.

Local Government Act 1995 section 3.58(a) defines dispose as "...to sell, lease, or otherwise dispose of, whether absolutely or not"

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

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

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

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

RISK MANAGEMENT IMPLICATIONS:

High: There is a risk associated with increasing the use of the Hall by NPOOSC due to the nature of the use and potential reduction in availability for other potential, more suitable, users.

STRATEGIC IMPLICATIONS:

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

"2.1.3 Develop business strategies that reduce reliance on rates revenue

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The City receives a licence fee of \$6,351.80 per year for the current use of the Hall by NPOOSC. NPOOSC uses the Hall for 22.5 hours per week during the school term and for 57.5 hours per week during the school holidays. Based on the current licence fee this equates to approximately \$4.00 per hour (which is \$18.00 per booking during school term). This is considerably less than the hire fee of \$37.00 per hour for not-for-profit organisations, as set out in the City's Schedule of Fees and Charges.

If the licence fee was based on the fee set out in the City's Schedule of Fees and Charges, the use of the Hall between 7am and 10.00am each week day would equate to an annual licence fee of \$22,200. As noted in the consultation section of this report, NPOOSC anticipates a fee reflective of the hours proposed and current licence fee.

The City's income from the hire of the Hall to date for the 2015-16 financial year is \$78,423.

If NPOOSC is to hire the Hall for this additional period the potential for the Hall to be hired out to other users, at a higher rate, could be reduced. The current licence fee, which equates to \$18.00 per booking, appears to be relatively low compared to the scheduled hire fee. It is proposed that this \$18 per booking fee be used to calculate the hire fee for the before school care program, being \$3,600 annually.

COMMENTS:

Administration notes that there are several risks with the NPOOSC's proposed use of the Hall for a before school program:

1. Restriction of Use of Hall by other Organisations

While it is recognised that the use of the Hall provides a very convenient location for NPOOSC, particularly in respect to its proximity to the North Perth Primary School, it does appear that the existence of a permanent booking could have an adverse impact on the overall use of the Hall by other, potentially more suitable, users.

The Hall currently has the following regular bookings, with the groups paying the scheduled hire fee:

Monday		
Tuesday	Swing It - 6.30pm – 9pm	
Wednesday	Karate – 6.30pm – 7.30pm	Square Dance Society – 7.30pm – 9pm
Thursday	Dance Class – 6.30-8.30pm	
Friday		
Saturday	Swing It 6.30pm – midnight	
Sunday	Living Faith 9.30am – 12 midday	

The Hall was also hired on 17 January 2016 for an art exhibition and on 5 – 6 March 2016 for a wedding.

The City receives numerous requests for the hire of the Hall for weddings, exhibitions and other functions, however, the use by NPOOSC often clashes with the prospective hirers proposed time of use. Furthermore, potential hirers who have inspected the Hall have complained of the damage and lack of cleanliness of the Hall, which appears to have been a major contributor to them not hiring the Hall.

While the Hall does not have any permanent bookings between 7am and 10am during the school term (which is NPOOSC's proposed time of use), this is the time when a number of inspections by potential hirers of the Hall occur.

It is noted that the current level of use of the Hall may reflect that the City does not actively promote the facility for hire. While it is considered very suitable for all day activities, such as training courses, functions, exhibitions and the set up for weddings, the NPOOSC's use of the Hall between 2pm and 6.30pm on weekdays prevents these activities from occurring.

Therefore, while the proposed use of the Hall by NPOOSC does not directly clash with the current use of the Hall, it is likely to have a flow on effect of reducing its overall use.

2. Damage to Hall by NPOOSC

The Hall's current use as a childcare facility by NPOOSC appears somewhat incompatible with the age and nature of the Hall and its heritage status. It has been noted by Administration that children use skateboards, tricycles and scooters inside the Hall, which is likely to be the main cause of the scratches on the polished timber floorboards and paint chips on the walls. Pursuant to clause 5.1 of the existing Licence NPOOSC must repair damage to the Hall due to its misuse, want of care or abuse. Administration is proposing to implement increased inspections to ensure damage is identified early and the appropriate hirer or licensee held responsible.

3. Demand for Before School Care in the area

NPOOSC has stated that 25 families have expressed an interest in attending the proposed before school care program and therefore the program would cater for approximately 70 bookings per week. While this indicates that there is a demand for before school care in the area, Mulberry Tree Child Care is located in close proximity and offers a before school program. Both the NPOOSC and Mulberry Child Care are recommended on the North Perth Primary School website.

Mulberry Tree Child Care is located at 174 Grosvenor Road, North Perth and is open from 7am to 6pm, offering long day care and before / after school hours care. It is a privately owned Western Australian company which has been operating since 1995. It organises drop offs to North Perth Primary School as well as other primary schools in the area.

There are also three other privately operating child care facilities in the North Perth Area. Kidz Galore Kyilla and Leederville Early Childhood Centre both operate from City of Vincent buildings which were purpose built as a child care facility.

SUMMARY

Administration notes that the Hall is potentially not the most appropriate venue for the NPOOSC's proposal, due to the Hall's heritage status, suitability for weddings and exhibitions and need for preservation, care and ongoing maintenance. Despite this, Administration recognises that the use has previously been supported through the granting of the current licence. In view of this, the risks associated with NPOOSC's proposed use can be sufficiently mitigated if the following key terms are included in the licence:

- Payment of a bond of \$5,000 to cover any of the City's costs associated with cleaning and repairing damage to the Hall;
 - The Hall to be cleaned and tidied after every time of use by NPOOSC (including between the before school and after school care program each day);
 - Increased inspection by the City to ensure the Hall is being adequately cleaned and tidied and condition assessed;
 - If the Hall is not being adequately cleaned and tidied or if there is any damage to the Hall the City is to organise the required work, drawing on the bond to cover the cost of the work.
 - Licence to expire to coincide with the expiry of the existing licence (30 November 2018);
 - Appropriate licence fee.
-

9.3.4 Financial Statements as at 29 February 2016

Ward:	Both	Date:	17 March 2016
Precinct:	All	File Ref:	SC357
Attachments:	1 – Financial Reports		
Reporting Officers:	N Makwana, Accounting Officer B Wong, Accountant G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council RECEIVES the Financial Statements for the month ended 29 February 2016 as shown in Attachment 1.

PURPOSE OF REPORT:

To present the Financial Statements for the period ended 29 February 2016.

BACKGROUND:

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

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

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

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

DETAILS:

The following documents, included as **Attachment 1** represent the Statement of Financial Activity for the period ending 29 February 2016:

Note	Description	Page
1.	Statement of Financial Activity by Programme Report and Graph	1-3
2.	Statement of Comprehensive Income by Nature and Type Report	4
3.	Net Current Funding Position	5
4.	Summary of Income and Expenditure by Service Areas	6-35
5.	Capital Works Schedule and Funding and Graph	36-42
6.	Cash Backed Reserves	43
7.	Rating Information and Graph	44-45
8.	Receivables	46
9.	Beatty Park Leisure Centre Report – Financial Position	47
10.	Explanation of Material Variance	48-62

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

Summary of Financial Activity By Programme as at 29 February 2016

	Revised Budget \$	Year to date Budget \$	Year to Date Actual \$	Year to Date Variance \$	Year to Date Variance %
Operating Revenue	29,638,691	21,609,023	19,315,906	(2,293,117)	-11%
Operating Expenditure	(55,855,234)	(37,274,440)	(34,133,785)	3,140,655	-8%
Add Deferred Rates Adjustment	0	0	11,996	11,996	0%
Add Back Depreciation	11,058,555	7,372,208	6,724,991	(647,217)	-9%
(Profit)/Loss on Asset Disposal	(3,716,718)	(3,716,718)	(2,668,262)	1,048,456	-28%
Net Operating Excluding Rates	(18,874,706)	(12,009,927)	(10,749,154)	1,260,773	-10%
Proceeds from Disposal of Assets	4,662,151	4,662,151	3,474,283	(1,187,868)	-25%
Transfer from Reserves	2,546,967	2,246,967	715,099	(1,531,868)	-68%
	7,209,118	6,909,118	4,189,382	(2,719,736)	-39%
Capital Expenditure	(12,683,705)	(11,195,390)	(4,315,064)	6,880,326	-61%
Repayments Loan Capital	(760,288)	(499,659)	(499,659)	0	0%
Transfers to Reserve	(4,568,059)	(3,667,289)	(3,334,637)	332,652	-9%
	(18,012,052)	(15,362,338)	(8,149,360)	7,212,978	-47%
Net Capital	(10,802,934)	(8,453,220)	(3,959,978)	4,493,242	-53%
Total Net Operating and Capital	(29,677,640)	(20,463,147)	(14,709,131)	5,754,015	-28%
Rates	29,396,786	29,325,784	29,551,890	226,105	1%
Opening Funding Surplus/ (Deficit)	576,865	576,865	1,007,891	431,027	75%
Closing Surplus/(Deficit)	296,011	9,439,502	15,850,650	6,411,147	68%

**Totals and sub-totals may include rounding differences.*

Comments on Summary of Financial Activity by Programme:

Revised Budget

Includes all budget amendments approved by Council up to 9 February 2016. Does not include changes approved by Council in March as part of Mid-Year Budget Review.

Operating Revenue

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

Revenue by programme is showing a negative variance of 11% (\$2.29m). This is due to reduced revenue in Recreation and Culture (\$430k), Transport (\$742k) and Other Property and Services (\$1m).

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

Operating Expenditure

The positive variance is currently at 8% and is primarily due to the delayed payment cycle for materials & contracts; and depreciation charges being lower than budget.

Transfer from Reserves

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

Capital Expenditure

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

Transfer to Reserves

Actuals for Beatty Park Reserve Centre has been adjusted by \$180,364. The transfers processed year to date were based on the adopted full year budget of \$472,577. However, it is now forecast that the actual transfer is likely to be \$147,030. This will be amended in mid-year budget review.

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

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

Opening Funding Surplus/(Deficit)

The surplus Opening Balance brought forward from 2014-15 is \$1,007,891, as compared to budgeted opening surplus balance of \$576,865.

Closing Surplus/(Deficit)

There is currently a surplus of \$15,850,650 compared to year to date budget surplus of \$9,439,502. This is substantially attributed to the positive variance in operating expenditure and the current level of Capital Expenditure.

Please note that the February 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 29 February 2016 is \$15,850,650.

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

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

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

The revised budget for Purchase Plant and Equipment Assets has been increased by \$9,957 to provide for purchase of 2 parking ticket machines at William Street and also Infrastructure Assets has been increased by \$105,000 for Baker Avenue Angle Parking as approved by Council at Ordinary Meeting of Council held on 9 February 2016.

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

	Adopted Budget \$	Revised Budget \$	Year to date Budget \$	Year to Date Actual \$	Full Year Budget Remaining %
Furniture & Equipment	469,300	490,219	490,219	195,264	60%
Plant & Equipment	1,831,650	1,847,592	1,677,592	196,259	89%
Land & Building	2,858,272	2,921,606	2,796,606	851,626	71%
Infrastructure	7,498,125	7,424,288	6,230,973	3,071,915	59%
Total	12,657,347	12,683,705	11,195,390	4,315,064	66%

	Adopted Budget \$	Revised Budget \$	Year to date Budget \$	Year to Date Actual \$	Full Year Budget Remaining %
Capital Grant and Contribution	1,791,189	1,904,574	1,247,609	809,501	57%
Cash Backed Reserves	2,391,223	2,546,967	2,246,967	715,099	72%
Other (Disposal/Trade In)	135,000	135,000	135,000	79,947	41%
Own Source Funding – Municipal	8,339,935	8,097,164	7,565,814	2,710,517	67%
Total	12,657,347	12,683,705	11,195,390	4,315,064	66%

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

6. Cash Backed Reserves (Note 6 Page 43)

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 29 February 2016 is \$10,291,343. The balance as at 31 January 2016 was \$9,734,527.

7. Rating Information (Note 7 Page 44 - 45)

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

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

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

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

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

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

Rates debtors as at 29 February 2016 is \$2,595,130 (this includes deferred rates of \$138,973). This represents 8.62% of the collectable income compared to 8.01% at the same time last year. It should be noted that the final instalment is due on 8 March 2016 which forms part of Rates debtor as at 29 February 2016.

8. Receivables (Note 8 Page 46)

Receivables of \$3,200,315 are outstanding at the end of February 2016, of which \$2,892,743 has been outstanding over 90 days. This is comprised of:

\$472,220 (16.3%) relates to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangements for more than one year.

\$180,086 (6.2%) relates to Other Receivables.

\$2,314,268 (80.0%) relates to unpaid infringements (plus costs). Infringements that remain unpaid for more than two months are sent to Fines Enforcement Registry (FER). FER collect the outstanding balance and return the funds to the City for a fee. Administration is undertaking a full reconciliation of this amount with FER records.

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

9. Beatty Park Leisure Centre – Financial Position Report (Note 9 Page 47)

As at 29 February 2016 the operating deficit for the Centre was \$57,900 in comparison to the year to date budgeted surplus of \$330,690.

The cash position showed a current cash surplus of \$421,088 in comparison to year to date budget estimate of a cash surplus of \$838,338.

All material variance as at 29 February 2016 has been detailed in the variance comments report in **Attachment 1**.

10. Explanation of Material Variances (Note 10 Page 48 – 62)

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 revised budget, where that variance exceeds \$10,000. This threshold was adopted by Council as part of the Budget adoption for 2015-16 and is used in the preparation of the statements of financial activity when highlighting material variance in accordance with *Financial Management Regulation 34(1) (d)*.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

All expenditure included in the Financial Statements is incurred in accordance with Council's revised budget. However, it should be noted that some of the capital expenditure has gone over budget due to reduction in budget after the carry forward adjustment. This expenditure was incurred prior to the carry forward adjustment and was addressed as part of the mid-year budget review.

9.4 COMMUNITY SERVICES

9.4.1 No. 34 (Lot 1) Cheriton Street, Perth – Progress Report No. 7

Ward:	South	Date:	23 March 2016
Precinct:	EPRA (16)	File Ref:	PR52300; SC1550
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	R Slavin, A/Manager Community Development		
Responsible Officer:	R Hall, Acting Director Community Services		

OFFICER RECOMMENDATION:

That Council:

1. **RECEIVES** Progress Report No. 7 relating to No. 34 (Lot 1) Cheriton Street, Perth;
2. **AUTHORISES THE CHIEF EXECUTIVE OFFICER** to write to Lotterywest requesting to withdraw from the Grant Agreement between Lotterywest and City of Vincent for No. 34 (Lot 1) Cheriton Street, Perth;
3. **DEFERS** the building development project at No. 34 (Lot 1) Cheriton Street, Perth until appropriate analysis to identify the needs of the local community and a risk management plan is completed;
4. **NOTES** that Administration in collaboration with the Norwood Neighbourhood Association will conduct further community consultation to assess the community's needs for the local area; and
5. **NOTES** that Administration will liaise with the Department of Lands to ascertain their position on the current status and future intention for the Management Order for No. 34 (Lot 1) Cheriton Street, Perth.

PURPOSE OF REPORT:

To consider withdrawal from the Lotterywest Grant Agreement for No. 34 (Lot 1) Cheriton Street, Perth and provide an update on the status of the Cheriton Street project.

BACKGROUND:

The subject property is Crown Land in the name of the State of Western Australia. The City has an interest in the land by virtue of a Management Order which was vested on 25 June 2012. The Management Order imposes a condition that the property is to be refurbished and in use for 'Community Purposes' within two years of the issue of the Management Order. On 26 March 2014 Lotterywest awarded the City a grant for the amount of \$271,447, towards the renovation and fit out of the property. The City has been working with the Norwood Neighbourhood Association (NNA) on plans to refurbish the property for community purposes.

Previous progress reports have been presented to Council in relation to 34 Cheriton Street as follows:

Ordinary Meeting of Council	Item No.
27 July 2010	9.1.7
10 August 2010	9.1.8
27 March 2012	9.4.2
18 December 2012	9.4.8
28 May 2013	9.4.3
11 June 2013	9.4.3
7 October 2014	9.4.5

Due to unforeseen circumstances arising from the 2014/2015 Budget, Council deferred the completion of this project to the next financial year. On 12 February 2015, the City formally requested an extension of time to draw down the payment of the Lotterywest Grant. The extension was approved on 23 March 2015 with the instruction to request for grant payment together with relevant acquittal of funds and documentation be submitted to Lotterywest by 26 March 2016.

DETAILS:

On 22 February 2016 Administration met with Lotterywest to discuss the grant agreement between City of Vincent and Lotterywest.

The original application to Lotterywest for the redevelopment of No. 34 Cheriton Street, Perth was to be completed through a partnership and project management framework with students at the Leederville Central Institute of Technology. Operational management of the centre would be under a lease/contract arrangement between the City of Vincent and Norwood Neighbourhood Association. Since the approval of the Lotterywest application, the following issues have been identified:

- Lack of identified community need and interest from other community groups;
- Limitations of the Norwood Neighbourhood Association's capacity to operate a community facility of this size,
- Feasibility issues with a community group managing a community centre and the requirement for the management of the facility that relies on the City of Vincent subsidising to a value of approximately \$100,000 a year;
- The City of Vincent having to significantly fund the capital upgrade of a State Government owned asset; and
- Ongoing liability for the City of Vincent of the property to fund the costs associated with asset management and renewal.

The 22 February 2016 meeting with Lotterywest highlighted the original purpose of the grant. Lotterywest stipulated that any deviance away from the original intended purpose would require withdrawal by City of Vincent from the existing Grant Agreement. Lotterywest noted that withdrawal from an existing grant funding agreements would not negatively impact the Norwood Neighbourhood Association's or the City's eligibility to apply for future funding. Lotterywest advised that future funding applications that provide a thorough evidence based research of identified needs within the community would be viewed favourably.

Administration has met with the President of the Norwood Neighbourhood Association to discuss the issues identified above and it was agreed that an alternative plan is needed.

CONSULTATION/ADVERTISING:

Administration in collaboration with the Norwood Neighbourhood Association will conduct further community consultation to assess the community's needs for the local area.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Low: It is the Administration's view that there are minimal risks to Council and the City's business function if Council agrees to withdraw from the Grant Agreement. However, The City is in breach of the management order for the subject property. This does not mean that the management order is void. There is a possibility that the Department of Lands could impose a further condition on the City to manage the land and refurbish the building. Alternatively, the Department of Lands may decide that the management order is void and therefore take over the management of the land.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Community Plan 2013-2023*, Objective 3 states:

"Community Development and Wellbeing

3.1 *Enhance and promote Community Development and Wellbeing:*

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

SUSTAINABILITY IMPLICATIONS:

Nil.

COMMENTS:

It has been identified that there were limitations on the original concept that were not considered that have a significant impact on the feasibility of the project. The redevelopment of 34 Cheriton Street appears to have been based on the conservation of a building, rather than on the needs of the local community. Further, it has been identified there is a lack of capacity in the community to manage the building in the long term without considerable dependence from the City of Vincent. There has also not been any risk management planning to undertaken to understand the implications of this project. Administration has met with Lotterwest and the Norwood Neighbourhood Association to discuss the current plan and it is mutually agreed that alternatives be pursued.

It is recommended that Council agrees to withdraw from the Lotterywest grant agreement and postpone further building redevelopment plans at 34 Cheriton Street, Perth until an extensive assessment is undertaken to determine the actual needs of the local community in collaboration with the Norwood Neighbourhood Association.

9.4.2 Review of Policy No. 3.9.2 – Parking Enforcement and Review/Appeal of Infringement Notices

Ward:	Both	Date:	23 March 2016
Precinct:	All	File Ref:	SC2209
Attachments:	1 – Policy No. 3.9.2 – Parking Enforcement and Review/Appeal of Infringement Notices		
Tabled Items:	Nil		
Reporting Officer(s):	S Butler, Manager Ranger and Community Safety Services		
Responsible Officer:	R Hall, A/Director Community Services		

OFFICER RECOMMENDATION:

That Council NOTES the review of Policy No. 3.9.2 – Parking Enforcement and Review/Appeal of Infringement Notices.

PURPOSE OF REPORT:

To consider the review of the City's Parking Enforcement and Review/Appeal of Infringement Notices Policy No. 3.9.2 (namely 'the Policy'), with a view to reducing the number of infringement notices being withdrawn.

BACKGROUND:

At the Ordinary Meeting of Council held on 22 September 2015 at Item 9.4.3, Council resolved to request the Chief Executive Officer to review Policy No. 3.9.2 – Parking Enforcement and Review/Appeal of Infringement Notices with the view to minimise the write-off of infringement notices.

The Policy was originally adopted in January 2007 and was last reviewed on 28 February 2012.

DETAILS:

The Policy outlines the City's position on enforcement of its parking facilities, and how the City handles and resolves requests for review/appeal of parking infringement notices issued in accordance with the City's Parking Enforcement and Review/Appeal of Infringement Notices Policy.

The parking infringement system plays an important role in regulating motorists' behaviour and enforcing parking legislation in a fair and objective manner. It assists in protecting the equity of access, and convenience of residents, visitors and business proprietors to the limited available parking within the City.

Any decision made to withdraw or not to withdraw an infringement must be considered within parameters of the Policy and recorded for openness and accountability.

Decisions must be consistent to ensure people in similar situations are treated fairly and equally when infringement notices are being considered for withdrawal. Consistency is a measure of a fair system, and any departure from it casts doubt over the fairness and equity of the system.

The review focused on the clauses of the Policy directly related to the process of withdrawing a parking infringement to determine if the clauses were appropriate and if they were being complied with, with a view to minimise the withdrawal and write-off of infringement notices.

The review concentrated on the following:

- The volume and description of infringements withdrawn;
- Infringement withdrawal policy provisions;
- Opportunities to reduce the number of infringements withdrawn, and
- Administrative practices of infringements withdrawals, and the alignment and compliance with the Policy provisions.

An analysis of the categories within the Policy under which parking infringements notices are withdrawn revealed the following four categories that were identified as contributing to a high percentage of infringement notices being withdrawn and written-off:

1. Resident Fails to Display a Permit;
2. Ranger/Administrative Adjustment;
3. Faulty Equipment; and
4. Missing/Inadequate Signage.

Resident Fails to Display a Permit

A comparison conducted over a five year period reveals this category consistently has the highest number of infringement notices withdrawn.

It appears the leading reasons for withdrawing infringements issued to residents are:

- Failure to physically display a permit,
- Displayed an expired permit,
- Permit was on the dashboard and hidden from view by other items, and
- Resident was entitled to a permit, however has never applied.

Residents who are infringed for 'Failure to Display a Valid Permit' on their first offence may be withdrawn under the City's Policy. However, Administration has historically withdrawn all infringements for residents beyond the first offence, just for the reason that they are a resident. This is beyond the Policy and this practice has now stopped. This change is expected to significantly reduce the number of infringements that are withdrawn.

Visitors who are infringed are not given any ability to have their infringement withdrawn under the Policy. However, Administration has historically withdrawn all infringements if the resident they were visiting has a visitors permit. This is beyond the Policy and this practice has now stopped. This change is expected to significantly reduce the number of infringements that are withdrawn.

Ranger Errors

Rangers conduct a large number of varied tasks, and consequently some errors can be attributed to the fact that Rangers, depending on other tasks, may not undertake dedicated parking duties for an extended period, and consequently may become less familiar with certain parking clauses. A number of errors can also be attributed to casual Rangers who undertake parking duties during nib stadium events. Due to the infrequent and casual type of employment, errors can occur.

A Ranger may from time to time make an error, however if the Ranger identifies the mistake at the time, and re-issues another corrected infringement notice, the original infringement is still listed as withdrawn, notwithstanding, another infringement has been issued in its place.

By example, of the 284 infringements that were withdrawn for Ranger/Administrative Adjustments during the 3rd and 4th quarter reporting period of 2015. In 79 cases the Ranger identified their error at the time and re-issued another corrected infringement notice. For the other 205 infringements this represents 1.52% of all infringements issued. Administration will focus on training to reduce these errors.

Faulty Equipment

The majority of maintenance issues are associated with the remaining old CALE machines and occurs primarily due to their age (circa 1996), availability of spare parts, and their limited coin only application.

The City currently has 42 CALE machines, 30 take coin only, with 12 that take no payment and provide free tickets.

Any report or claim of a parking machine being faulty or not operating is investigated to ascertain the status of the machine at that particular time. A fault analysis of 'Parkeon' machines is able to be conducted through access to a computerised management system where faults are automatically logged and recorded. Once a 'Parkeon' machine has been reported as having a fault, a technician is requested to respond and attends generally within one hour.

However, the older 'CALE' machines rely on a Ranger or a motorist reporting a faulty machine. On receipt of this report the CALE technician is advised, however CALE do not provide a response time and some faulty machines may not be attended to for 24 hours.

All reports of faulty machines are entered in the City's record management system. If a fault claim is found to be substantiated, the infringement notice is withdrawn.

A cost analysis on replacement machines with a view to upgrading and replacing the CALE machines has been conducted and once replaced the number of faults, and potentially the number of infringements issued in error, will significantly reduce.

Missing/Inadequate Signage

Infringements are withdrawn because of inadequate or damaged signage. When this occurs a site inspection is conducted of the area. If the inspection supports the claim of poor or inadequate signage, the infringement notice is withdrawn. In future, Rangers will check the condition of the signage before issuing an infringement.

Any signage which causes the withdrawal of an infringement notice is recorded and location and details of the sign(s) are forwarded to Technical Services to arrange replacement. The current system leads to missing and inadequate signage contributing to infringement withdrawals because it relies on reports from Rangers and is reactive in nature. Signage needs to be included in the City's Asset Management Planning to ensure it is regularly checked and maintained to a high standard. This will significantly reduce the number of infringements that are prevented from being issued and withdrawn.

CONSULTATION/ADVERTISING:

Any proposed amendments to the Policy are required to be advertised for a period of 21 days in accordance with the City of Vincent Policy No. 4.1.5 – Community Consultation.

LEGAL/POLICY:

- City of Vincent Parking and Parking Facilities Local Law 2007;
- Policy No. 3.9.2 – Parking Enforcement and Review/Appeal of Infringement Notices Policy; and
- Policy No. 4.1.5 – Community Consultation.

RISK MANAGEMENT IMPLICATIONS:

Not Applicable.

STRATEGIC IMPLICATIONS:

In keeping with the City of Vincent *Strategic Community Plan 2013-2023*, the following Objectives state:

“Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

There are no sustainability issues associated with this proposal.

FINANCIAL/BUDGET IMPLICATIONS:

Reduced withdrawal and write-off of infringements will increase revenue.

COMMENTS:

The review found the Policy to be appropriate and there are no changes identified that are required or recommended at this time. However, it was revealed that there has been a lack of strict adherence to the Policy which has resulted in a higher number of unnecessary infringement withdrawals that are required to be written-off.

Administration will now strictly follow and adhere to the Policy so that residents who offend on multiple occasions are no longer withdrawn. Visitors who break the City's Local Law will no longer have infringement withdrawn on the basis they are visiting a resident who has a visitors permit. Permits must be displayed as required by the Local Law.

Administration intends to implement a replacement program and remove CALE machines from operation over the next financial year, which will reduce machine breakdowns and reduce infringements that are withdrawn.

Improved asset management of parking signs and line-marking by routine monitoring will reduce infringements being contested and withdrawn.

The City is currently in its second phase of trials with sensor technology. If sensor parking is implemented across the City, there will be a reduction in the number of infringements withdrawn due to the accuracy of this technology. Administration is considering making better use of emerging smart technology to better enforce parking facilities and reduce the number of infringements withdrawn.

Administration has identified that Council has previously delegated its authority for the write-off of parking infringements pursuant to Clause 6.12(1) (c) of the *Local Government Act 1995* to the Chief Executive Officer for a value of up to \$500. Previously, approval was sought from Council for these write-offs; however, Administration intends to exercise its delegated authority to write-off monies owing as a result of parking infringements that have been withdrawn in accordance with Council's Policy.

9.4.3 Car Parking Permit Review

Ward:	Both	Date:	23 March 2016
Precinct:	All	File Ref:	SC90
Attachments:	1 – Information Sheet – Current Provisions 2 – Draft Revised Policy No. 3.9.3 – Parking Permits		
Tabled Items:	Nil		
Reporting Officer(s):	R Hall, A/Director Community Services		
Responsible Officer:	R Hall, A/Director Community Services		

OFFICER RECOMMENDATION:

That Council **AUTHORISES** the Chief Executive Officer to **ADVERTISE** the draft revised Policy No. 3.9.3 – Parking Permits included as Attachment 2 for public comment for a period of 21 days pursuant to the City’s Policy No. 4.1.5 – Community Consultation.

PURPOSE OF REPORT:

To consider advertisement of draft revised Policy No. 3.9.3 – Parking Permits for public comment.

BACKGROUND:

At its Ordinary Meeting held on 27 October 2015, Council considered and resolved to adopt the following Notice of Motion:

“That Council REQUESTS the Chief Executive Officer to initiate a review of the City’s Parking Control Policy No. 3.9.5 to provide a simpler, more streamlined and contemporary approach to parking control and the issuance of parking permits with a report to be submitted to Council no later than May 2016.”

It is noted that the notice of motion refers to Policy No. 3.9.5 – Parking Control; however, it is Policy No. 3.9.3 – Parking Permits that guides the issuance of parking permits.

A workshop was held with Council Members on 15 March 2016 which discussed the background, context and principles of how car parking permits should be managed in the City of Vincent.

At the Council Briefing Session held on 29 March 2016, Administration’s draft report recommended that Council adopt various principles to advertise prior to formally amending and advertising the Policy. There was sufficient discussion and feedback provided by Council Members at the Briefing Session which has enabled Administration to make amendments directly to the Policy, which is now recommended to be advertised for public comment.

DETAILS:

Car parking in the City of Vincent is increasing in demand. To balance competing demands for parking space, some streets have time restrictions and sometimes ticket parking. Time limits help to ensure parking turnover so that customers can access services and facilities, to limit commuter parking in residential neighbourhoods and encourage alternative transport options. Residents and their visitors are eligible for parking permits. A permit exempts users from most time restrictions but they do not guarantee a parking bay.

Some of the principles that are being considered in the revised Policy are outlined as follows:

- Providing every home in areas where parking restrictions apply, with the same number of parking permits (say 2, 3 or 4) with those permits not being specifically designated for “Resident” or “Visitor” use. This would provide residents with greater flexibility in the use of their parking permits and would dramatically reduce the City’s own administrative processes in managing parking permits;

- Making all new residential parking permits valid for two years so that residents don't need to reapply for new parking permits each year;
- Not providing any parking permits to multiple dwellings that have a condition of Planning Approval that restricts any issuance of parking permits. For apartment developments that don't have this restriction in place, then residents could apply to the City for a parking permit;

CONSULTATION/ADVERTISING:

Administration intends to advertise the draft revised Policy to seek public comment from the community in accordance with its Community Consultation Policy.

LEGAL/POLICY:

- City of Vincent Parking and Parking Facilities Local Law 2007;
- Policy No. 3.9.3 – Parking Permits;
- Policy No. 3.9.2 – Parking Enforcement and Review/Appeal of Infringement Notices; and
- Policy No. 4.1.5 – Community Consultation.

RISK MANAGEMENT IMPLICATIONS:

Not Applicable.

STRATEGIC IMPLICATIONS:

In keeping with the City of Vincent *Strategic Community Plan 2013-2023*, the following Objectives state:

“Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

There are no sustainability issues associated with this proposal.

FINANCIAL/BUDGET IMPLICATIONS:

The costs of undertaking community consultation can be met from existing operational budgets.

COMMENTS:

Administration has made amendments to the existing Policy to improve the level of customer service to residents by simplifying and streamlining the process to issue a parking permit. The proposed revisions will give greater flexibility to residents and considerably reduce the resources that are required to administer the current policy.

The results of the advertisement for public comment will be presented to Council to consider prior to consideration for final adoption of the revised Policy.

9.5 CHIEF EXECUTIVE OFFICER

9.5.1 Information Bulletin

Ward:	-	Date:	17 March 2016
Precinct:	-	File Ref:	-
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	A Radici, A/Executive Assistant		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Information Bulletin dated 5 April 2016 as distributed with the Agenda.

DETAILS:

The items included in the Information Bulletin dated 8 March 2016 are as follows:

ITEM	DESCRIPTION	PAGE
IB01	Vincent Bike Week 2016	1
IB02	WALGA State Council Meeting Summary Minutes – 2 March 2016	3
IB03	Register of Petitions – Progress Report – April 2016	38
IB04	Register of Notices of Motion – Progress Report – April 2016	39
IB05	Register of Reports to be Actioned – Progress Report – April 2016	40
IB06	Register of Legal Action (Confidential – Council Members Only) – Monthly Report as at 17 March 2016	45
IB07	Register of Orders and Notices Issued Under the <i>Building Act 2011</i> , <i>Health Act 1911</i> and <i>Local Government Act 1995</i> (Confidential – Council Members Only) – Quarterly Report as at 17 March 2016	46
IB08	Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 17 March 2016	47
IB09	Register of Applications Referred to the MetroWest Development Assessment Panel – Current	48
IB10	Register of Applications Referred to the Design Advisory Committee – Current	49

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 NOTICE OF MOTION: LATE ITEM: Mayor John Carey – Request To Amend City of Vincent Policy No. 3.10.10 – Community Bus – Use and Operation

Motion withdrawn by Mayor Carey at the Council Briefing Session held on 29 March 2016.

10.2 NOTICE OF MOTION: Cr Roslyn Harley and Cr Emma Cole – Request for a New Plan for Axford Park

That Council REQUESTS the Chief Executive Officer to:

1. **Develop a plan for Axford Park in consultation with the local community, the Mt Hawthorn Hub and the Mt Hawthorn Sub-Branch of the Returned Services League (WA), to enhance the precinct for greater community use, to create more usable open space and to protect and enhance the existing war memorial; and**
2. **Report back to Council by July 2016 on the progress of developing the plan referred to in 1. above.**

REASON:

It is recommended that Administration be requested to prepare a plan in consultation with the Mt Hawthorn community and the RSL, to enhance Axford Park and make it a more usable and adaptable space.

The community engagement exercise could identify short and long term options for improvements to the Park, which if agreed by Council could then be costed and scheduled into the City's future capital works programs and long-term financial plan.

There may be an opportunity to improve the size and/or configuration of the Park by modifying existing parking or access around the Park, although this (along with other ideas and options) would need to be tested and explored through the community engagement exercise.

ADMINISTRATION COMMENTS:

With the time and resources available and having regard to pre-existing Council projects and priorities, Administration will not be in a position to finalise a redevelopment plan for the Park by July 2016. However, Administration will at least be able to report on the actions that have been taken to progress towards that plan by that date.

Administration has no objection to the proposed Motion.

10.3 NOTICE OF MOTION: Mayor John Carey and Cr Emma Cole – Request to Prepare a Streetscape Enhancement Plan for Ellesmere Street (London Street to Shakespeare Street), Mt Hawthorn

That Council:

- 1. REQUESTS the Chief Executive Officer to develop a Streetscape Enhancement Plan comprising traffic calming and street tree planting for Ellesmere Street between London Street and Shakespeare Street, Mt Hawthorn, in consultation with local residents, with a report on a proposed plan and results of consultation with residents to be presented back to Council by September 2016; and**
- 2. LISTS for consideration in the 2016/17 Draft Budget a provisional sum for traffic calming and street tree planting in Ellesmere Street between London Street and Shakespeare Street, Mt Hawthorn, as part of the City's annual traffic calming and street tree planting programs.**

REASON:

A large number of residents have expressed serious concern relating to pedestrian safety and traffic issues, including rat-running and speeding near the intersection of Ellesmere and Dunedin Streets. They are seeking measures to make the environment a more pedestrian-focussed area, including potential traffic calming measures, pedestrian paths and street tree planting.

ADMINISTRATION COMMENTS:

Ellesmere Street is a 50kph speed zone and is classified as a Local Distributor Road, which is designed to take substantially more traffic than an Access Road (up to 6,000 vehicles per day compared to up to 3,000 vehicles per day).

The City has recently deployed vehicle classifiers in Ellesmere Street with the data to be assessed in April 2016. This will enable staff to ascertain if a traffic issue exists in the street and if so to identify options for how best to address the issue. In the meantime, it is considered premature to design or implement traffic calming devices in the street. However, street tree planting occurs throughout the City on an annual basis and any resident can make a request of the City to plant a street tree in the verge in front of their property if their street is not already part of a scheduled street tree planting project.

10.4 NOTICE OF MOTION: Mayor John Carey and Cr Roslyn Harley – Request to create a portal for Accountability and Governance

That Council REQUESTS the Chief Executive Officer to create a dedicated 'Accountability & Governance' portal on the home page of the City's corporate website by 6 May 2016, which provides the following information to ratepayers:

1. Register of Council Member contact with Developers;
2. Register of Gifts, Hospitality, Contributions to Travel and City-related Travel;
3. Mayor/Council Member sitting fees, allowances and meeting attendances, as reported in the Annual Report;
4. Numbers of employees paid salaries of \$100,000 or more, by Directorate, as reported in the Annual Report;
5. Chief Executive Officer's total remuneration package and contract term; and
6. A new online register of Financial, Proximity and Impartiality Interests disclosed by Council Members and Staff at Ordinary and Special Council Meetings commencing from February 2016.

REASON:

The City was the first local government in Western Australia to adopt a policy and on-line register of Council Member Contact with Developers, and to publish and update an on-line register of gifts and hospitality received by Council Members and Staff.

As an extension to this work and in light of recent changes to the *Local Government Act 1996*, it is considered worthwhile to create a dedicated Accountability & Governance tab on the homepage of the City's website, which can be a central repository of all the City's publicly available registers, disclosures of interests and fee/allowance/salary information, as already published in the City's Annual Report. This will assist visitors to the City's website to quickly and easily find this information. Future accountability and governance initiatives can also be uploaded and accessed via this tab.

ADMINISTRATION COMMENTS:

Administration has no objection to the proposed Motion.

The Register of Council Member Contact with Developers and Gifts and Gratuities Register are currently uploaded on the City's website under the 'Your Council' tab by clicking on 'Public Registers'. Modifying the City's homepage to include a dedicated portal for 'Accountability & Governance' is supported, as it will make it easier for visitors to the City's website to find and access this information.

The additional information to be uploaded to this portal in accordance with Items 3, 4, 5 and 6 of the proposed Motion are either already published in the Annual Report, or must be publicly available for inspection in accordance with the *Local Government Act 1995*, or are published in the Minutes of every Special and Ordinary Council Meeting. Therefore, there is no obstacle to isolating that information and publishing it on-line in the manner proposed.

10.5 NOTICE OF MOTION: Mayor John Carey: Amendments to Planning Policies relating to Commercial and Mixed Use Developments, Variations and Exercise of Discretion, and Multiple Dwellings

That Council **ADOPTS** for the purpose of public consultation, the amendments to Planning Policy No. 7.4.8 (Multiple Dwellings), Planning Policy No. 7.5.11 (Variations and Exercise of Discretion) and Planning Policy No. 7.5.12 (Commercial and Mixed Use Developments), as depicted by the tracked changes reflected in Attachments [1](#), [2](#) and [3](#).

REASON:

The City is currently undertaking a significant review and revision of its Planning Policy framework to provide greater guidance and consistency in respect of standards and requirements for new developments. An extensive community engagement exercise was recently concluded to gather feedback on key elements of the new policy framework. Staff are now reviewing and summarising all of the feedback received with a view to presenting a report to Council in the coming months, for Council to consider readvertising the proposed policy framework. However, in the meantime, the City continues to experience problems and unsatisfactory development outcomes caused by certain provisions of Planning Policy Nos. 7.4.8, 7.5.11 and 7.5.12. The proposed amendments to these Policies are intended to address these problems in the meantime, prior to Council's adoption of the new policy framework.

The proposed amendments to the stated policies are shown as tracked changes in the attached documents.

Administration Comment:

The City is in the process of completing a comprehensive review of the three policies referred to in this Notice of Motion (NOM). This review also addresses a raft of additional existing policies and the intention is to provide an overarching simplified policy framework for the City of Vincent.

The items flagged in the proposed amendments below are considered as part of the review process and form one aspect of the various design elements that comprise our planning framework.

Below is a summary of Administration's view in relation to the changes proposed from this NOM:

1. Commercial and Mixed Policy

AC 5.1.1: As commercial and mixed use developments potentially can have nil setbacks to front and side boundaries and sometimes also to the rear boundary depending on interface requirements, it is likely that the new requirement of 20% soft landscaping will be within the development or on the roof. In either event it is unlikely to contribute to the streetscape and amenity of the area.

AC 5.1.2: The proposed requirement of 30% open space is most likely to be achieved through uncovered balconies and accessibly outdoor roof spaces.

AC5.1.3 Including the rear setback landscaping provision into the total 30% landscaping requirement eliminates the current minimum 2 metre setback requirement. For mixed use developments that are not predominantly residential, and commercial development, the absence of that provision would require that any rear setback is determined by other policies such as the Precinct Policy, which potentially would be less than 2m and result in having a negative impact on the rear interface.

The City has no objection to excluding Green Walls from soft landscaping.

2. Multiple Dwellings Policy

A2: The City's practice has been to exclude paved driveways from landscaping. The amendment is inconsistent with the proposed amendment flagged by the NOM to the definition of landscaping in the Commercial and Mixed Use Policy.

R100 landscaping exemption: The City has no objection to deleting this provision. It has never been used in developments as the general trend is not to provide communal landscaping.

3. Variations Policy

AR1.1 There are no objections to the proposed deletion of the wording.

EC 1.4, EC 1.5 and EC 2.3, EC 2.4: There is no objection to adding landscaping into the mandatory requirements for variations, as it is likely that the new policy will be taking the same position where appropriate.

EC 1.6 and EC 2.5: These provision were tested in the initial consultation process and the feedback was that such a provision would be too restrictive and limit flexibility and potentially result in poorer design outcomes.

AR 2.3: Removing the provision for a community facility in the additional requirements is a concern for Administration as there have been some good outcomes for the community, although this provision has not been used very often.

AR 2.6 and AR 2.7: There is no objection to the removal of this provision.

Renumbering – No concern

With respect to the timing of the proposed amendments through this NOM and the proposed new policy the following summary is provided:

Milestones	NOM	Comment	New Policy
Workshop	Not undertaken		12 April 2016
Possible Initiation	5 April 2016*	Only possible if it is determined that a NOM can initiate a policy amendment and does not require a further report. *	31 May 2016
Advertising	3 May 2016 – 7 June 2016	4 week advertising	28 June 2016 – 26 July 2016
Workshop	Mid- end July	Subject to Workshop dates	Early September
Final Adoption	20 September 2016		18 November 2016

*Should a further report be required the timeframes for the adoption of the changes from the NOM will likely extend by approximately 6 weeks.

In conclusion, at best the changes brought about to the policies by this NOM are predicted to come into effect around 8 weeks prior to the new, more comprehensive planning policy which City has been working on.

10.6 LATE ITEM: NOTICE OF MOTION: Cr Joshua Topelberg – Request for a Review Period of the City of Vincent Town Planning Scheme No. 2

Notice of Motion to be issued prior to the Meeting.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

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

14.1 CONFIDENTIAL REPORT: Lease of Dorrien Gardens, 3 Lawley Street, West Perth – Perth Soccer Club Inc.

Ward:	South	Date:	9 March 2016
Precinct:	Hyde Park Precinct – 12	File Ref:	SC529
Attachments:	Confidential – Map of proposed leased area Confidential – Letter dated 23 December 2015 to Perth Soccer Club Confidential – Letter dated 11 January 2016 from Perth Soccer Club Confidential – Letter dated 10 February 2016 to Perth Soccer Club Confidential – Letter dated 3 March 2016 from Perth Soccer Club		
Tabled Items:	Nil		
Reporting Officer:	M Bancroft, Property Leasing Officer		
Responsible Officer:	J Paton, Director Corporate Services		

DETAILS:

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

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

LEGAL:

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

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

“2.14 Confidential business

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

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

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

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

14.2 CONFIDENTIAL REPORT: Appointment of Community Members to the City of Vincent Advisory and Working Groups

Ward:	-	Date:	17 March 2016
Precinct:	-	File Ref:	Various
Attachments:	New Nominations received: Confidential – Art Advisory Group Confidential – Business Advisory Group Confidential – Children and Young People Advisory Group Confidential – Environmental Advisory Group Confidential – Road Safety Advisory Group Confidential – Children and Young People Advisory Group (Late Nomination)		
Tabled Items:	Nil		
Reporting Officer:	Len Kosova, Chief Executive Officer		
Responsible Officer:	Len Kosova, Chief Executive Officer		

DETAILS:

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

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

LEGAL:

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

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

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

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

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

15. CLOSURE