



CITY OF VINCENT

ORDINARY COUNCIL MEETING

10 FEBRUARY 2015

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 10 February 2015** at 6.00pm.

Len Kosova
CHIEF EXECUTIVE OFFICER

6 February 2015

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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

Nil.

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

(b) Response to Previous Public Questions Taken On Notice

Nil.

4. Applications for Leave of Absence

Nil.

5. The Receiving of Petitions, Deputations and Presentations

5.1 Petition received from Laura and Leigh Trevaskus of Chatsworth Road, Highgate, along with 34 signatures, on behalf of residents of Chatsworth Road and surrounding area, objecting to the temporary obstruction of the right of way bounded by Mary, William and Beaufort Streets and Chatsworth Road, Highgate, for the proposed St Michael's Outdoor Eating Area.

5.2 Petition received from Mr T Ronchi of Egina Street, Mount Hawthorn, along with 8 signatures, objecting to the proposed development at No. 54 Bondi Street, Mount Hawthorn being over the compliance limits.

6. Confirmation of Minutes

6.1 Ordinary Meeting of Council held on 20 January 2015.

7. Announcements by the Presiding Member (Without Discussion)

Nil.

8. Declarations of Interest

Nil.

9. Reports

As listed in the Index

10. Motions of which Previous Notice has been given

10.1 NOTICE OF MOTION: Cr Joshua Topelberg - Endorsing a Position On Desired Future Building Height Limits Along Major Roads

10.2 NOTICE OF MOTION: Cr Joshua Topelberg – Amendment to Policy No. 7.5.11 relating to Exercise of Discretion for Development Variations

11. **Questions by Members of which Due Notice has been given** (Without Discussion)
Nil.
 12. **Representation on Committees and Public Bodies**
Nil.
 13. **Urgent Business**
Nil.
 14. **Confidential Items/Matters for which the Meeting May be Closed**
("Behind Closed Doors")
Nil.
 15. **Closure**
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9.1 PLANNING SERVICES

9.1.1 FURTHER REPORT: No. 6 (Lot 123) Church Street, Perth – Proposed Change of Use from Warehouse to Recreational Facility (Yoga Studio) – Retrospective Approval

Ward:	South	Date:	23 January 2015
Precinct:	Beaufort (P13)	File Ref:	5.2014.606.1; PR20004
Attachments:	001 – Property Information Report 002 – Development Application Plans 003 – Car Parking Table 004 – Technical Services Comments 005 – Additional information provided by the Applicant following deferral of Item from the 20 January 2015 Ordinary Council Meeting 006 – Additional information provided by applicant on 30 January 2015 007 – Information provided as part of the initial advertising process		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Acting Senior Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

FURTHER 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 H Woschnak on behalf of the owner M Allmark, for the proposed Change of Use from Warehouse to Recreational Facility (Yoga Studio) at No. 6 (Lot 123) Church Street, Perth as shown on plans stamp dated 18 November 2014, included as Attachment 002, subject to the following conditions:

1. Use of the Premises

- 1.1 A maximum of twenty (20) persons shall be on the site for the use at any one time; and
- 1.2 The hours of operation shall be limited to:
 - Monday – 6am – 7am and 6pm – 7pm;
 - Tuesday – 6am – 7am, 9.30am – 10.30 am and 6pm – 7pm;
 - Wednesday – 6am – 7am, 9.30am – 10.30am and 6pm – 7pm;
 - Thursday – 6am – 7am, 9.30am – 10.30am and 6pm – 7pm;
 - Friday – 6am – 7am and 9.30am – 10.30am; and
 - Saturday/Sunday – 8am – 9am;

2. Building

- 2.1 All external fixtures shall be designed integrally with the development and shall not be visually obtrusive from Church Street. 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. **Signage**

Any new signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a Building Permit application, being submitted and approved prior to the erection of the signage;

4. The existing kerbing shall be modified to the City's requirements at the applicant/owner cost to allow vehicles to enter the property and park the vehicles at 90 degrees to the street alignment;

5. **Waste**

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

6. **PRIOR TO THE ISSUE OF AN OCCUPANCY PERMIT** the following shall be provided:

6.1 **Bicycle Facility**

One (1) Class 1 or 2 bicycle facility shall be installed within the building in accordance with the City's Policy No. 7.7.1 relating to Parking and Access.

ADVICE NOTES:

1. In regard to condition 5 adequate space shall be provided to accommodate a 240 litre general waste bin and 360 litre recycling bin, and adequate space to allow for movement of the bins.

FURTHER REPORT:

The proposed Change of Use from Warehouse to Recreational Facility was presented to the Ordinary Meeting of Council on 20 January 2015 where Council resolved:

"That the item be DEFERRED for further consideration and subsequently reported to the Ordinary Meeting of Council – Briefing Session on 3 February 2015."

Prior to this procedural motion being carried, an amendment was proposed and carried to restrict the approval of the use for a period of 12 months. However this amendment was overridden by the deferral motion. If Council wishes to pursue that amendment again, then it would need to be carried during debate on this current report before Council.

Administration met with the applicants on 21 January 2015 to obtain additional clarification on their proposal. In response, the applicant submitted the further information received on 22 January 2015, contained in Attachment 005, which is summarised as follows:

1. Number of persons per Yoga class is limited to 20 people at any one time;
2. Operating Hours:
 - (a) Yoga classes varying in duration between 60 and 90 minutes would be held during the following times:

Monday to Friday:	6am – 11am and 5pm – 8pm
Saturday & Sunday:	8am – 12 noon and 2pm – 6pm
 - (b) Times when the venue will only be used for administrative purposes:

Monday to Friday:	11am – 5pm
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3. Venue Hire

Venue Hire is limited to fellow yoga teachers that do not have their own premises. The venue hire component of the business is not to host of gatherings, events or parties of a social nature.

4. Car Parking

The owners of the Yoga Studio can use the available parking spaces at No 2 Church Street as well as their own at No 6 Church Street as both tenancies are owned by the same person, and the tenancy at no 2 Church Street is used as a warehouse that does not require as many bays as are available on site.

The applicant submitted an additional request on 30 January 2015 that the operating hours be extended by a further 30 minutes on weekday evenings to 8:30pm instead of the previous closing time of 8:00pm. (Refer Attachment 006).

From the additional information provided it is evident that the revised proposal differs from the original proposal.

While the manner in which the Yoga Studio is expected to operate in terms of the number of people, and consequently the number of car bays required is the same, a significant difference between the two proposals is that the revised proposal is for longer operating hours. This includes offering classes until later in the evenings during the week and for more hours on the weekend.

These extended hours are outside of the proposal that was advertised from 25 November 2014 to 9 December 2014. The information provided during the initial advertising period is included as Attachment 007.

The Administration is not prepared to support or entertain the revised proposal without first carrying out further public consultation.

In the absence of further public consultation the City's recommendation based on the report below (as presented to Council on 20 January 2015) remains unchanged. However, Council has discretion to vary the operating hours without further consultation.

BACKGROUND:

The applicant is currently operating as a Yoga Studio (Urban Soul Collective) from the subject site. The application for the Change of Use to Recreational Facility (Yoga Studio) was received by the City on 27 October 2014. The use began operating on 1 December 2014 whilst the application was still being assessed. Following the opening of the Yoga Studio, the City received complaints from the public which prompted the City to require the applicant to either cease the operation of the use or apply for retrospective approval. The applicant chose the latter. Accordingly this matter is presented to Council for determination as a retrospective application at the meeting of 20 January 2015.

DETAILS:

Landowner:	M. Allmark
Applicant:	H. Woschnak
Zoning:	Residential/Commercial R80
Existing Land Use:	Warehouse
Use Class:	Recreation Facility
Use Classification:	'AA'
Lot Area:	352 square metres
Right of Way:	Not Applicable

The application seeks a change of use of an existing warehouse use to a Recreation Facility for a Yoga Studio.

The following further information has been provided:

Patron Numbers

Classes will be run for a maximum of twenty (20) persons, for one (1) hour at a time.

Operating Hours

- Monday – 6am – 7am and 6pm – 7pm;
- Tuesday – 6am – 7am, 9.30am – 10.30 am and 6pm -7pm;
- Wednesday – 6am – 7am, 9.30am – 10.30am and 6pm – 7pm;
- Thursday – 6am – 7am, 9.30am – 10.30am and 6pm – 7pm;
- Friday – 6am – 7am and 9.30am – 10.30am; and
- Saturday/Sunday - 8am – 9am;

Building

The internal space of the existing building includes a section with a mat area, with the remaining area being used for storage and toilet space.

Minor amendments, both inside and outside of the building, are proposed to reflect the new use. These include painting, signage and internal window treatments.

Carparking

There is an open area provided at the front of the property accessible from Church Street, which is proposed to be re-designed to accommodate four (4) car parking bays, inclusive of one (1) accessible bay.

ASSESSMENT:

Town Planning Scheme/City's Policies Initial Assessment

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

Design Element	Complies 'Deemed to Comply' or TPS Clause	'Design Principles Assessment or TPS Discretionary Clause
Bicycles		✓
Access & Parking	✓ (Refer to Attachment 3)	

Planning Element:	Bicycle Parking
Requirement:	Parking and Access Policy No. 7.7.1 Recreational Facility: 1 bicycle bay (Class 1 or 2) 2 bicycle bays (Class 3)
Applicant's Proposal:	Recreational Facility: 3 bicycle bays (Class 3)
Administration Comment	No Class 1 or 2 bicycle bays are proposed that are accessible for staff inside the premises. A condition of approval has been recommended requiring space for a bicycle bay to be provided within the building.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period	25 November 2014 – 9 December 2014
Comments Received	Eight (8) Objections and Two (2) Comments of Concern

Summary of Comments Received:	Officer Technical Comment:
<p>Issue: <u>Car Parking</u></p> <ul style="list-style-type: none"> Lack of car parking within the area to accommodate the proposed numbers of users. Impact on availability of car parking for existing residents within Church Street. The lack of parking will have a negative impact on the area, which will only add to the requirements of other existing uses in close proximity to the subject use. There have been in excess of 20 people using the facility without the necessary Planning Approvals in place. 	<p>The four (4) car parking bays on-site are adequate to accommodate the on-site car parking required by the City under its Parking and Access Policy No. 7.7.1.</p> <p>Noted. The City is aware of the retrospective nature of the Planning Application, which allows the use to continue until a determination is made.</p>
<p>Issue: <u>Use</u></p> <ul style="list-style-type: none"> The hours of operation commencing at 6am will have an impact on the surrounding residential properties and will create unreasonable noise impact. The hours of operation should be 7am on Monday to Friday, 8am on Saturday and 9am on Sunday. 	<p>The building is located in a Residential/Commercial zone in an inner-city location, which lends itself to a mix of uses and operations that would not otherwise be appropriate in a residential area.</p> <p>As a result of its proposed operating hours primarily in the early morning, late afternoon and for limited hours on the weekend, the Yoga Studio use is of a relatively low intensity. Given that these hours are largely outside of the hours of operation of the commercial activities in the area this use will not have a negative impact on parking in the area.</p> <p>It is recommended that a condition be imposed on any approval granted, restricting operating hours to only those proposed by the applicant.</p> <p>Any noise generated by the development would be subject to the standard Environmental (Noise) Regulations.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the Change of Use from Warehouse to Recreation Facility (Yoga Studio):

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

RISK MANAGEMENT IMPLICATIONS:

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*.

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 City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The adaptive re-use of this existing space has a lower environmental impact than the creation of a new building.	

SOCIAL	
Issue	Comment
The proposed use will act as a social meeting place for local residents and provide a positive environment for recreation.	

ECONOMIC	
Issue	Comment
The proposed will provide increase employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The site is located within a Residential/Commercial R80 Zone, where a Recreation Facility is an "AA" use.

The Beaufort Precinct Policy states that the area is "to become, essentially a mixed-use area of predominantly residential uses", with "compatible commercial activities" being promoted. The proposed use is considered appropriate for this locality as it is a compatible commercial activity that provides additional recreational opportunities for the local community.

The Precinct Policy also encourages "the re-use of existing buildings", which this proposal appropriately meets.

With the provision of four (4) car parking bays (including one accessible bay) at the front of the property, the proposed change of use complies with the City's Policy No. 7.7.1 relating to Parking and Access.

Given its operating hours, the proposed use is of a relatively low intensity and is therefore not expected to have any negative impact on the locality, including nearby residential properties. Accordingly, it is recommended that a condition be imposed to limit the hours of operations to those requested in the application.

CONCLUSION:

Based on the reasons outlined above and the existing commercial nature of the building, it is considered that the proposal for Retrospective Approval for Recreational Use (Yoga Studio) should be approved subject to the conditions listed above.

9.1.2 No. 39 (Lot: 27 D/P: 1177) Knebworth Avenue, Perth – Proposed Construction of a Three-Storey Grouped Dwelling

Ward:	South	Date:	23 January 2015
Precinct:	Hyde Park; P12	File Ref:	5.2014.354.1; PRO2007
Attachments:	001 – Property Information Report 002 – Development Application Plans 003 – Applicant’s Submission dated 15 July 2014 004 – Applicant’s Response to Submissions dated 12 January 2015 005 – Heritage Impact Statement 006 – 3D Render and Overshadowing diagram 007 – Previous Council Report dated 28 May 2002		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by WABCA Pty Ltd on behalf of the owners, G and I Johnson, for the proposed construction of a Three-Storey Grouped Dwelling at No. 39 (Lot: 27 D/P: 1177) Knebworth Avenue, Perth as shown on amended plans stamp dated 4 November 2014, as included as Attachment 002, subject to the following conditions:

1. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 37 Knebworth Avenue, Perth, in a good and clean condition. The finish of the walls is to be to the satisfaction of the City and can either be fully rendered or face brickwork;

2. **Verge Trees**

No street verge tree on Knebworth Avenue shall be removed. The street verge tree is to be retained and protected from any damage including unauthorised pruning;

3. **Building Appearance**

All external fixtures shall be designed integrally with the development and shall not be visually obtrusive from Knebworth Avenue 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. **Storm Water**

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

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

5.1 **Privacy Screening**

Revised Plans showing that the major openings to the Kitchen and Lounge (upper floor) and Deck (Upper floor) at any point within the cone of vision less than 4.5 metres and 7.5 metres respectively from a neighbouring boundary, shall be screened in accordance with the requirements of the Residential Design Codes November 2013 to the satisfaction of the City; and

- 5.2 The first floor boundary wall of the bathroom being reduced to a maximum length of 4.32 metres.

ADVICE NOTES:

1. With regard to condition 1, the owners of the subject land shall obtain the consent of the owners of the relevant adjoining properties before entering those properties in order to make good the boundary walls;
2. A Road and Verge security bond for the sum of \$2000, 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;
3. Any new street/front wall, fence and gate within the Right of Way setback area, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences; and
4. With regard to condition 4, no further consideration shall be given to the disposal of storm water 'off-site' without the submissions of a geotechnical report from a qualified consultant. Should approval to dispose storm water 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed storm water disposal shall be lodged together with the building permit application working drawings.

PURPOSE OF REPORT:

Applications relating to three storey single dwellings must be referred to Council for determination.

BACKGROUND:

History:

Date	Comment
28 May 2002	Council resolved to approve a proposed Two-Storey plus loft grouped dwelling and alterations and additions to (including partial demolition of) the existing dwelling.

The approval granted in 2002 was for a contemporary two storey plus loft grouped dwelling to the rear of the existing dwelling, with access from the right of way. The approved design is fundamentally the same design as is currently being proposed except that the approved proposal had a curved roof while the current proposal includes a pitched roof.

DETAILS:

Landowner:	G and I Johnson
Applicant:	WABCA Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R80
Existing Land Use:	Vacant Land
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	427 square metres
Right of Way:	Northern, 3 metres wide, Privately owned.

The application proposes a three (3) storey grouped dwelling to the rear of an existing single house at No. 39 Knebworth Avenue, Perth.

ASSESSMENT:

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

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

The variations that were previously approved by Council on 28 May 2002 have been included in the above table and show that the current proposal seeks a reduction in the number of variations compared to the approval granted in 2002.

Design Element	Complies	Requires the Exercise of Discretion	Previous Approval
Density	✓		✓
Streetscape	✓		✓
Front Fence	✓		✓
Street Setback		✓	Required Discretion
Lot Boundary Setbacks		✓	Required Discretion
Building Height & Storeys		✓	✓
Roof forms	✓		Required Discretion
Open Space	✓		Required Discretion
Outdoor living areas	✓		Required Discretion
Bicycles	✓		✓
Access & Parking	✓		✓
Privacy	✓		Required Discretion
Solar Access	✓		✓
Site Works	✓		✓
Essential Facilities	✓		✓
Surveillance	✓		✓

Acceptable Variations

Issue/Design Element:	Street Setback
Requirement:	<p>Residential Design Elements Policy SADC 9. Setbacks from Right of Ways Ground floor – 2 metres Balconies – 2.5 metres Upper floors – 1 metre behind ground floor setback</p>
Applicant's Proposal:	<p>Ground floor – 1.5 metres (variation of 0.5 metres) Balcony – 0.7 metres (proposed variation of 1.8 metres) Upper floors – portions overhang 800mm/directly above ground floor (proposed variation of 1.8 metres/1 metre)</p>
Performance Criteria:	<p>Residential Design Elements Policy SPC 9. Setbacks from Right of Ways (i) The setback is to be compatible and consistent with the established pattern of setbacks presenting to the right of way.</p>
Applicant justification summary:	<p>The City of Vincent has a strong heritage focus however, the Residential Design Elements Policy facilitates well designed high quality modern housing. The precedence on the street encourages proposals such as this.</p>
Officer technical comment:	<p>The proposed setback variations to the ground floor are minor. The proposed development is the first property within the immediate locality facing the right of way. The surrounding dwellings fronting Lincoln Street, Knebworth Avenue and William Street use the right of way to access their parking areas. The properties fronting both Knebworth Avenue and William Street have their side boundaries built up to the boundary of the right of way. Whereas the garages and carports of the properties fronting Lincoln Street are setback between 1 metre and 4 metres from the right of way to allow access and ensure manoeuvrability, the proposed 1.5 metres front setback for this development maintains the average setback of the surrounding properties, whilst creating a unique streetscape appearance along the ROW.</p> <p>The front elevation to the right of way is sympathetic to the contemporary and character design of the surrounding properties. The design has incorporated varying articulation along with different materials and finishes to break up its appearance including timber screening, perforated corten screens, glass and cladding.</p>
Issue/Design Element:	Lot Boundary Setback
Requirement:	<p>Residential Design Codes Clause 5.1.3 (C3.1) <u>Ground Floor:</u> East – 1.5 metres South – 1.5 metres <u>First Floor:</u> East – 1.1 metres South – 1.1 metres <u>Second Floor:</u> East – 1.3 metres <u>Boundary wall:</u> One side permitted to a length of 12 metres Maximum height – 3.5 metres Average height – 3.0 metres</p>

Issue/Design Element:	Lot Boundary Setback
Applicant's Proposal:	<p><u>Ground Floor:</u> East – Nil (proposed variation of 1.5 metres) South – Nil (proposed variation of 1.5 metres) West – 3.6 metres (complies)</p> <p><u>First Floor:</u> East – Nil (proposed variation of 1.1 metres) South – Nil (proposed variation of 1.1 metres) West – 1.3 metres/3.65 metres (complies)</p> <p><u>Second Floor:</u> East– 1.5 metres (complies) South – 1.7 metres/2.6 metres (complies) West – 4.25 metres (complies)</p> <p><u>Boundary wall:</u> Two sides – (East and South) East: Maximum height – 4.2 metres Maximum Length – 9 metres South: Maximum height – 5.7 metres Maximum length: 11.3 metres on the ground floor and 5.7 metres on the upper floor</p>
Performance Criteria:	<p>Residential Design Codes Clause 5.1.3 (P3.1) P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties. <p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1' • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and • positively contributes to the prevailing development context and streetscape.
Applicant justification summary:	The eastern boundary wall adjoins the existing dwelling currently situated on the same lot. The southernmost boundary wall will partially adjoin an existing two level boundary wall at No. 37 Knebworth Avenue.
Officer technical comment:	The proposed setbacks are consistent with the intensity of the surrounding development which is terrace style properties and grouped dwellings with shared boundary walls. The majority of the surrounding properties have narrow lot widths that have resulted in these reduced setbacks.

Issue/Design Element:	Lot Boundary Setback
	<p>The eastern lot boundary is deemed to be the compliant wall on the boundary. It is contained within the shared property boundary of the existing property and the proposed development and will not have a negative impact.</p> <p>In regard to the southern boundary wall, the property has been positioned on the lot to limit any undue impact on the adjoining southern property as it is located adjacent to the existing building line of both the two storey parapet wall and single storey enclosed rear patio.</p> <p>The setback variations proposed along the southern boundary are to accommodate a double storey wall on the boundary for a length of 5.7 metres. It is recommended that the proposal be conditioned to reduce the proposed length of the wall on the southern boundary for the first level from 5.7 metres to 4.32 metres in order to bring the proposal in line with the approval granted in 2002. This reduction in wall length ensures that the two storey parapet wall does not extend past the enclosed patio area of the adjoining property.</p> <p>Although the wall height along the southern boundary does not comply with the provisions of walls on the boundary, due to its location even if compliant setbacks were proposed sunlight and ventilation to the adjoining property would be minimal. The remainder of the southern boundary wall on the ground floor will extend marginally past the single storey parapet wall and enclosed patio at the property at No. 37 Knebworth Avenue by 4.6 metres. The ground floor southern parapet wall has a height of 3.2 metres which is considered to be acceptable.</p> <p>In addition, the upper floors for the remainder of the development have been setback from the ground floors to break up its bulk and scale.</p>

Issue/Design Element:	Building Height & Storeys
Requirement:	<p>Residential Design Elements Policy BDADC 5. Building Height Top of external wall (roof above) – 6.0 metres Pitched roof – 9.0 metres Two metres and loft</p>
Applicant's Proposal:	<p>Top of external wall (roof above) – 6.8 metres (proposed variation of 0.8 metres) Top of pitched roof – 9.0 metres Three storeys</p>
Performance Criteria:	<p>Residential Design Elements Policy BDPC 5. Building Height (i) Building height is to be considered to:</p> <ul style="list-style-type: none"> • Limit the height of dwellings so that no individual dwelling dominates the streetscape; • Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and • Maintain the character and integrity of the existing streetscape.

Issue/Design Element:	Building Height & Storeys
Applicant justification summary:	<p>The proposal successfully allows for the heritage dwelling to retain its form on Knebworth Avenue, while the modern design successfully highlights the contrast between new and old.</p> <p>Rather than designing a building with mock heritage elements, the dwelling is designed to contrast with the existing building to not confuse where the heritage building ends and where the new building starts.</p>
Officer technical comment:	<p>The proposed three storey dwelling sits directly behind an existing single residential property. The proposed property is restricted view from Knebworth Avenue due to the height of the single storey property at the front which is approximately 4.5 metres high. In addition, the dwelling will be restricted view from any of the surrounding streets due to the height and intensity of the neighbouring development.</p> <p>The proposed development retains the existing streetscape appearance through the retention of the existing building. In addition, the design recognises the modern features of the surrounding residential properties. In considering both of these aspects the design incorporates high quality contemporary architecture that maintains a high level of amenity of adjacent residential uses.</p> <p>The overall pitch height of the development is 9 metres which is consistent with the pitch height of a 2 storey dwelling. Due to the design of the roof, the proposal represents a three storey dwelling as opposed to a two storey plus loft. The design of the roof and inclusion of windows on the northern elevation ensures that sufficient light and ventilation is available to the "loft" floor.</p> <p>The development makes efficient use of vacant land. The design makes effective use of all available space and provides sufficient usable open space for the property. The overall height of the building and the height of the walls are consistent with that of a two-storey development and as a result the third storey component of this development does not have any impact on the adjoining residential properties.</p> <p>It is noted overshadowing complies with the requirements of the Residential Design Codes 2013 which provides that overshadowing of 50 percent of the adjoining lot is permissible. The proposal results in overshadowing of 28 percent of the adjoining lot, of which 20 per cent falls onto the adjoining house wall and roof.</p>

Variations which are Not Acceptable

Issue/Design Element:	Visual Privacy
Requirement:	Residential Design Codes Clause 5.4.1 Other habitable rooms – 4.5metres Balconies and the like – 6 metres
Applicant's Proposal:	Other habitable rooms - 3.6metres (kitchen) - 2 metres(lounge) Balconies and the like – 1.78 metres (deck)
Performance Criteria:	Residential Design Codes Clause 5.4.1 P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: <ul style="list-style-type: none"> • building layout and location; • design of major openings; • landscape screening of outdoor active habitable spaces; and/or • location of screening devices. P1.2 Maximum visual privacy to side and rear boundaries through measures such as: <ul style="list-style-type: none"> • offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • building to the boundary where appropriate; • setting back the first floor from the side boundary; • providing higher or opaque and fixed windows; and/or • screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).
Applicant justification summary:	N/A
Officer technical comment:	The City accepts no variations to the Visual Privacy requirements of the R-Codes 2013. As such, it is recommended that a condition is imposed requiring that the major openings to the kitchen, lounge and balcony are screened to the satisfaction of the City.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
Comment Period:	7 November 2014 to 21 November 2014. A previous proposal was advertised from 11 July 2014 to 1 August 2014. As twelve (12) objections were received, the applicant made significant changes to the proposal that was originally advertised.		
Comments Received:	Six (6) comments were received objecting to the development.		

Summary of Comments Received:	Officer Technical Comment:
<p>Issue: Parking and Access</p> <p><i>“Construction will have a major impact on our everyday life. It will increase the traffic flow. There is no parking on Knebworth Street as it is – let alone Lincoln Street and William Street. Where do you intend trucks, bulldozers, etc. plan to park? Let alone parking for visitors once it is built.”</i></p> <p><i>“The ROW upgrade was paid for by the Units facing Lincoln Street. So where are you going to build from?”</i></p>	<p>For single dwelling developments the City does not require a traffic management plan to be submitted. In regards to parking issues the City’s Ranger Services can issue permits for construction related vehicles to park in close proximity to the development site. In addition, the R-Codes only require one car bay to be provided for this site. The proposal incorporates two car bays which would permit visitors to park within the property boundaries. In addition, the existing front property also has a car bay with access of Knebworth Avenue.</p> <p>The owner of the land has legal access to the right-of-way, permitting its use during the construction of the proposed property.</p>
<p>Issue: Streetscape</p> <p><i>“Approval of a three storey building will dominate the streetscape in a small residential street which comprises single and two storey homes and does not contribute positively to the prevailing development context and streetscape.”</i></p> <p><i>“Aesthetically, the proposed building appears more like an apartment block crammed onto a small space, than a residential home.”</i></p>	<p>The third storey of the building is predominately contained within the roof space of the property. The maximum roof pitch height of the proposal is 9 metres, which is consistent with the permitted roof pitch height of two storey properties in the locality.</p> <p>The proposed building is located at the rear of an existing heritage property. Due to this location, the proposal is not expected to have any adverse impact on the existing streetscapes of Knebworth Avenue, Lincoln Street and William Street.</p>
<p>Issue: Lot Boundary Setback</p> <p><i>“The proposed dwelling will finish 3.68m from the western wall with overhanging balconies on the south end of both the first floor and loft level which will finish much closer to the western wall. This will present a very dominating northern aspect to our property and drastically reduce the level of privacy in our outdoor living area.”</i></p> <p><i>“The 9m wall not only goes against planning guidelines, but it is also tight up to the boundary of the site and will therefore impinge on our privacy and the current enjoyment we have of open sky space. Three stories is simply excessive on a block less than 200sqm big.”</i></p>	<p>The proposed western setback is compliant on all floors with the requirements of the Residential Design Codes 2013. Any variation to the privacy requirements proposed are not supported and a condition has been imposed requiring that the kitchen, lounge and deck on the upper floor meets those requirements.</p> <p>The 9 metre wall referred to formed part of the previous proposal. The previous proposal included a wall which was 7.6 metres long with a height of 9 metres. Under the current proposal the applicant has reduced the height of the wall to a maximum of 5.4 metres with a length of 5.7 metres. This wall is the same height and marginally longer than the boundary wall at No. 37 Knebworth Avenue.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><i>"The proposed balcony is essentially a roof. This will provide uninhibited views to the north, west and south of the property, which is a severe invasion of privacy for all of those within line of sight."</i></p>	<p>The initial plans submitted as part of this proposal and advertised in July 2014 included a large balcony on the top floor. Following the advertising period, these plans were amended to result in the proposal that is currently under consideration. The changes include removing the balcony on the top level. Accordingly the submitter's comment is no longer relevant to the current proposal.</p>
<p>Issue: Amenity</p> <p><i>"The building will have an adverse impact on the amenity of the immediately adjoining property on the south side. Reduced direct sun will affect the viability of the garden/vegetation which is environmentally important in this closely developed neighbourhood."</i></p> <p><i>"Given the location of the proposed building and its height...it would have the potential to dramatically affect the efficiency of my roof mounted solar collectors."</i></p>	<p>The proposed overshadowing is compliant with the requirements of the R-Codes 2013. The proposal will result in 28 per cent overshadowing, which is 22 per cent less than the 50 per cent permitted for properties zoned R50 and above.</p> <p>The boundary wall on the southern side will abut a wall of equal height and width at No. 37 Knebworth Avenue. The roof of the proposed development is then angled away from the boundary. The solar panels are located on the two storey roof of the adjoining property. As shown in Attachment 006 the shadow from this development does not extend to this area of the roof of the adjoining dwelling and therefore this development will not have any impact on the efficiency of the solar collectors.</p>
<p>Issue: Materials</p> <p><i>"I'm concerned that screening will be reflective from the aluminium screens. This building is not complementary with the surrounding character terrace houses/buildings and heritage buildings."</i></p> <p><i>"Given the angle of the roof on the southern side of the proposed dwelling, the reflection from the afternoon sun will be quite severe into our outdoor living area."</i></p>	<p>The applicant has advised that the exterior façade of the dwelling is designed to be clad with Corten steel sheets. Corten is a steel which has been specifically developed to eliminate the requirement for painting through forming a stable rust-like appearance. Given the fact that the Corten screen is designed to rust, the dwelling's external façade will not be a reflective surface. In addition, prior to the external façade rusting the material does not have a reflective quality.</p> <p>Due to the angle and height of the roof shadow will be cast on the southern side of roof of the proposed dwelling as shown in Attachment 006 and therefore there will be no reflection of light from this southern side. In addition, the roof pitch is consistent with the required roof pitch of the City's Residential Design Elements Policy No. 7.2.1.</p>

Summary of Comments Received:	Officer Technical Comment:
<p>Issue: Self-Contained Unit</p> <p><i>“In addition to existing dwelling, the plan submitted with the application includes a self-contained unit with its own entrance, kitchenette, living room, guest bedroom, and en-suite bathroom. If the intention of the proponents is for the self-contained accommodation to be occupied on a rental or short-stay basis, given the current pressure on parking in Knebworth Avenue, a parking management plan should be provided.”</i></p>	<p>The proposal does not include ancillary accommodation.</p> <p>The applicant has proposed a double garage although under the R-Codes 2013, the applicant is only required to provide one car bay.</p>
<p>Issue: Views</p> <p><i>“The City view is of great significance that will be taken away from existing home owners. 3 storeys is too high and will have an impact on existing dwellings.”</i></p>	<p>The overall height of the building is compliant with the height of a two-storey dwelling. Views are not a planning consideration.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the Proposed Construction of Three-Storey Grouped Dwelling.

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes of Western Australia 2013;
- Residential Design Elements Policy No. 7.2.1; and
- Hyde Park Precinct Policy No. 7.1.12.

RISK MANAGEMENT IMPLICATIONS:

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*.

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

SOCIAL	
Issue	Comment
Nil.	

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposal, although three storeys by definition, is more consistent with a two storey plus loft style of development. However, due to the inclusion of windows on the northern elevation and the resulting roof pitch design the proposal is classified as a three storey development.

The proposed development is tucked in between existing developments that are typically two-storey terrace style developments with high roof pitches, which would obscure the new proposal from view from any of the adjoining streets, despite its maximum roof pitch of 9 metres.

The proposal complies with the Design Principles of the City's Residential Design Elements Policy No. 7.2.1 and the Residential Design Codes of WA 2013. The height and design of the property makes efficient use of the site whilst still being sympathetic to the surrounding properties.

In addition, with the requirement to reduce the length of the upper level boundary wall (recommended as condition 5.2), the proposal is fundamentally the same design as previously approved by Council in 2002 with changes proposed to the roof pitch only.

CONCLUSION:

The proposed three (3) storey dwelling is recommended for approval subject to relevant conditions, due to its location in behind existing development, and as its wall and roof heights are consistent with the height of a two storey development, of which there are many in this area.

9.1.3 No. 448 (Lot 352 D/P 32224) Beaufort Street, Highgate – Proposed Change of Use from Eating House to Eating House and Small Bar (Unlisted Use)

Ward:	South	Date:	23 January 2014
Precinct:	Mount Lawley Centre: P11	File Ref:	PR18301; 5.2014.555.1
Attachments:	001 – Property Information Report 002 – Development Application Plans 003 – Applicant’s Letter 004 – Car Parking Table – 448 Beaufort Street (2008) 005 – Car Parking Table – 442-446 Beaufort Street (2013) 006 – Applicant’s request for earlier starting time		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Acting Co-ordinator Statutory Planning		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and Metropolitan Region Scheme, **APPROVES BY AN ABSOLUTE MAJORITY** the application submitted by Bruce Arnold Architects on behalf of the owner Miraldo Nominees Pty Ltd for the proposed Change of Use from Eating House to Eating House and Small Bar (Unlisted Use) at No. 448 Beaufort Street, Highgate, as shown on plans stamp dated 3 October 2014 and amended plans received on 23 January 2015, included as Attachment 002, subject to the following conditions:

1. Number of Persons

- 1.1 The maximum patronage for the Small Bar including the courtyard area shall be One Hundred Twenty (120) persons;
- 1.2 The maximum patronage for the Eating House shall be One Hundred Eight (108) persons; and
- 1.3 Any proposed increase to the number of patrons of the proposed Small Bar and Eating House will require a further development application;

2. Hours of Operation

Small Bar (Unlisted Use):

- Monday to Friday – 4pm – Midnight;
- Saturday – 12 noon – Midnight; and
- Sunday – 12 noon – 10pm;

3. External Fixtures

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

4. Signage

A separate application is required to be submitted for any proposed signage that does not comply with the requirements of the City’s Policy relating to Signs and Advertising;

5. **Verge Tree**

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

6. **Sale of Liquor**

Packaged liquor is not to be sold at the Small Bar premises;

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

7.1 **Acoustic Report**

An Acoustic report in accordance with the City's Policy No. 7.5.21 relating to Sound Attenuation shall be prepared and submitted. The recommended measure of the acoustic report shall be implemented; and

7.2 **Revised Plan**

Revised plans showing the provision of a minimum of two separate unisex shower and change rooms;

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

8.1 **Bicycle Parking Facilities**

Seven (7) Class Three and Four (4) Class One or Two bicycle facilities shall be provided at a location convenient to the entrances of the proposed eating house/small bar. Details of the design and layout of bicycle parking facilities shall be submitted to and approved by the City prior to the installation of such facility;

8.2 **Acoustic Report**

In relation to condition 7.1, certification shall be provided that the measures recommended in the Acoustic Report approved for this development have been implemented; and

8.3 **Venue Management Plan**

A Venue Management Plan is to be submitted for assessment and approval by the City in line with the recommendations/advice notes made in the Acoustic Report and must include the following:

- 8.1.1 Complaints register/management log;
 - 8.1.2 Protocol for closing the doors at required times;
 - 8.1.3 Style of music;
 - 8.1.4 Patron noise (upon arrival and departure from the premises);
 - 8.1.5 Waste collection;
 - 8.1.6 Deliveries;
 - 8.1.7 Antisocial behaviour; and
 - 8.1.8 Community relations; and
-

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

9.1 Cash in Lieu for Car Parking

Provide plans showing that the required car parking shortfall of 9.73 commercial car bays can be provided onsite OR pay a cash-in-lieu contribution for the shortfall that cannot be provided on-site, based on the cost of \$5,200 per bay as set out in the City's 2014/2015 Budget being a contribution of \$50,596.

ADVICE NOTES:

1. In relation to Condition 2, the trading hours for New Year's Eve on a Sunday, New Year's Day, Good Friday, Christmas Day and ANZAC day are covered by Part 4 of the Liquor Control Act 1988;
2. No building work shall commence without a Building Permit having been issued;
3. It is an offence under the Building Act to occupy a building (other than Class 1 and 10 Buildings) without an appropriate occupancy permit;
4. In relation to condition 9.1 the cash-in-lieu amount may be reduced if additional car bays are provided on-site or in conjunction with any other arrangement acceptable to the City.

Alternatively the lodgement of an appropriate assurance bond/bank guarantee of the above value to the satisfaction of the City can be undertaken. This assurance bond/bank guarantee will only be released in the following circumstances:

- 4.1 To the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or
- 4.2 To the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or
- 4.3 To the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired; and
5. In relation to condition 7.2, a minimum of two separate unisex shower and change rooms is to be provided as end-of-trip facilities to allow this adjustment factor to be included in the car parking calculations.

PURPOSE OF REPORT:

The proposal is referred to Council for determination as a Small Bar is an Unlisted Use, which requires an Absolute Majority decision.

BACKGROUND:

The property has been operating as an Eating House (Ace Pizza Restaurant) since July 2013. The eating house was approved by Council at its Ordinary Meeting held on 8 July 2008. With a car parking shortfall of 7.607 bays, which was paid as cash-in-lieu (refer Attachment 004 for the parking calculation on table approved at the time).

Since consideration of this matter at the Council Briefing on 3 February 2015, the applicant has requested an opening time in the afternoon of 4pm rather than 6pm.

This change to the starting time is in line with the City's Policy for Licenced Premises No. 7.5.7, which allows opening hours of small bars to be:

Monday to Saturday: 7am – midnight; and
Sundays: 7am to 10 pm.

History:

Date	Comment
12 October 1998	Council at its Ordinary Meeting resolved to refuse an application from vacant building to eating house.
16 November 1998	Council at its Ordinary Meeting resolved by an absolute majority to approve the change of use of the subject site from vacant building to eating house with karaoke facilities.
8 July 2008	Council at its Ordinary Meeting resolved to conditionally approve the change of use of the subject site from showroom to eating house and replacement of existing awning.
2 December 2008	Council at its Ordinary Meeting resolved to defer the application for change of use from showroom to eating house and associated alterations and replacement of existing awning (reconsideration of condition).
11 June 2013	Council at its Ordinary Meeting resolved to approve the application for outdoor eating area to existing eating house and reconsideration of previous condition of approval.

DETAILS:

Landowner:	Miraudo Nominees Pty Ltd
Applicant:	Bruce Arnold Architects
Zoning:	Commercial
Existing Land Use:	Eating House
Use Class:	Eating House, Small Bar
Use Classification:	"P", Unlisted Use
Lot Area:	911 square metres
Right of Way:	Not Applicable

Use

The proposal seeks a change of use for an existing Eating House to Eating House and Small Bar.

The current eating house (Ace Pizza) operates at the front of the building and the proposed small bar will be located at the rear of the existing building. The rear of the tenancy is currently not used for the restaurant and has the capacity to accommodate the proposed small bar which is expected to cater for 120 patrons. To accommodate the small bar some building alterations of the existing tenancy are required. These include minor changes to the existing eating house, new change facilities and toilets, provision of end-of-trip facilities, removal of walls and fit out of the rear building of the building, access to the existing outdoor space on the southern side of the tenancy and reconfiguration of this space to provide for a new outdoor seating area for the small bar.

Hours of Operation

The applicant proposes the following hours of operation for the small bar for both the indoor and outdoor areas of the Small Bar:

Monday to Friday	Late afternoon till midnight
Saturday	Lunchtime till midnight
Sunday	Lunchtime till 10 pm.

The existing Ace Pizza eating house operates from Wednesday to Sunday from 5.30 pm till late.

Car Parking

The applicant is proposing that parking for the Small Bar use is provided via a reciprocal parking arrangement with the owners of Nos. 442-446 Beaufort Street, Highgate. The carparking areas of these properties already function as one area with an existing access easement over No. 442-446 Beaufort Street in favour of 448 Beaufort Street. 8 car parking bays are provided at No. 448 Beaufort Street and 28 car bays at Nos. 442-446 Beaufort Street.

In support of his proposal for reciprocal carparking, the applicant has provided a car park study which shows that there are an average of 21.7 to 24.8 vacant car bays from 6:00pm to 10:00pm from Monday to Sunday on Nos. 442-446 Beaufort Street. The car park study did not give details on the availability of car bays at Nos. 442-446 Beaufort Street from 12:00 noon to 6:00pm.

Management Plan

The applicant submitted a Venue Management Plan with this application but as it is considered to be incomplete it is recommended that the requirement for a further Venue Management Plan is imposed as a condition of approval.

ASSESSMENT:

As the use of the existing Eating House (Ace Pizza) remains unchanged and the building works for this use are internal, this assessment focusses on the addition of the proposed small bar.

Land Use

The site is located within a Commercial zone. Given a Small Bar is an unlisted use it is considered to be an "SA" use in this zone under the City's Policy No. 7.5.7 – Licensed Premises.

The Mount Lawley Centre Precinct Policy No. 7.1.11 states that *"the Mount Lawley Centre Precinct is to continue to serve the retail, commercial and community needs of the district, consolidated within its existing boundaries, with a strong , attractive shopping area (extending into the City of Stirling) forming its focus."*

There are already existing Small Bars in this precinct and therefore the proposal is considered to align with the intent of the Precinct Policy, and to be appropriate for a Commercial Zone.

Hours of operation

The City's Policy No. 7.5.7 – Licensed Premises determines the acceptable trading hours for Small Bars as shown in the table below.

Day(s)	Trading Hours	
	Indoor Areas	Outdoor Areas
Monday-Saturday	7:00am – midnight	7:00am – midnight
Sunday	7:00am* – 10:00pm	7:00am* – 10.00pm

*the sale, supply and consumption of alcohol is restricted by those times listed in the Liquor Control Act 1988.

Given the proposed operating hours of the Small Bar, this proposal complies with the policy.

Car Parking

A total of 8 car parking bays are provided for the Eating House and the proposed Small Bar at No. 448 Beaufort Street at the rear of the building.

Under the City's Parking and Access Policy No. 7.7.1 for the proposed uses on the application site the following car parking calculations apply:

Car Parking	
Car parking requirement (nearest whole number) Existing Eating House- 1 space per 5 persons (108 patrons)* Car bays required = 21.6 Proposed Small Bar- 1 space per 5 persons (120 patrons) Car bays required = 24 Total car bays required = 45.6 = 46	46 car bays
Adjustment factors <ul style="list-style-type: none"> • 0.8 (within 400 metres of a bus stop) • 0.85 (within 400 metres of a car park with over 75 car bays) • 0.9 (within a town centre) • 0.9 (end-of-trip facilities) 	(0.5508) 25.34
Minus the car parking provided on site	8
Minus the shortfall for the eating house for which cash-in-lieu was paid	7.607
Resultant shortfall	9.73 car bays

*The 108 patrons for the existing eating house (Ace Pizza) is based on the 108 square metres of public floor area approved by Council at its Ordinary Meeting held on 2 December 2008.

Under the City's Parking and Access Policy No. 7.7.1, the adjustment factor available for the provision of end-of-trip facilities is only available if a minimum of two separate unisex shower and change rooms are provided on site. The current plans already propose the construction one unisex shower and change room and the applicant has advised that one additional facility will be provided and shown on the plans to be submitted for the Building Permit as such, the above calculations have taken this adjustment factor into account. Accordingly it is recommended that a condition be imposed on any approval granted, requiring a minimum of two separate unisex shower and change rooms.

Based on the above assessment, the proposed Small Bar will require that an additional 9.73 car bays are provided at No. 448 Beaufort Street.

At present there are 8 car bays available at No. 448 Beaufort Street and 28 car bays at Nos. 442-446 Beaufort Street (total = 36 car bays).

The 28 car bays serve the tenancies at Nos. 442-446 Beaufort Street, Highgate where a shop, office, tavern, amphitheatre and warehouse/cellar/store are approved. When Council approved an increase in patronage and operating hours to the existing outdoor amphitheatre (Bamboo) at its Ordinary Meeting held on 25 June 2013 there was no parking shortfall. (refer to Attachment 005).

Given that the shop, office and warehouse/cellar/store at Nos. 442-446 Beaufort Street operate at different hours to the proposed hours of the small bar, the applicant's request for reciprocal carparking can be evaluated. However of the existing car bays (28) in the carpark, it is estimated that only 7 bays are allocated to these uses and could therefore be available for reciprocal car parking for the proposed small bar.

This would reduce the resulting shortfall to 2.73 car bays for which cash-in-lieu would be required.

Given that Beaufort Street is developing as an entertainment area, which will continue to attract uses with afterhours operating times, any reciprocal car parking arrangement would need to be secured in the long term. An appropriate measure in this instance is considered to be that an easement is imposed on the title of Nos. 442-446 Beaufort Street for the benefit of No. 448 Beaufort Street. However the owners of No. 442-446 Beaufort Street have indicated that they are not willing to accept such a condition.

This has prompted the applicant to propose an alternative condition which requires a legal arrangement that defers the cash in lieu payment to a point in time when the bays are no longer available for reciprocal parking as a result of changes of use at Nos. 442-446 Beaufort Street.

As an arrangement of this nature would be very difficult to administer and includes too many risks to the City, it is not considered to be acceptable.

Accordingly it is recommended that cash in lieu is required to be paid for the total shortfall of 9.73 bays which results from adding the small bar use on this site, and that a condition is imposed in this regard.

Bicycle Parking

Bicycle Parking	
Bicycle bay requirement	
<ul style="list-style-type: none"> • Eating House/Small Bar 1 space per 20 persons 108 persons for eating house and 120 persons for small bar = 228 persons 	
Total bicycle bays required: 11.4 = 11 35 per cent class 1 or 2 = 3.85 = 4 65 per cent class 3=7	11 bicycle bays
Minus the bicycle bays provided on-site	2 bicycle bays
Resultant Shortfall	9 bicycle bays

It is recommended that a condition is imposed on the approval requiring the installation of the required number of bicycle bays.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
Comment Period:	25 November 2014 – 16 December 2014		
Comments Received:	Eight submissions were received, five (5) in support of the proposal, two (2) objecting to the proposal and one (1) submission raises concerns.		

Other than ticking the box no further comments were provided in the submissions that supported of the proposal.

The comments from the objections and concerns are summarised:

Summary of Comments Received:	Officer Technical Comment:
<u>Vandalism/Alcohol</u> Selling of alcohol will result in drunken people vandalising or urinating on surrounding properties.	The application site is located within a Commercial zone where eating houses and small bars are acceptable uses and can be considered subject to certain requirements being met.
<u>Noise</u> Music from the small bar will have an undue impact on the surrounding residential area.	In order to commence the small bar use the applicant is required to submit an Acoustic Report and implement the measures recommended in the Acoustic Report to ensure minimum disruption and impact on adjacent residential properties. The use is required to comply with the Noise regulations.
<u>Parking</u> There is already a lack of parking in the area. The shortfall of parking bays will have additional impact on the vicinity. There should be a surplus of bays on Nos. 442-446 Beaufort Street before the City gives its approval for sharing the car bays.	The City Parking and Access Policy No. 7.7.1 allows the City to accept cash in lieu of the provision of on-site car bays, which enables the City to address local parking issues.
<u>Package Liquor</u> How the City will control the sale of package liquor to patrons of the small bar?	An approval of this proposal is subject to a condition that the sale of package liquor is not permitted.
<u>Devaluation of properties</u> The proposed bar would devalue the surrounding existing residential units.	Perceived devaluation of property value is not a planning consideration.
<u>Applications</u> There is a current planning approval in the City from this owner for a tavern on the adjoining site. Two bars next to each other and neither proposals comply with the City requirements.	At present there is no planning application for a bar on the two adjoining sites of No. 448 Beaufort Street.
<u>Bicycle Parking</u> The applicant is required to comply with the bicycle required.	The applicant will be required to comply with the bicycle parking requirement if the proposal is supported.

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

Consultation with other Agencies or Consultants

The Department of Planning

The application was referred to the Department of Planning (DoP) for comment due to the classification of Beaufort Street as an Other Regional Road. The DoP supports the application on regional transport planning grounds.

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

Clause 39 of Town Planning Scheme No 1 requires that Council can grant planning approval for an unlisted use provided *“it is satisfied, by an absolute majority that the proposed development is consistent with the matters listed in Clause 38(5).”* These matters include among others that the proposal aligns with the planning framework, represents orderly and proper planning and contributes towards the conservation of the amenities.

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Mount Lawley Centre Precinct Policy No. 7.1.11;
- Parking and Access Policy No. 7.7.1; and
- Licensed Premises Policy No. 7.5.7.

RISK MANAGEMENT IMPLICATIONS:

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*.

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.

1.1.1 Enhance and maintain the character and heritage of the City.”

SUSTAINABILITY IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The adaptive re-use of this existing space has a lower environmental impact than the creation of a new building.	

SOCIAL	
Issue	Comment
The development will act as a social meeting place location providing a variety of food and beverage for the immediate and surrounding public.	

ECONOMIC	
Issue	Comment
The development will provide increased employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Health and Technical Services

The City's Health Services have advised that the small bar will require a public building assessment.

Technical Services support the proposal.

Planning Services

The Small Bar use is considered to be an appropriate use in this location as the area is zoned Commercial. The use is also consistent with the objectives of the Mount Lawley Centre Precinct Policy No. 7.1.11 and the mix of uses with an increased focus on small bars is considered highly desirable for the Beaufort Street strip.

Supporting the Small Bar in this location will benefit Beaufort Street as a whole as it will help expand the vibrant area along Beaufort Street and activate more of the street.

Given the site's proximity to public transport links and public car park and a cash in lieu contribution to the public facilities in the area is considered appropriate, as the proposal for reciprocal car parking is not supported. Cash-in-lieu payment for the resulting carparking shortfall of 9.73 car bays is required.

CONCLUSION:

Given the site is easily accessible to public transport, located within a commercial zone and the small bar use will bring vibrancy along this section of Beaufort Street, the proposal is recommend for approval subject to conditions.

9.1.4 Nos. 95/262 (Lot 95; STR: 62127) Lord Street, Perth – Proposed Non-Permanent Alfresco Decked Area to an Existing Restaurant Within an existing Road Widening Area

Ward:	South	Date:	23 January 2015
Precinct:	EPRA, P15	File Ref:	PRO6387; 5.2014.277.1
Attachments:	001 – Property Information Report 002 – Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Acting Senior Planning Officer (Statutory)		
Responsible Officer:	G Poczyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by S Cameron on behalf of the owner Cygnet Properties Pty Ltd for a Proposed Non-Permanent Alfresco Decked Area to an existing restaurant use within an existing road widening area, at Nos. 95/262 (Lot 95; STR: 62127) Lord Street, Perth as shown on plans stamp dated 21 May 2014, as included as Attachment 002, subject to the following conditions:

1. The proposed deck structure is approved as a temporary structure. Relative to this condition:
 - 1.1 The City shall retain the right to require removal of the structures within the leased or licenced area if deemed necessary for infrastructure maintenance or upgrade, at the full cost of the lessee or licensee and no compensation shall be payable for loss of trading time should access be required by the City;
 - 1.2 By acting on this approval, the landowner agrees to remove the development at a time when the reserved land is required for the upgrading of Lord Street at the applicant's expense; and
 - 1.3 By acting on this approval, the land owner agrees that any improvements made to or loss of amenity will not be taken into consideration in determining any land acquisition cost or compensation which may be payable by Council or the Western Australian Planning Commission at such time as the land is required; and
2. Unless otherwise required in accordance with Condition 1, the proposed deck structure is to be removed by the Owner/Applicant and the area reinstated to the satisfaction of the City when the restaurant use ceases;
3. The Proprietor/Manager of the Restaurant provides the City with a Venue Management Plan to ensure that the alfresco area does not have a detrimental impact on the adjoining residential and business properties and shall include as a minimum:
 - 3.1 An Alcohol and Noise management plan;
 - 3.2 Implementation of recommendations contained in an approved acoustic report; and
 - 3.3 Procedures to consult directly with any affected persons, residents and/or businesses to resolve any noise or other issues that may arise;
 - 3.4 Procedures to address any anti-social behaviour, traffic, car parking, disposal and collection of rubbish;

4. **PRIOR TO THE SUBMISSION FOR A BUILDING PERMIT, the following shall be submitted to and approved by the City:**
- 4.1 **A licence/lease granted by the Department of Lands to the applicant permitting the placement of the structure in this location;**
 - 4.2 **An acoustic report or equivalent to manage noise generation from the alfresco use to the satisfaction of the City;**
 - 4.3 **A coloured schedule and perspectives of the external finishes of the structure associated with the alfresco area for approval by the City;**
 - 4.4 **A Storm Water Management Plan that addresses the management of stormwater from the proposed alfresco structure to the satisfaction of the City; and**
 - 4.5 **A Construction Management Plan detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 7.5.23 relating to Construction Management Plans. Construction on and management of the site shall thereafter comply with the approved Construction Management Plan.**

ADVICE NOTES:

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

PURPOSE OF REPORT:

The application is referred to Council as the proposal involves the construction of a proposed decked outdoor alfresco area to an approved Restaurant (Funtastico) into the future road widening area along the north-eastern corner of the intersection of Lord Street that is likely to be of significant interest to the community.

BACKGROUND:

History

Date	Comment
23 August 2011	Council at its Ordinary Meeting approved an application for a Six Storey Mixed Use Development including a Restaurant use for the subject tenancy.
25 November 2014	The City issued a Section 40 Certificate for the Restaurant (Funtastico)

The restaurant has not yet started trading.

DETAILS:

Landowner:	Cygnnet Properties Pty Ltd & Department of Lands
Applicant:	S. Cameron
Zoning:	Commercial and Unzoned Land
Existing Land Use:	Restaurant
Use Class:	Restaurant
Use Classification:	Permitted
Lot Area:	4372 square metres
Right of Way:	Not applicable

The applicant proposes a non-permanent alfresco structure adjacent to the Unit 95, which has been approved as a restaurant use. The structure is proposed to be located on the edge of the property boundary and onto the future road widening area of Lord Street.

The proposed deck itself has an area of 35 square metres and consists of a section that is 2.7 metres wide and 13.04 metres long. The structure will be located underneath the existing canopy with direct access from the restaurant. The structure is proposed to accommodate six (6) planter boxes and six (6) tables and twenty-four (24) chairs. It is to be constructed of a composite decking material and surrounded by timber balustrading.

ASSESSMENT:

The property is located within the former East Perth Redevelopment Scheme Area.

The East Perth Redevelopment Scheme is a precinct based scheme. The property is located within Precinct 15 – Claisebrook North and the restaurant use is a “Preferred” use under the EPRA scheme in this location. The alfresco is an extension of the restaurant use.

The relevant Claisebrook North Precinct Built Form Guidelines apply to this proposal:

- *“Visual interest in building facades is important to a quality streetscape;”*
- *“Priority given to maximising pedestrian access and circulation throughout the area”*
- *“Generally, alterations to the Authority’s existing paving, on-street parking, lighting, tree planting, street furniture and other elements will not be permitted. However if it can be demonstrated that a superior design solution can be achieved through the relocation of one of these elements, the Authority will consider such a proposition provided that the relocation is carried out to the Authorities specification at the owners expense.”*

The proposed use is considered to be appropriate in this locality as its proposed design is appealing and the structure will provide visual interest to the street corner. Given the width of the existing verge the proposed structure will also not obstruct pedestrian movement.

As the alfresco decked structure is designed to be non-permanent it can be removed should the need arise for the maintenance of services or the road widening of Lord Street in this location. Similar alfresco structures have been incorporated into areas along Oxford Street in Leederville and Parry Street in Perth and have operated effectively.

Given the location of the Restaurant and proposed location of the alfresco deck on a well frequented road and pedestrianised area of Lord Street no stipulated operating hours are proposed or recommended.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
Comment Period:	4 December 2014 to 17 December 2014		
Comments Received:	Nine (9) comments of support in addition to One (1) comment of objection.		

The comments raised supporting the proposal included:

- The restaurant and proposed alfresco will serve residents of the building and visitors to the area;
- The alfresco area will create more vibrancy for the area;

Summary of Concerns Raised	Officer Technical Comment:
<p>Issue: Use</p> <p>Concern regarding the noise generated from persons utilising the outdoor area.</p>	<p>Noted. The applicant will be required to comply with the relevant Environmental (Noise) Regulations 1997 in order to satisfy any noise generated from persons utilising the decked area. A condition is recommended that the applicant provide an acoustic report or equivalent to enable the amelioration of any noise issues should they be encountered.</p> <p>It is also noted whilst there are apartments within close proximity to the proposed alfresco deck, there are no apartments located directly above the proposed alfresco area. The use of the premises for a restaurant was approved with development approval for the site.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- Planning and Development Act 2005;
- East Perth Redevelopment Scheme No. 1;
- Policy No. 4.1.5 relating to Community Consultation;
- Development Guidelines for Commercial and Mixed Use Developments;
- City of Vincent Local Government Property Local Law 2007;
- Policy No. 3.8.1 relating to Outdoor Eating Areas;
- Building Act 2011; and
- Building Regulations 2012.

RISK MANAGEMENT IMPLICATIONS:

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*.

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.*

Economic Development

2.1 *Progress economic development with adequate financial resources*

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:

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	
Issue	Comment
The proposed increase in area of the approved Restaurant involves additional operating hours to the existing commercial development.	

SOCIAL	
Issue	Comment
The additional area for the café will provide a place for persons to meet and socialise in an inner city environment, which promotes surveillance and activation of the street.	

ECONOMIC	
Issue	Comment
The premises will provide opportunities for employment.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Department of Lands

Given the application proposes a non-permanent alfresco deck to be located in a future road widening area, the MRS Form 1 planning application form was signed by the Department of Lands, indicating their support for this proposal.

Planning

The location of the restaurant on the corner of Lord and Summers Street on the ground floor of an existing Multi Storey Development lends itself to the creation of interactive use and brings interest to the prominent intersection. The location of an alfresco area adjacent to this intersection will strengthen this further, create interest and bring additional vibrancy to this locality and the development. The deck itself will enable views across to the Nib Stadium area and improve the economic viability of the restaurant.

The proposed decking is similar in appearance and will function in a similar way to existing outdoor alfresco areas along Oxford Street, Leederville and Parry Street, Perth. Both examples have been positive inclusions to the streetscape, added opportunities for retail businesses to expand in a controlled manner and increased patronage and vitality to the area. It is noted the non-permanent nature of the structures allows their removal should the need arise.

Conclusion

The proposed structure can be supported given the benefit it is likely to bring to the area, its temporary nature and given the site's wide verge, it will not obstruct pedestrian movement in this area.

It is recommended that the application for the proposed deck to be supported subject to conditions and advice notes.

9.2 TECHNICAL SERVICES

9.2.1 Proposed Traffic Calming – View Street, North Perth

Ward:	North	Date:	22 January 2015
Precinct:	Smith's Lake (6)	File Ref:	SC976 / SC228
Attachments:	001 – Proposed Plan No. 3170-CP-01 002 – Public Consultation Summary		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

- APPROVES the implementation of the proposed traffic calming for View Street, North Perth between Charles and Woodville Streets, estimated to cost \$20,000 as shown on attached Plan No. 3170-CP-01; and**
- ADVISES the respondents of its decision.**

PURPOSE OF REPORT:

To seek Council's approval to implement traffic calming in View Street, North Perth.

BACKGROUND:

At its Ordinary meeting held on 18 November 2014 (Item 9.2.3) Council resolved as follows;

"That Council:

- APPROVES IN PRINCIPLE the implementation of the proposed traffic calming for View Street, North Perth, between Charles Street and Leake Street, estimated to cost \$25,000, as shown in Attachment 001 (Plan No. 3170-CP-01);*
- CONSULTS with affected residents and businesses regarding the proposed traffic calming measures referred to in 1 above; and*
- RECEIVES a further report at the conclusion of the consultation period."*

DETAILS:

As previously reported to Council, View Street is classified as a Local Distributor Road in accordance with the Metropolitan Functional Road Hierarchy and in keeping with this classification, the average weekday traffic volume should not exceed 6,000 vehicles per day, while the posted speed limit is 50 kph.

View Street currently carries in the order of 2,750 to 3,170 vehicles average weekday traffic (AWT). The traffic volume varies by block. Further, as of 2014, View Street has a 40 kph School Zone speed restriction in the vicinity of the North Perth Primary School between Peach and Woodville Streets.

The retail/commercial strip, east of Leake Street through to Fitzgerald Street, has low profile speed humps installed as part of the streetscape and parking enhancement works completed in the early 2000's and which has proven very successful in limiting the speed of traffic in the vicinity of the congested North Perth Plaza on-road angled parking area.

View Street traverses a hill, the crest of which is situated between Leake and Woodville Streets. The predominately residential portion of View Street, between Charles Street and Leake Street, (which is a relatively steep gradient) currently has no speed humps and as a consequence there is a tendency for motorists to increase speed on the downhill grade west bound from Leake Street and similarly accelerating on the uphill grade east bound from Charles Street before encountering the first speed hump near Glebe Street.

In 2006, the City, in response to resident's concerns undertook extensive works to 'narrow' the road (between Leake and Charles Streets) as part of its 'wider streets program' as a means of slowing the traffic by changing the drivers perception of the road environment, i.e. making them more cautious. The works included a series of 'planted' nibs at the various intersections between Charles Street and Leake Street to create embayed parking. The impact of these works upon the traffic speed was immediate as per Tables 1 below.

Table 1 – Pre 2006 & Current Traffic Data

Road	Location	Current AWT 5 day	Current Ave Speed kph	Pre 2006 85% Speed kph	Current 85% Speed kph
View St	Charles to Vine	2,761	42.0	52.2	48.6
	Vine to Persimmon	3,170	45.7	59.0	53.3
	Peach to Olive	3,127	43.9	59.0	52.2

Note: the school zone would have also contributed to the reduction in the 85% speed.

Whilst the current speeds are now not excessive the interesting statistics is the percentage (%) of traffic travelling between 50 kph and 60 kph, and above 60 kph, as per Table 4 below.

Table 2 – % Exceeding the Speed Limit

Road	Location	% 50-60 kph	% > 60 kph
View Street	Charles to Vine	11.0%	0.6%
	Vine to Persimmon	26.4%	2.9%
	Peach to Olive	21.8%	2.3%

Officer Comment:

When the above data is taken into consideration with the traffic volumes, there is understandably a perception in the community that speed is an issue when just over 26% of drivers between Vine Street and Persimmon Street are travelling above 50 kph, albeit minor given that at worst the 85% speed is 53.3 kph.

However it should be noted that the traffic travelling above 50 kph but below 60 kph is commonly referred to a 'low level speeding'. It is now becoming a focus of both the WA Police and the Road Safety Council as accidents in this speed range, and particularly those involving pedestrians, form a significant percentage of traffic accidents with many resulting in the serious consequences (i.e. injury and/or major damage).

Public Consultation:

On 28 November 2014, 110 public consultation letters were sent out, to which the City received 19 responses by the close of the consultation period on 16 December 2014. Of the 19 responses, 13 were in support of the proposed works, five were in opposition and one raise comments only. Further information about the consultation responses is provided in Attachment 002.

Discussion/Conclusions:

The majority of respondents are in favour of the proposal as shown on attached Plan No. 3170-CP-01 (Attachment 001). Some residents often tick the 'agree' box but then make what appears to be contradictory comments. By way of example, the opinion expressed in the first comment (in favour) suggests that the respondent only wants speed humps if they are bigger, i.e. Farmer Street magnitude. Further, the inference drawn is that they want traffic calming.

As previously mentioned, the recorded 85% speed ranges between 48 and 53.3 kph. While low profile speed humps will act as a deterrent for speeders, and should all but eliminate the high 50 low 60 kph speeds. However the spacing of the speed humps is designed to maximise the impact upon speed, prevent them being bypassed (i.e. between the nibs) and away from houses where possible.

In respect of the concerns that low profile speed humps will push more traffic onto surrounding streets it is considered unlikely. Unlike View Street the parallel roads such as Alma Road and Claverton Street, are not direct routes/links between Charles and Fitzgerald Streets (as each 'dog legs' at Leake Street) and nor to the North Perth Plaza.

However, if the speed humps were of the Farmer Street magnitude (as suggested) then it could be expected that it would divert traffic away from View Street to the detriment of the adjoining streets. It should also be noted that View Street is the Local Distributor Road while Alma Road and Calverton Street are Access Roads and therefore View Street is expected to carry more traffic.

Raise plateau's, such as installed in Hobart Street near the Auckland Street reserve, are a more 'rigorous' traffic calming device and not considered appropriate for a Local Distributor Road for the reason discussed above.

Speed cushions, such as installed in Fitzgerald Street, are in the same order of cost as asphalt speed humps. However, whereas asphalt speed humps have the same life span as that of the road surface rubber speed cushions deteriorate and wear over time with the constant passage of traffic. Both devices can be easily removed if need be.

In respect of the last point traffic classifiers will be deployed in Alma Road and Calverton Street 'before and after' if the View Street works are approved. Similarly, the 'Remember 50 in Built Up Areas' signs will then be removed.

CONSULTATION/ADVERTISING:

Residents and businesses were consulted regarding the proposal in accordance with the City's Community Consultation Policy 4.1.5.

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:

Council ensures its road infrastructure is maintained to an acceptable level of service, including road safety improvements, with funds allocated annually to various programs.

The 2014/2015 Budget includes \$25,000 for traffic management improvements in View Street. The estimated cost of the proposal is \$20,000. All of this funding allocation is still available.

FINANCIAL/BUDGET IMPLICATIONS:

The 2014/2015 Budget includes \$25,000 for traffic management improvements in View Street. The estimated cost of the proposal is \$20,000. This funding allocation was not deferred by Council at its Special Meeting held on 3 September 2014.

COMMENTS:

The City receives many requests for traffic management and/or calming. Most requests received are addressed by the officers as vehicle classifier results usually indicate that there is a perceived problem rather than an actual problem. On other occasions the residents' complaints are referred to the WA Police for enforcement of the legal speed limit.

While the traffic data indicates that the speed in View Street is not excessive given the significant % of 'low level speeding', and notwithstanding the negative comments received, it is recommended that the proposal, as outlined on attached Plan No. 3170-CP-01, be approved.

9.3 CORPORATE SERVICES

9.3.1 Investment Report as at 31 December 2014

Ward:	Both	Date:	23 January 2015
Precinct:	All	File Ref:	SC1530
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	N Makwana, Accounting Officer B Wong, Accountant B Tan, Manager Financial Services		
Responsible Officer:	J Anthony, A/Director Corporate Services		

OFFICER RECOMMENDATION:

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

PURPOSE OF REPORT:

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

BACKGROUND:

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

The City's Investment Portfolio is spread across several financial institutions in accordance with Policy Number 1.2.4.

DETAILS:

Total Investments for the period ended 31 December 2014 were \$19,361,000 compared with \$21,111,000 as at 30 November 2014. At 31 December 2013, \$17,811,000 was invested.

Investment comparison table:

	2013-2014	2014-2015
July	\$9,611,000	\$11,311,000
August	\$21,411,000	\$23,111,000
September	\$20,411,000	\$22,111,000
October	\$20,411,000	\$22,411,000
November	\$19,811,000	\$21,111,000
December	\$17,811,000	\$19,361,000

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

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$292,600	\$181,262	\$200,793	68.62
Reserve	\$292,300	\$139,833	\$147,846	50.58

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

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

COMMENT:

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

The funds invested have reduced from the previous period due to an Emergency Services Levy (ESL) instalment payment and payments to creditors.

The report comprises of:

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

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

Ward:	Both	Date:	23 January 2015
Precinct:	All	File Ref:	SC347
Attachments:	001 – Creditors Report 002 – Credit Card Report		
Tabled Items:	-		
Reporting Officers:	O Dedic, Accounts Payable Officer; B Wong, Accountant B Tan, Manager Financial Services		
Responsible Officer:	J Anthony, A/Director Corporate Services		

OFFICER RECOMMENDATION:

That Council CONFIRMS the:

1. **Schedule of Accounts for the period of 1 December to 31 December 2014 and the list of payments including credit cards included as Attachments 001 and 002;**
2. **Direct lodgement of payroll payments to the personal bank account of employees;**
3. **Direct lodgement of PAYG taxes to the Australian Taxation Office;**
4. **Direct lodgement of Child Support to the Australian Taxation Office;**
5. **Direct lodgement of creditors payments to the individual bank accounts of creditors; and**
6. **Direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;**

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

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil.		

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	77395 - 77656	\$280,221.64
Cancelled Cheques	77401, 77508	
Transfer of Creditors by EFT Batch	1735, 1737 – 1739, 1742, 1743	\$3,855,985.78
Transfer of PAYG Tax by EFT	December 2014	\$281,417.15
Transfer of GST by EFT	December 2014	
Transfer of Child Support by EFT	December 2014	\$632.93
Transfer of Superannuation by EFT:		
• City of Perth	December 2014	\$39,454.43
• Local Government	December 2014	\$188,189.05
Total		\$4,645,900.98
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$6,548.92
Lease Fees		\$10,200.54
Corporate MasterCards		\$8,257.52
Loan Repayment		\$162,968.63
Rejection fees		
Total Bank Charges & Other Direct Debits		\$187,975.61
Less GST effect on Advance Account		0.00
Total Payments		\$4,833,876.59

LEGAL POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2017:

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

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

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

SUSTAINABILITY IMPLICATIONS:

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

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENT:

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

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

9.3.3 Financial Statements as at 31 December 2014

Ward:	Both	Date:	23 January 2015
Precinct:	All	File Ref:	SC357
Attachments:	001 – Financial Reports		
Tabled Items:	002 – Significant Accounting Policies		
Reporting Officers:	N Makwana, Accounting Officer B Wong, Accountant B Tan, Manager Financial Services		
Responsible Officer:	J Anthony, A/Director Corporate Services		

OFFICER RECOMMENDATION:

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

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

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

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

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

DETAILS:

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

Note	Description	Page
1.	Summary of Income and Expenditure by Service Areas	1-30
2.	Statement of Financial Activity by Programme Report and Graph	31-32
3.	Statement of Comprehensive Income by Nature and Type Report	33
4.	Statement of Financial Position	34
5.	Statement of Changes in Equity	35
6.	Net Current Funding Position	36
7.	Capital Works Schedule and Funding and Graph	37-43
8.	Cash Backed Reserves	44
9.	Receivables	45
10.	Rating Information and Graph	46-47
11.	Beatty Park Leisure Centre Report – Financial Position	48
12.	Explanation of Material Variance	49-58

1. SIGNIFICANT ACCOUNTING POLICIES AND NOTES

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

Comments on the financial performance are set out below:

2. As per Attachment 001.

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

Summary of Financial Activity as at 31 December 2014

	Original Budget \$	Revised Budget \$	Year to date Budget \$	Actual 2014/2015 \$	Variance \$	Variance %
Operating Revenue	30,810,822	30,818,072	14,682,871	13,671,177	(1,011,694)	-7%
Operating Expenditure	(51,659,410)	(51,334,021)	(26,231,102)	(25,953,142)	277,960	-1%
Add Deferred Rates Adjustment	-	-	-	17,655	17,655	0%
Add Back Depreciation	8,566,790	8,566,790	4,283,448	5,611,767	1,328,319	31%
(Profit)/Loss on Asset Disposal	(3,833,120)	(3,840,370)	(1,912,053)	(816,177)	1,095,876	-57%
Net Operating Excluding Rates	(16,114,918)	(15,789,529)	(9,176,836)	(7,468,720)	1,708,116	-19%
Proceeds from Disposal of Assets	4,455,000	5,605,000	1,989,333	1,267,452	(721,881)	-36%
Transfer from Reserves	5,789,800	5,758,752	5,564,843	3,730,736	(1,834,107)	-33%
	10,244,800	11,363,752	7,554,176	4,998,188	(2,555,988)	-34%
Capital Expenditure	(16,895,834)	(13,291,534)	(8,639,321)	(4,517,065)	4,122,256	-48%
Repayments Loan Capital	(1,743,478)	(1,743,478)	(424,705)	(424,705)	-	0%
Transfers to Reserve	(5,599,370)	(4,248,453)	(1,567,561)	(2,339,133)	(771,572)	49%
	(24,238,682)	(19,283,465)	(10,631,587)	(7,280,904)	3,350,683	-32%
Net Capital	(13,993,882)	(7,919,713)	(3,077,411)	(2,282,716)	794,695	-26%
Total Net Operating and Capital	(30,108,800)	(23,709,242)	(12,254,247)	(9,751,437)	2,502,810	-20%
Rates	26,909,021	26,909,021	26,739,424	27,301,573	562,149	2%
Opening Funding Surplus/(Deficit)	3,199,779	(3,199,779)	(3,199,779)	(4,758,710)	(1,558,931)	49%
Closing Surplus/(Deficit)	-	-	11,285,398	12,791,427	1,506,028	13%

*Summary totals have rounding difference.

Comments on Summary of Financial Activity:

Operating Revenue

Total Revenue including Rates is 1% above budget. Revenue excluding Rates is 7% under budget, with some service areas experiencing a favourable variance and other service areas experiencing an unfavourable variance as per the following:

- LGIS Member Experience Bonus for 2013 - 2014 was more than anticipated;
- Reimbursement for expenses related to 2013 - 2014 was received in the current financial year;
- Grant received under Programme Fees Heritage for Anzac Cottage internal and external interpretation plan;
- Higher than anticipated number of building licences being issued due to higher number of development applications received;
- Works and Operations Services revenue is higher due to collection of administration fees on works bonds for works carried out by the council; and
- Dog Renewal Registration revenue is unfavourable due to software problems, hampering issue of notices. Civica (software provider) to rectify the problem.

Operating Expenditure

The positive variance is currently at one percent (1%).

Depreciation

This unfavourable variance is a result of the increase in depreciation following Fair Value valuation on the City's Land and Buildings. It should be noted that depreciation is a non cash item.

Transfer from Reserves

This is in a favourable position as the Transfer from Reserves is aligned to the timing of Capital Works Expenditure, which is Reserve funded.

Capital Expenditure

There are still some timing differences on the works being undertaken.

Transfer to Reserves

Variance due to transfer of Leederville Garden's Surplus from 2011 – 2012 financial year.

Rates

The positive variance is due to additional properties being reported and received after the budget rates model was run. This included new properties and revalued properties previously not included on the revaluation file, resulting in increased revenue.

Closing Surplus/(Deficit)

There is currently a positive variance of \$1.5M.

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

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

5. Statement of Financial Position (Note 4) and

6. Statement of Changes in Equity (Note 5)

The statement shows the current assets of \$28,045,213 and non-current assets of \$243,375,506 for total assets of \$271,420,719.

The current liabilities amount to \$8,841,263 and non-current liabilities of \$18,035,009 for the total liabilities of \$26,876,272.

The net asset of the City or Equity is \$244,544,447.

7. Net Current Assets (Note 6)

Net Current Asset is the difference between the current asset and current liabilities less committed assets and restricted assets. This amount indicates how much capital is used up by day to day activities.

The net current funding position as at 31 December 2014 is \$12,791,427.

8. Capital Expenditure and Funding Summary (Note 7)

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

	Revised Budget \$	Year to date Budget \$	Actual to Date \$	Variance %
Furniture & Equipment	153,625	150,825	9,251	6%
Plant & Equipment	1,065,167	530,340	844,841	159%
Land & Building	1,038,275	573,275	248,541	43%
Infrastructure	11,034,467	7,384,881	3,360,012	45%
Total	13,291,534	8,639,321	4,462,644	52%

	Revised Budget \$	Year to date Budget \$	Actual to Date \$	Variance %
Capital Grant and Contribution	3,048,092	420,438	156,615	37%
Cash Backed Reserves	3,710,800	4,252,661	3,730,736	88%
Other (Disposal/Trade In)	134,000	134,000	118,738	89%
Own Source Funding – Municipal	6,398,642	3,832,222	456,555	14%
Total	13,291,534	8,639,321	4,462,644	52%

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

9. Cash Backed Reserves (Note 8)

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

The balance as at 31 December 2014 is \$7,302,475. The balance as at 30 November 2014 was \$6,422,835.

10. Receivables (Note 9)

Other Receivables are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Receivables of \$946,405 are outstanding at the end of December 2014.

Out of the total debt, \$479,669 (54.9%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangements for more than one year.

The Receivables Report identifies significant balances that are well overdue.

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

11. Rating Information (Note 10)

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

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

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

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

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

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

Rates outstanding as at 31 December 2014 including deferred rates was \$5,005,017 which represents 18.16% of the outstanding collectable income compared to 17.74% at the same time last year.

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

As at 31 December 2014 the operating deficit for the Centre was \$209,470 in comparison to the year to date revised budgeted surplus of \$29,604.

The revised December budget estimates for Beatty Park Leisure Centre were mostly under or less than the actual expenditure incurred or revenue received, therefore the overall actual deficit figure was higher than anticipated. This has been detailed in the variance comments report in Attachment 001.

The cash position showed a current cash surplus of \$171,265 in comparison year to date revised budget estimate of a cash surplus of \$294,630. The cash position is calculated by adding back depreciation to the operating position.

13. Explanation of Material Variances (Note 12)

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

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

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

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

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

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

9.3.4 Review of the Annual Budget 2014/2015

Ward:	Both	Date:	30 January 2015
Precinct:	All	File Ref:	FIN0025
Attachments:	001 – Budget Review Amendment Listing 002 – Statement of Budget Amendments for the period ending 31 December 2014		
Tabled Items:	Nil		
Reporting Officers:	B Tan, Manager Financial Services J Anthony, A/Director Corporate Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council:

- APPROVES BY AN ABSOLUTE MAJORITY the adjustments to the 2014/2015 Annual Budget as reported in Attachment 001;**
- ENDORSES the Revised Budget 2014/2015 as reported in Attachment 002; and**
- SUBMITS a copy of the 2014/2015 mid-year Budget Review and Council decision to the Department of Local Government and Communities, in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996.**

PURPOSE OF REPORT:

The purpose of this report is to review the progress of the Annual Budget 2014/2015 and to recommend adjustments to account for any major variances, funding reallocations, additional requirements or reflect Council decisions as well as provide amended estimates for the annual budget.

BACKGROUND:

The Local Government Act 1995 requires that a Local Government undertake a review of its budget at least once a year, in the period between January and March within a financial year.

The budget review must then be submitted to the Department of Local Government and Communities (DLGC) within thirty (30) days after Council has made its determination.

No prescribed template has been requested by the DLGC as to the format of the budget review.

DETAILS:

A review has been undertaken as at 31 December 2014 to adjust the budget to account for any major variances, funding reallocation, additional items required and the inclusion of previous decisions of Council.

The amendments to the Budget are listed in Attachment 001 and fall into the following three categories:

- Items that have already been approved by Council since the adoption of the Budget:

These new items or adjustments have been approved by an Absolute Majority by the Council.

2. Permanent Differences:

Permanent differences occur when there is likely to be a difference between the current budget and the expected outcome to the 30 June 2015. On occasions, if these variances are certain, the budget may be amended to reflect the change, however this is not a requirement and the difference may remain to the end of the year. These variances will have an impact upon the expected budget surplus or deficit outcome and would be reported in the review if they are material.

3. Timing Differences:

A timing variance occurs when a project or budget allocation is likely to be delayed past the end of the financial year. These postponed projects will likely be re-budgeted in the next year and will require carryover funding.

Below are variance comments on the annual budget 2014/15 by nature and type for expenditure incurred to date:

Operating Expenditure:

	Budget 2014/15	YTD Budget 31/12/2014	YTD Actual 31/12/14	% Variance
Employee Costs	(18,997,330)	(11,676,756)	(11,548,898)	-1.1%
Materials & Contracts	(14,836,536)	(7,705,670)	(6,800,412)	-11.7%
Utility Charges	(1,914,770)	(941,455)	(919,870)	-2.3%
Interest Expenses	(1,096,580)	(553,105)	(553,106)	0.0%
Insurance Expenses	(915,330)	(457,152)	(446,021)	-2.4%
Depreciation	(8,566,790)	(4,283,448)	(5,611,767)	31%
Loss on Asset Disposal	0	0	(30,807)	0.0%
Other Expenditure	(5,006,685)	(613,516)	(42,261)	-93.1%
Total	(51,334,021)	(26,231,102)	(25,953,142)	-1.1%

As at 31 December 2014, the operating expenditure was 1.1% below the year to date operating budget.

Employee Costs

The employee costs are currently 1.1% under YTD budget, however it has been recognised that the City's financial reporting system lists the employee costs budget for all "project" costed staff to the category "other expenditure". To ensure consistent reporting of actual costs against the relevant budget it is proposed to amend the budget for the purpose of good financial housekeeping.

This will involve a contra budget adjustment between "employee costs" and "other expenditure" but will have no impact on the overall budget.

Materials and Contracts

This category is currently 11.7% under budget and can be accounted for as timing differences on operational expenditure in the following areas:

- Software and Parking Licence payments;
- Consumables, such as Printing and Stationery;
- Recycling collection costs, tipping costs; and
- Plant, Hire & Equipment Maintenance costs.

Utilities Charges

Utilities charges are currently 2.3% under budget, this can be attributed to December invoices not being accrued and the reversal of year end invoice accruals.

Interest Charges

Interest charges are in line with the budget and therefore no amendment is required.

Insurance Expenses

Insurance expenditure is 2.4% under budget, however a budget amendment of \$220,975 is required for the adjustment in workers compensation premiums for previous years, which is based on the calculation of the City's performance-based contribution.

Depreciation

The depreciation costs are currently 31% over budget. This is due to an increase of the Building revaluation following the revaluation of Land and Buildings in accordance with Fair Value Legislation.

Other Expenditure

This category is under budget by 93.1% and can be accounted for as timing differences on operational expenditure in the following areas:

- Equipment maintenance;
- Software Annual maintenance;
- Strategic planning programmes;
- Waste Management programmes;
- Management initiative; and
- Fine lodgements fees.

The full year budget is proposed to be reduced due to the contra budget adjustment for employee costs.

Operating Revenue:

	Budget 2014/15	YTD Budget 31/12/14	YTD Actual 31/12/14	% Variance
Rates	26,909,021	26,739,424	27,319,228	2.2%
Operating Grants, Subsidies & Contributions	2,473,885	751,237	808,736	7.7%
Fees & Charges	20,437,630	10,394,811	10,159,733	-2.3%
Interest Earnings	854,120	558,385	577,806	3.5%
Profit on Asset Disposal	3,840,370	1,912,053	1,175,582	-38.5%
Other Revenue	163,975	645,947	774,507	19.9%
Total	54,679,001	41,001,857	40,815,592	-0.5%

The operating revenue is under budget as at 31 December 2014 but rates are 2.2% over budget.

Operating Grants, Subsidies and Contributions

Grants/Subsidies and Contributions are currently 7.7% above budget estimates due to the receipt from LGIS of higher than expected member experience bonus and recoverable works.

It was also noted that the original budget provided for revenue that is actually correctly allocated to "other revenue". To ensure consistent reporting of actual revenue against the relevant budget, it is proposed to amend the budget accordingly. This will involve a contra budget adjustment with "other revenue" but will have no impact on the overall budget.

Fees and Charges

Fees and Charges are 2.3% under budget at this stage, which can be attributed to a combination of the following:

- Lower than budgeted parking fees;
- Lower than budgeted Personal training fees due to difficulties in recruiting;
- Some of the reduction in fees and charges are offset against the increased Development Application income resulting from receipt of an increased number of applications;
- Increase in income from applications for building permits;
- Increase in Beatty Park Leisure Centre membership; and
- Increase in Work Zones licences and permits.

Interest Revenue

Revenue from interest on investments is 3.5% higher than budgeted expectations. This is a result of the budget review and tightening of expenditure which has resulted in a better cash flow with additional funds available for investment.

Profit on Asset Disposal

This category is currently 38.5% under budget due to the timing of the disposal of some assets.

A Budget amendment is included in Attachment 001 to reflect the anticipated increase in revenue from the disposal of 291 and 295 Vincent Street, Leederville.

Other revenue

This category is currently 19.9% over budget due to the receipt of paid parental leave for staff who are on maternity leave, refund of defibrillators and reimbursement for 'eco carpet' tiles. No budget amendment is required.

The full year budget is proposed to be increased as a result of the contra budget adjustments from "operating grants, subsidies and contributions". The revenue budget has been amended to reflect the increased level of income received from rates.

Rates

The income from Rates is over the budget estimate by 2.2%. The positive variance is due to additional properties being reported and received after the budget rates model was run. This included new properties and revalued properties previously not included on the revaluation file, resulting in increased revenue.

Proceeds on Asset Disposals

	Budget 2014/15	YTD Budget 31/12/14	YTD Actual	% Variance
Proceeds on Asset Disposal	5,605,000	1,989,333	1,267,452	-36.3%

This category is currently below budgeted expectations due to a timing difference in the trade-ins of the light vehicle fleet and disposal of properties.

Contributions/Grants for Development of Assets

	Budget 2014/15	YTD Budget 31/12/14	YTD Actual	% Variance
Contributions/Grants for Development of Assets	3,048,092	420,438	174,813	-58.4%

The variance in this area can be attributed to the timing of the receipt of the grant.

Transfer from Reserves

	Budget 2014/15	YTD Budget 31/12/14	YTD Actual	% Variance
Transfer from Reserves	5,758,752	5,564,843	3,760,736	-33.0%

The variance is attributed to the timing of commencement of some major capital works, which are funded by Reserves.

Capital Expenditure

	Budget 2014/15	YTD Budget 31/12/14	YTD Actual	% Variance
Capital Expenditure Purchases	(13,291,534)	(8,639,321)	(4,517,066)	47.7%

The variances on the Capital Expenditure for each category are outlined below:

Buildings- 56.6% below budget:

The underrun is due in the main to the following:

- Timing of the installation of the automated toilet in Leederville; and
- Commencement of the Charles Veryard Reserve Clubrooms upgrade.

Infrastructure – 54.5% below budget:

This section is currently under budget due mainly to timing differences on the following projects:

Streetscape Enhancements

- Underground Power LEP – this project is on hold pending final costings from Western Power.

Black Spot

- Scarborough Beach Road – delivery of this project has been delayed due to the timing of detailed design and awaiting final approvals.

Road Works

- Flinders Street – Scarborough Beach Road to Anzac Road – project to commence in March 2015; and
- Scarborough Beach Road - Loftus to Oxford – project scheduled for May 2015 (forms part of on road bicycle lanes).

Parks Services

- Litis Stadium – Replace electrical cabinet and pumps – timing on commencement of the project; and
- Kyilla Park – Power upgrade to site – not proceeding.

Plant & Equipment – 69.6% over budget:

The overrun is due to the timing of the purchase of the EMV Compliant parking machines and the purchase of a Side Loading Automatic Bin Lifter Rubbish Truck.

Furniture & Equipment – 93.9% below budget:

- The Administration Network upgrade is now anticipated to be completed later in the year;
- Delay in the purchase of notebooks and A3 Scanner for Records Section;
- Purchase of some Library items put on hold due to budget review; and
- Timing for the replacement of signs at the Loftus Recreation Centre.

Transfers to Reserves

	Budget 2014/15	YTD Budget 31/12/14	YTD Actual	% Variance
Transfer to Reserves	(4,248,453)	(1,567,561)	(2,339,133)	49.2%

This category is 49.2% above budget. Whilst there is no amendment required, transfer to reserves will be reviewed as we progress through the financial year.

ANNUAL BUDGET ADJUSTMENTS DETAILED BELOW:

Capital Expenditure:

	Annual Budget 2014/2015	Year to Date Budget as at 31/12/2014	Revised Budget 2014/15	Budget Amendment
Furniture and Equipment	(153,625)	(150,825)	(209,075)	(55,450)
Plant and Equipment	(1,065,167)	(530,340)	(1,229,057)	(163,890)
Land and Buildings	(1,038,275)	(573,275)	(1,070,555)	(32,280)
Infrastructure	(11,034,467)	(7,384,881)	(11,168,041)	(133,574)
TOTAL:	(13,291,534)	(8,639,321)	(13,676,728)	(385,194)

Furniture and Equipment - \$(55,450):

The budget has been amended to reflect the additional cost required for the San for Server Environment i.e. Network upgrade which is funded from Reserve and the reallocation of some costs from the Library.

Plant and Equipment - \$(163,890):

The budget adjustments reflect the additional cost for the EMV Compliant parking machines funded from Parking Reserve and project on the investigation of a red light camera at Beaufort and Walcott Street not proceeding.

The Council at its meeting of 20 January 2015, Item 9.1.4, resolved to withdraw from the Community Energy Efficiency Programme (CEEP) project. Due to this decision, the funds that had been set aside for the CEEP project (\$241, 000) are no longer required, although a proportion (\$112,000) may be required to repay the grant the City received for the project from the Commonwealth for the CEEP project.

This notionally provides for additional savings for the City's budget which could be used to offset any potential end of 2014/2015 financial year deficit. These notional savings have not been reflected in the mid-year review figures or proposed budget adjustments.

Land and Buildings - \$(32,280):

This budget has been amended for reallocation of costs for the North Perth, Beatty Park and Leederville Town Centre Artworks, and to fund the installation of ten (10) power points for Axford Park.

Infrastructure - \$(133,574):

This budget has been amended for reallocation of costs of the following budgets:

- Capital Initiatives;
- Additional expenditure for the installation of Bus shelters;
- Adopt a Verge;
- Additional parking bays; and
- Leederville Oval building repairs.

The Leederville Town Centre Streetscape and Park Enhancement project included a major upgrade of the Oxford Street Reserve, the construction of a new Nature Based Play area and a number of streetscape improvements along Oxford Street. The project was staged over two (2) financial years with funds carried forward from 2013/2014 and supplemented in 2014/2015. The project has now been completed and overall there is an under expenditure of \$485,522.00.

The under expenditure has resulted from the project being funded over two financial years with accounts outstanding and works in progress at the end of June 2014, with the estimated carry forward amount at the time being greater than required.

Options for the future allocation and use of these under expended funds could include being:

- Used to offset any potential 2014/2015 financial year deficit;
- Reallocated within the current financial year to fund other works should time and resources allow;
- Preserved as a carry forward surplus to fund 2014/2015 projects.

This under expenditure has not been reflected as savings or as a proposed budget adjustment in this mid-year review report.

A separate report on the matter will be prepared and presented to Council by April 2015.

Detailed comments on Capital Expenditure Budget items are listed below:

The numbering below corresponds to the numbering allocated to Capital Expenditure items listed in Attachment 001.

1. Reduce Capital Expenditure Budget for North Perth Public Artwork - \$(100,000).

Comment:

This item was adopted at the Ordinary Meeting of Council held on 21 October 2014 (Item 9.4.2). The project will now be run over two (2) financial years and the remaining required funds will be listed on the 2015/16 Budget.

2. Include Capital Expenditure Budget for Beatty Park Public Artwork - \$130,000

Comment:

This item was adopted at the Ordinary Meeting of Council held on 12 August 2014 (Item 9.4.1).

3. **Reduce Capital Expenditure Budget for Leederville Town Centre Public Artwork - \$(11,720).**

Comment:

This item was adopted at the Ordinary Meeting of Council held on 16 December 2014 (Item 9.4.2). The project will run over two (2) financial years with only \$57,500 to be expended this financial year. The remaining required budget will be listed on the 2015/16 Budget.

4. **Reduce Capital Expenditure Budget for Water Corporation Laneway upgrade-\$ (7,750).**

Comment:

This project is now complete and has come in under the anticipated budget.

5. **Reduce Capital Expenditure Budget for Capital Miscellaneous Initiatives - \$(33,676).**

Comment:

This item was adopted at the Ordinary Meeting of Council held on 26 August 2014 (Item 9.4.2). The project is not going ahead as matched funding was not received from the Department of Sport and Recreation.

6. **Include Capital Expenditure Budget for power point installations at Axford Park - \$14,000.**

Comment:

This item was adopted at the Ordinary Meeting of Council held on 2 December 2014 (Item 9.4.3) to list for consideration on the 2015/16 Draft Budget. The power points are required in Axford Park this financial year to assist with the Mt Hawthorn Markets and to improve adaptability and use of the park.

7. **Increase Capital Expenditure Budget for Storage Area Network (SAN) for Server Environment - \$60,000.**

Comment:

Total cost for the network upgrade is approximately \$90,000 of which \$30,000 is in the current year budget. The additional \$60,000 from 2013/2014 budget which was not brought forward is funded from Reserve.

8. Increase Capital Expenditure Budget for installation of bus shelters - \$30,000.

Comment:

The Public Transport Authority has instructed that in accordance with Human Rights and Equal Opportunity Commission's guidelines for infrastructure compliance, 'where substantial refurbishment of a bus stop (including associated infrastructure) occurs, the entire bus stop must be upgraded'. This extends to the new Adshel shelters currently being installed and includes specified kerb heights and expanded boarding areas, which fall outside the scope of works defined in the terms of the contract with Adshel Street Furniture. As a consequence, both the City and Adshel are faced with additional costs over and above what was originally budgeted for in 2014/2015 to comply.

The City was not aware of the new PTA requirements when the contract was developed. The PTA requirements were only brought to the City's attention after the contract was entered into when officers met Adshel and PTA representatives on site to confirm the new bus shelter locations.

Therefore, the PTA requirements did not form part of the contract. Notwithstanding both Adshel and the City have contributed towards the cost of ensuring the shelters that have been installed comply as best as possible to the PTA disability access requirements and additional contributory funding is required to enable the installation program to be completed.

9. Increase Capital Expenditure Budget for Greening Plan - \$5,000.

Comment:

An additional \$5,000 is required due to an increase in the initial tree purchasing cost estimate, as larger trees had to be sourced and planted as part of the Vincent Street works.

10. Increase Capital Expenditure Budget for Adopt a Verge - \$30,000.

Comment:

At the Ordinary Meeting of Council held on 16 December 2014 (Item 9.2.3), Council resolved to list for consideration an amount of \$30,000 in either the mid-year budget review or in the 2015/16 draft budget to undertake the additional Adopt a Verge round approved by Council at its Ordinary meeting held on 10 June 2014.

11. Include Capital Expenditure Budget for additional bays in Fitzgerald Street carpark - \$30,000:

Comment:

At a recent meeting with representatives of the Bocce Club it was considered that additional parking in the Fitzgerald Street carpark could be accommodated by a minor reconfiguration of the carpark to convert a portion of the 45 degree parking to 90 degree angle parking. This proposal would increase the parking by 16 bays.

- 12. Include Capital Expenditure Budget for Leederville Oval Building Repairs - \$60,000.**

Comment:

A structural assessment of the western wall of Medibank Stadium Building was undertaken in November 2014 and the wall was found to be structurally unsound. A suggested improvement solution was subsequently developed and quotations to undertake the repair works obtained. Due to the unsound nature of the wall the repair works have commenced, as the area was deemed to be unsafe.

- 13. Increase Capital Expenditure Budget for Beaufort Street Enhancement - \$20,000.**

Comment:

At the Ordinary Meeting of Council held on 22 April 2014, Council approved: "the installation of an 'artistic light structure' in the laneway between Lot 2 (485) Beaufort Street and Lot 1 (483) Beaufort Street; and Light boxes being affixed to the building on Lot 1 (483) Beaufort Street, facing onto the abutting laneway".

The proposed amount of \$20,000 will cover the completion of these works.

- 14. Reduce Capital Expenditure Budget for investigation of Red Light Camera at Beaufort/Walcott intersection - \$(30,000).**

Comment:

This allocation was made to enable officers to engage a consultant to assess the intersection and provide a report to the WA Police to enable the City to pay for the installation (if approved) of a red light camera at this intersection. The WA Police advised that all revenue raised from red light camera infringements must be paid directly to the Road Trauma Trust Account in accordance with the Road Safety Council Act 2002. Therefore the WA Police should fund any works associated with the installation of a camera at this location.

- 15. Include Capital Expenditure Budget for EMV compliant parking machines - \$193,890.**

Comment:

At the Ordinary Meeting of Council held 11 March 2014, Council accepted the tender for twenty-five (25) Europay, Mastercard and Visa Card (EMV) Compliant Ticket Issuing Machines at a cost of up to \$186,750 excluding GST, in accordance with the specifications as detailed in Tender 480/13.

At the Ordinary Meeting of Council held 27 August 2014, Council approved the purchase of eleven (11) Europay, Mastercard and Visa (EMV) upgrade kits at a cost of up to \$40,000 excluding GST, to enable eleven (11) non compliant parking ticket machines to be upgraded for EMV compliance.

In April 2014, the City purchased 23 EMV Compliant Ticket Machines totalling \$155,940. In August 2014, the City purchased 11 EMV upgrade kits for parking machines totalling \$37,950.

16. **Reduce Capital Expenditure Budget for Junior Area activity tables and chairs - \$(750).**

Comment:

This project is not proceeding and can be rescheduled for the 2015-2016 financial year.

17. **Reduce Capital Expenditure for RFID mobile circulation device - \$(1,800).**

Comment:

This project is not proceeding as the product does not work with the library management system.

18. **Reduce Capital Expenditure Budget for Library shelving signage - \$(1,000).**

Comment:

This project is not proceeding and has been rescheduled for the 2015-2016 financial year.

19. **Reduce Capital Expenditure Budget for Library Junior area additional book storage - \$(1,000).**

Comment:

This project is not proceeding due to a decision to review the Junior area layout and accommodate stock within the space that is already available.

Detailed comments on Operating Budget items are listed below:

The numbering below corresponds to the numbering allocated to Operating Expenditure and Operating Revenue items listed in Attachment 001.

Operating Expenditure

1. **Increase Operating Expenditure Budget for Beatty Park Leisure Centre (BPLC) Administration - \$231,670.**

Comment:

Increase is due to additional costs associated with the lease payments for LED light installation from the CEEP grant and Variable Speed Drives for ongoing power savings. Also due to higher than budgeted amount of gas used due to ongoing issues encountered with the Geothermal heating system.

2. **Increase Operating Expenditure Budget for BPLC Swim School - \$38,850.**

Comment:

This is due to increased enrolments requiring more classes and more staff to be employed to run the classes.

3. Reduce Operating Expenditure Budget for BPLC Café - \$(1,950).

Comment:

A number of minor expenditure accounts have been reduced where they were deemed to not have an impact on ongoing service level.

4. Reduce Operating Expenditure Budget for BPLC Retail - \$(3,500).

Comment:

The operation of the Retail shop from Reception has allowed for savings in the Retail salary budget.

5. Increase Operating Expenditure Budget for BPLC Health and Fitness - \$17,500.

Comment:

This is due to the reallocation of the internet account for cardio equipment to Beatty Park from COV IT department which was not originally budgeted for by Beatty Park. Also wear and tear on equipment due to high use has required higher levels of maintenance than expected.

6. Increase Operating Expenditure Budget for BPLC Group Fitness - \$10,000.

Comment:

This is due to increased class attendances requiring more classes and more staff to be employed to run the classes.

7. Reduce Operating Expenditure Budget for BPLC Cycling Fitness - \$(6,000).

Comment:

Decrease due to less classes running in this area requiring less staff.

8. Reduce Operating Expenditure Budget for BPLC Aqua Fitness - \$(13,450).

Comment:

Decrease due to less classes running in this area requiring less staff.

9. Increase Operating Expenditure Budget for BPLC Creche - \$30,000.

Comment:

Increase due to additional staff hours required for safely operating weekend Creche and higher than expected baby numbers (higher ratio of carers to children required).

10. Reduce Operating Expenditure Budget for Seniors Study - \$(5,000).

Comment:

This budget line item was adopted at the Ordinary Meeting of Council held on 1 July 2014. The project will not be going ahead this financial year.

11. Reduce Operating Expenditure Budget for Youth Events - \$(10,000).

Comment:

This budget line item was adopted at the Ordinary Meeting of Council held on 1 July 2014. The full budget will not be expended this financial year.

The 2014/15 Youth Events budget was listed for a total expenditure amount of \$25,000. To date, the City has expended \$7,214.12 to deliver monthly VLounge youth events. These events have come in significantly under the projected budget due to the number of attendees at these events being lower than anticipated. The end of financial year expenditure is projected to be \$15,000.

The City's Officers are working in consultation with the local high schools to develop a program better suited to the needs of those aged 12 to 17, and the Draft Budget 2015/16 will reflect this.

12. Reduce Operating Expenditure Budget for Establishment of Youth Advisory Council - \$(2,000).

Comment:

This budget line item was adopted at the Ordinary Meeting of Council held on 1 July 2014. The full budget will not be expended this financial year.

13. Reduce Operating Expenditure Budgets for Spirit of Christmas Banners - \$(2,000).

Comment:

This project is complete and has come in under anticipated budget.

14. Reduce Operating Expenditure Budgets for Programme Funding - \$(1,000).

Comment:

This budget line item was adopted at the Ordinary Meeting of Council held on 1 July 2014. The project will not be going ahead this financial year.

15. Reduce Operating Expenditure Budget for Concerts in the Park - \$(20,000).

Comment:

The reduction in balance of this account was discussed in September 2014 as part of the 2014/15 Budget adjustments. It is now proposed to re-allocate the \$20,000 to the Form Art Festival budget line item.

16. Increase Operating Expenditure Budget for Form Art Festival - \$20,000.

Comment:

A proposal has been received by the City from FORM to fund its PUBLIC 2015 art festival to the amount of \$35,000. There is currently \$15,000 allocated to the FORM Art Festival in the 2014/15 Budget. The increase of \$20,000 is subject to a separate report to the Council Meeting to be held on 10 February 2014.

17. Reduce Operating Expenditure Budget for Men's Shed Expenditure - \$(18,000).

Comment:

In consultation with the Vincent Men's Shed operating expenses for the remainder of 2014/15 have been identified and will come in under expected budget.

18. Include Operating Expenditure Budget to replace blown globes at Leederville Oval - \$9,000.

Comment:

The Leederville Oval/Medibank Stadium sports lights were installed 10 years and are reaching the end of their life. Over the past year 9 lights have blown and require replacement, without which the lighting levels will not comply with the relevant standards. Administration is reviewing existing Stadium leases to determine if these expenses are partly or wholly recoverable.

19. Include Operating Expenditure Budget to repair bore at Menzies Park - \$15,500.

Comment:

An additional amount of \$15,000 was required due to the structural integrity of the bore casing being compromised and sand entering into the bore, rendering the reticulation system unusable prior to the Christmas / New Year break. This therefore required some remediation works which included removal of the pumping unit, sleeving the existing bore and reinstallation and testing of the pumping unit.

20. Include Operating Expenditure Budget for maintenance of Cricket Pitch at Charles Veryard - \$12,500.

Comment:

Following meetings in March/April 2014 regarding the co-existence of Modernians, Cardinals and Tuart Hill Cricket Club at Charles Veryard Reserve and concerns raised regarding damage to the turf pitch, an amount of \$12,500 was calculated as a possible contribution from the City towards the annual maintenance cost of the turf wicket. This was not included in the 2014/15 budget at this time.

21. Increase Expenditure Budget for Plant Operating Allocated outwards

DELETED. This adjustment to plant charge out rates is budget neutral and therefore the proposed budget adjustment has been deleted.

22. Reduce Operating Expenditure Budget for Public Health Plan - \$(5,000).

Comment:

This item was adopted at the Ordinary Meeting of Council held 26 November 2014, Item 9.4.2. Savings will be realised due to implementation commencing in the second half of the 2014/15 financial year.

23. Reduce Operating Expenditure Budget for Feral Pigeon Control Programme - \$(25,000).

Comment:

Administration is not intending to proceed with this programme due to only limited complaints regarding nuisance pigeons from businesses in the Oxford Street precinct over the past twelve (12) months and also due to the questionable impact of the programme.

Should this item be retained in the budget, the listing in Attachment 001 will need to be deleted and the mid year revised Budget closing balance will need to be adjusted accordingly.

24. Reduce Operating Expenditure Budget for Menuwise - \$(4,050).

Comment:

Savings will be realised due to implementation commencing in the second half of the 2014/15 financial year.

25. Reduce Operating Revenue Budget for Vaccine Purchase - \$(2,000).

Comment:

Savings will be realised due to the staff Hepatitis B programme having captured the majority of employees in previous financial years.

26. Reduce Operating Expenditure Budget for Vincent Accord - \$(2,000).

Comment:

Savings will be realised due to a reduced number of projects identified by the Vincent Accord in 2014/15.

27. Reduce Operating Expenditure Budget for Sample Analyses-Health Food Control - \$(2,000).

Comment:

Savings will be realised due to a reduced number of food samples being required for the Department of Health's statewide 'coordinated food sampling projects'.

28. Increase Operating Expenditure Budget for recruitment - \$20,000.

Comment:

Unforeseen recruitment expenses relating to the employment of two (2) Environmental Health Officers through Hays Employment consultants.

29. Reduce Operating Expenditure Budget for Legal Costs - \$(5,000).

Comment:

Savings will be realised due to a reduced number of prosecutions expected to commence prior to June 2015.

30. Reduce Operating Expenditure Budget for Training - \$(3,000).

Comment:

Savings realised due to vacant health positions during the main conference period.

31. Increase Operating Expenditure Budget for Subscriptions/Publications - \$4,500.

Comment:

This is due to an increase in the use of the City's Employee Assistance Provider (EAP) and in the annual retainer fees for this service has tripled.

32. Reduce Operating Expenditure Budget for Occupational Health Safety Initiatives - \$(4,500).

Comment:

Given the current range of initiatives that will require consideration by the City's Occupational Health and Safety committee and a number of actions already underway, a reduction in the budget can be accommodated.

33. Reduce Operating Expenditure Budget for Constable Care - \$(1,000).

Comment:

The actual cost for the Constable Care program was \$10,000.

34. Reduce Operating Expenditure Budget for Noongar Patrol - \$(7,000).

Comment:

The service is provided to the City for an annual cost of \$50,000.

35. Reduce Operating Expenditure Budget for Business Beat - \$(2,000).

Comment:

The funds allocated are not required.

36. Reduce Operating Expenditure Budget for Cat Impounding Costs- \$(3,000).

Comment:

The budget for this item can be reduced due as the requirement for the service is not in demand.

37. Increase Operating Expenditure Budget for Inspectorial Control Printing and Photocopying - \$7,000.

Comment:

There are two (2) line items for Printing and Photocopying. One (1) under Ranger Administration Services, the other under Inspectorial Control. Ranger Administration Services has a budget of \$17,800, whereas Inspectorial Control has a budget of \$0.00. Inspectorial Control requires a budget to purchase tickets etc for parking machines. \$7,000 will be allocated to Inspectorial Control from Ranger Administration Services.

38. Reduce Operating Expenditure Budget for Rangers Administration Printing and Photocopying - \$(7,000).

Comment:

There are two (2) line items for Printing and Photocopying. One (1) under Ranger Administration Services, the other under Inspectorial Control. Ranger Administration Services has a budget of \$17,800, whereas Inspectorial Control has a budget of \$0.00. Inspectorial Control requires a budget to purchase tickets etc for parking machines. \$7,000 will be allocated to Inspectorial Control from Ranger Administration Services.

39. Increase Operating Expenditure Budget for leasing of EMV kits - \$138,920.

Comment:

Parking machines with credit card facilities are required to be EMV compliant. The City leases the EMV kits to maintain compliance. This was reported to Council on 10 September 2013 Item 9.4.1, whereby Council would lease these EMV kits over a 5 year period.

40. Increase Operating Expenditure Budget for postage, courier & freight - \$1,000.

Comment:

These additional funds are required to pay for archive searches for office use and delivery of these to the office.

41. Increase Operating Expenditure Budget for sundry expenses - \$1,000.

Comment:

Additional expenses were incurred as a result of afterhours call monitoring, the cost of which is proportionately allocated to the number of enquiries received for each section.

42. Increase Operating Expenditure Budget for Consultants - \$40,000.

Comment:

Early in the 2014/2015 financial year, payments for a total of \$54,000 needed to be made in relation to SAT matters that were completed by June 2014. A further \$18,000 was required to be paid for SAT matters started in 2013/14 and finalised in the past 6 months. It is estimated that a further \$18,000 is likely to be required for matters that are still in progress.

43. Include Operating Expenditure Budget for Leederville Structure Plan - \$20,000.

Comment:

\$60,000 for the Leederville Structure Plan had been allocated in the draft 13/14 budget, but not carried forward into the current financial year. As it has been possible to complete some of the work internally and there are only 6 months of this budget period left, it is estimated that \$20,000 is required for this project until the end of June 2015.

44. Reduce Operating Expenditure Budget for Sustainability Education Programs - \$(10,000).

Comment:

Due to the changes to the CEEP project, the need for public education relating to the CEEP project no longer exists and accordingly not all funds budgeted will be required.

45. Increase Operating Expenditure Budget for Worker's Compensation premiums - \$220,975.

Comment:

The City pays the worker compensation insurance each year based on the estimated salary for the year. However each year LGIS Work Care will recalculate the workers compensation insurance adjustment based on performance based contribution. This is based on the claims paid less contribution previously paid. There were a few claims in 2008, 2010 and 2012 that increased the worker compensation premiums.

46. Increase Operating Expenditure Budget for Depreciation - \$2,656,700.

Comment:

The City had undertaken valuation on its Land and Buildings for 2013/2014 in accordance with Fair Value Legislation. The budget for the depreciation was prepared before the revaluation exercise was done. The increased in the fair value of the buildings had resulted in increased depreciation.

Operating Revenue

1. Increase Operating Revenue Budget for BPLC Administration - \$(28,000)

Comment:

This increased revenue is based on the current membership numbers for the Centre.

2. Increase Operating Revenue Budget for BPLC Swimming Pools - \$(28,500)

Comment:

This increased revenue is based on the current pool attendance numbers for the Centre.

3. Increase Operating Revenue Budget for BPLC Swim School - \$(144,000)

Comment:

This increased revenue is based on the current enrolment numbers for the Beatty Park Swim School.

4. Reduce Operating Revenue Budget for BPLC Café - \$1,950

Comment:

This decreased revenue is based on current birthday party bookings for the Beatty Park Café.

5. Increase Operating Revenue Budget for BPLC Retail - \$(5,000)

Comment:

This increased revenue is based on the current sales reports and projected income for the Beatty Park Retail shop.

6. Reduce Operating Revenue Budget for BPLC Health and Fitness - \$61,500

Comment:

This decreased revenue is based on a reduction in massage and personal training sessions due to lack of suitable staff being available at this time.

7. Increase Operating Revenue Budget for BPLC Group Fitness - \$(10,000)

Comment:

This increased revenue is based on the current membership numbers and attendance numbers for the redeveloped centre, as reported in the updated five (5) year financial forecast for the Centre.

8. Reduce Operating Revenue Budget for BPLC Cycling Fitness - \$4,500

Comment:

This increased revenue is based on the current membership numbers and attendance numbers for the redeveloped centre, as reported in the updated five (5) year financial forecast for the Centre.

9. Reduce Operating Revenue Budget for Health Act Fines - \$2,000.

Comment:

Lower revenue due to the reduced number of prosecutions expected to commence prior to June 2015.

10. Increase Operating Revenue Budget for Food Hygiene Fines - \$(3,000).

Comment:

Increased revenue due to payment of fines incurred in 2013/14 (referred to Fines Enforcement Registry hence the delay).

11. Reduce Operating Revenue Budget for Sundry Income - \$5,000.

Comment:

Lower anticipated revenue from liquor permits to date has been realised.

12. Increase Operating Revenue Budget for Temporary Food Licences - \$(7,000).

Comment:

Increased revenue due to the increased number of food stalls being approved for new markets and existing festivals attracting greater numbers during the 2014/15 financial year.

13. Increase Operating Revenue Budget for Public Building Licences - \$(3,000).

Comment:

Increased revenue due to the increased number of temporary public buildings being approved for existing festivals attracting greater numbers during the 2014/15 financial year.

14. Increase Operating Revenue Budget for Cat Registration Fees - \$(2,460).

Comment:

Revenue was forecast at \$4,000 for the financial year, however revenue has exceeded the forecast.

15. Increase Operating Revenue Budget for work zone licences and permits - \$(40,000).

Comment:

The revenue for this item was forecast at \$60,000, however revenue has exceeded expectations.

16. Increase Operating Revenue Budget for Planning Approvals - \$(20,000).

Comment:

The City has received more applications for planning approvals than was previously expected which accounts for this increase in revenue from planning approvals.

17. Increase Operating Revenue Budget for Cash in Lieu contributions - \$(50,000).

Comment:

Due to an increase in development activity in the City the amount of cash in lieu that is expected to be collected over the year will be higher than was previously predicted.

18. Increase Operating Revenue Budget for Building Licences - \$(50,000).

Comment:

The City has received more applications to process for Building permits than was previously expected which accounts for this increase in revenue for the building section.

19. Increase Operating Revenue Budget for Demolition Licences - \$(4,000).

Comment:

The City has received more applications for demolition licences than was previously expected which accounts for this increase in revenue in this regard.

20. Reduce Operating Revenue Budget for Archive Searches - \$10,000.

Comment:

The City has received fewer enquiries from the public for archive searches of building licences in the past 6 months and based on this trend it is therefore expected that the income from this activity will be significantly lower than had been budgeted previously.

21. Increase Operating Revenue Budget for Rates Revenue - \$(280,000).

Comment:

Rates had a positive variance due to additional properties being reported and received after the budget rates model was run. This included new properties and revalued properties not included on the revaluation file, resulting in increased revenue.

The budget has been reviewed to bring it in line with the actual revenue received to date.

Capital Revenue:

The numbering below corresponds to the numbering allocated to Capital Revenue items in Attachment 001.

1. Include Capital Revenue for Light Fleet vehicles trade in - \$113,000.

Comment:

The trade in value of the Light Fleet vehicles was approved and included in the 2014/2015 Budget but was not adjusted in the Statement of Comprehensive Income. The amount is offset against the Plant Operating Cost outward budget review.

2. Include Capital Revenue for Sale of 291 and 295 Vincent Street - \$(700,000).

Comment:

The sales value was originally budgeted for \$1,200,000. We anticipate an increase in revenue due to the new valuation undertaken for both the properties.

Reserve Funds – Transfers from:

The numbering below corresponds to the numbering allocated to Reserve Funds Transfers listed in Attachment 001.

1. Electronic Equipment Reserve - \$(60,000).

Comment:

These Reserve Funds are used to purchase the Storage Area Network (SAN) for Server Environment.

2. Cash in Lieu for Parking Reserve Fund - \$(30,000).

Comment:

These Reserve Funds will be used to fund the additional bays for the Fitzgerald Street car park.

3. Leederville Oval Reserve Fund - \$(60,000).

Comment:

These Reserve Funds will be used to finance the building repairs required at Leederville Oval.

4. Leederville Oval Reserve - \$(9,000).

Comment:

These Reserve Funds will be used to fund the lighting maintenance required at Leederville Oval.

5. Parking Reserve - \$(193,890).

Comment:

These Reserve Funds are used to purchase 23 EMV Compliant Ticket Machines totalling \$155,940 and 11 EMV upgrade kits for parking machines totalling \$37,950.

A summary table of the complete Budget Review transactions are included in Attachment 001.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

The Local Government Act 1995 requires that a budget review be undertaken each financial year, in the period between January and March of a financial year.

RISK MANAGEMENT:

High: Failure to undertake a Budget review in the period between January and March in any financial year would be a breach of the Local Government Act (1995).

STRATEGIC IMPLICATIONS:

Plan for the Future Strategic Plan 2011-2021 - Key Result Area 4 – Leadership, Governance and Management:

“4.1 Provide Good Strategic Decision-Making, Governance, Leadership and Professional Management:

4.1.2(a) Adopt “best practice” to manage the financial resources and assets of the City.”

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

A commentary on the variances in the Statement of Budget Amendments report as at 31 December 2014 has been provided earlier in this report.

A number of amendments recommended in this budget review have been approved by Council for the current financial year or foreshadowed for consideration in 2015/16.

The opening balance for the Revised Budget was reported as a deficit of \$3,199,779 (Attachment 002). However, as previously reported to Council, the actual opening balance deficit for the mid-year revised Budget is \$4,758,710, which accurately records the adjusted deficit figure as a result of the review process. The mid-year revised Budget closing balance reports a deficit of \$974,190, which is a significant reduction achieved through a rigorous exercise of scrutinising the various operating and capital budget items.

In order for the mid-year Budget to achieve a zero balance, the following options could be considered:

- Transferring funds from reserves, e.g. Tamala Park Land Sales Reserve;
- Disposal of assets/land subject to availability which will involve further scrutiny of current assets and land with a view to sell; and/or
- Applying further cutbacks and savings on operating and capital items on the budget which could result in an impact on service delivery.

These measures are not considered necessary to achieve a year-end zero balance, for several reasons, namely - additional funds are expected from the sale of 81 Angove Street, North Perth. Whilst this City asset is listed on the Budget to be sold at \$1.7 million, it is expected to be sold for in excess of \$2 million. Budget savings are also anticipated from reduced fuel costs and improved controls of overtime and salary budgets.

As stated earlier in the report, given the potential savings with funds that had been set aside for the CEEP project that is no longer required, as well as under expenditure for the Leederville Town Centre Streetscape and Park Enhancement project, these additional funds could be used to offset any potential deficit at the end of the 2014/2015 financial year.

The predicted year-end results for 2014/15 as outlined in the Statement of Budget Amendments in Attachment 002 has been posted based on assumptions and predictions of expenditure and revenue, taking into account the amended budgetary items listed in this report.

Whilst a deficit of \$974,190 has been reported as a closing balance for the mid year revised budget, it is anticipated that with the current systemic improvement in the monitoring and control of divisional budgets, the City will achieve a zero balance by the end of this financial year.

COMMENTS:

The City is required, under the Local Government Act 1995 to conduct a mid-year review of its Budget between January and March each financial year. The City is able to carry out further budget reviews and if required, may conduct a further review at the end of March 2015.

9.4 COMMUNITY SERVICES

9.4.1 Sponsorship of FORM PUBLIC Festival 2015

Ward:	South	Date:	23 January 2015
Precinct:	Oxford Centre (4)	File Ref:	SC2072
Attachments:	001 – FORM Letter 002 – Amended FORM Public 2015 proposal 003 – FORM Public 2014 acquittal		
Tabled Items:	Nil		
Reporting Officers:	Y Coyne, Coordinator Arts & Creativity A Birch, Acting Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That Council:

1. **NOTES** the proposal from FORM seeking the City of Vincent's support to sponsor the festival 'PUBLIC 2015' as detailed in Attachment 001, Attachment 002 and in the body of this report; and
2. **APPROVES BY AN ABSOLUTE MAJORITY** the reallocation of \$20,000 from the 'Concerts in the Park' budget to the 'Form Art Festival' budget, as currently listed in the City's 2014/15 Budget for a total contribution of \$35,000, to deliver the PUBLIC Festival 2015 as follows:
 - 2.1 A minimum of six (6) highly visible murals in the Leederville Town Centre;
 - 2.2 A closing party at Oxford Street Reserve on Friday 17 April that is free and open to the general public;
 - 2.3 Three (3) symposium tickets;
 - 2.4 An urban art walk for up to fifteen (15) Town Team members; and
 - 2.5 Supporting Partner sponsorship benefits.

PURPOSE OF REPORT:

To consider a request from FORM for additional City sponsorship of the PUBLIC 2015 festival in Leederville, and to seek Council's approval to reallocate an additional \$20,000 from the Concerts in the Park budget to the Form Art Festival budget to support PUBLIC 2015.

BACKGROUND:

At the Ordinary Meeting of Council held on 23 September 2013, it was resolved:

"That the Council APPROVES;

1. *The recommendation of the Art Advisory Group to collaborate with FORM to present the Digital Arts Festival; and*
2. *BY AN ABSOLUTE MAJORITY to allocate \$40,000 of the Artist in Residence funds listed in the 2013/2014 Budget to FORM, to present seven Artists in Residence as part of the Digital Arts Festival."*

In 2014 FORM held its first arts festival, called 'Art in the City'. The City of Vincent focus in the event was on William Street. The program titled 'Dear William' hosted five (5) artists in residence who directly engaged the local community, including a two (2) month residency by a leading international photographer. In addition to these artists in residence, FORM developed and displayed thirteen (13) artworks directly engaging with the City of Vincent as a site, including 4 permanent wall murals along William Street. This was all delivered for the City's contribution of \$40,000, as outlined in Form's 2014 acquittal document in Attachment 003.

DETAILS:

FORM is hosting PUBLIC 2015 from 10 to 19 April 2015, which will take place across key inner-city neighbourhoods. The aim of hosting the festival in these neighbourhoods is to stimulate centres of activity and to cultivate a level of public discussion with a focus on creativity in the public realm, community engagement and leadership within our communities. FORM have identified Leederville as a creative neighbourhood and the acquisition of prominent walls for large scale murals as part of the PUBLIC 2015 festival is in progress.

The 2015 program will be accompanied by an international symposium to explore the value of creative place making, with key thought-leaders from around the globe invited to provide vital insights into the critical aspects of vibrant and connected communities. The venue for this symposium will not be held in the City of Vincent, however three (3) tickets will be made available to the City of Vincent to distribute to Council Members and/or key staff.

Further discussions with FORM have indicated the following outcomes for the City of Vincent:

- A minimum of six (6) walls in Leederville to be painted by local and international artists. Four (4) of these walls are at the Central Institute of Technology site at the corner of Oxford and Richmond Streets. Two (2) walls are still to be confirmed with the Water Corporation on Newcastle Street. Up to four (4) more walls in Leederville are still in negotiations with property owners. City Officers are assisting with wall procurement;
- A public closing party event at Oxford Street Reserve to be held on Friday 17 April;
- Three (3) complimentary tickets for City of Vincent Council Members and/or key staff to attend the Symposium with guest speakers;
- A Urban Art walking tour for the City's Town Teams to provide insight and advice for developing tours; and
- 'Supporting Partner' sponsorship benefits.

The above are detailed in the proposal found at Attachment 001.

The City of Vincent is expected to assist with waste services and health permits for the closing party, as well as potentially blocking off car bays in Frame Court Carpark to accommodate numbers for the closing party, tentatively scheduled for Friday 17 April 2015.

The marketing benefits are strong with logo acknowledgement in festival event materials (program, newsletters, invitations, digital advertising, etc.), promotional and marketing activities, website and event signage, as well as spoken acknowledgement at key events. The proposed investment of \$35,000 would place the City in the 'Supporting Partners' category.

Partnering with FORM, a not-for-profit arts and cultural organisation, provides the City of Vincent with an opportunity to support and demonstrate its key strategic goals around creating a socially connected, diverse and creative community that encourages social and economic investment.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

A sponsorship agreement will be entered into between FORM and the City of Vincent detailing the above proposal to ensure outcomes are achieved.

This matter relates to the following City Policies:

- Policy No. 3.8.3 'Concerts and Events'; and
 - Policy No. 3.10.9 'Public Murals'.
-

RISK MANAGEMENT IMPLICATIONS:

Low: FORM will ensure safe work practices and Occupational Health and Safety standards when completing the murals in a public place, as well as hosting the closing party.

STRATEGIC IMPLICATIONS:

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

There is \$40,000 listed in the 2014/15 expenditure budget for Concerts in the Park to allow for six (6) concerts. There are currently four (4) Summer Concerts scheduled which can be achieved for a budget of \$20,000. There is \$15,000 listed in the 2014/15 expenditure budget for Form Art Festival.

The reallocation of the remaining \$20,000 from the Concerts in the Park expenditure budget, coupled with the existing budgeted amount of \$15,000, will achieve the \$35,000 sponsorship requested by FORM.

COMMENTS:

The City of Vincent's Mural Art program is well known and the addition of more large scale, high calibre mural artwork will aid in creating a sense of place in Leederville and attract visitors to the area. Last year PUBLIC launched in April 2014 with Art in the City, bringing more than 45 artists from around the world who joined with local Australian artists to transform more than 35 spaces and walls around Perth into an urban canvas. The artworks recast the city as an enormous outdoor gallery and it is estimated that over 40,000 people were exposed to PUBLIC during the event period, 5-13 April 2014.

There are benefits to the City of Vincent in support PUBLIC 2015. The addition of world class murals to our town centre will also add to the growing mural collection of Vincent and promote the City as a place to visit to see urban street art. The opportunity for Council Members and/or key City of Vincent staff to participate in a customised Symposium Lab focused specifically for Local Governments with a Symposium presenter would be beneficial for the City's Officer's professional development by engaging with leading artists and thinkers from around the world.

9.5 CHIEF EXECUTIVE OFFICER

9.5.1 Use of the Council's Common Seal

Ward:	-	Date:	23 January 2015
Precinct:	-	File Ref:	SC406
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	L Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council NOTES the use of the Council's Common Seal on the documents listed in this report, for the months of November and December 2014 and January 2015.

BACKGROUND:

The Chief Executive Officer (CEO) is responsible for the day-to-day management of the City and other responsibilities and functions in accordance with Section 5.41 of the Local Government Act. This includes the signing of documents and use of the Council's Common Seal for legal documents. The City of Vincent Local Law relating to Standing Orders Clause 5.8 prescribes the use of the Council's Common Seal. The CEO is to record in a register and report to Council the details of the use of the Common Seal.

At the Ordinary Meeting of Council held on 14 May 2002, the Council authorised the Chief Executive Officer to use the Common Seal, in accordance with Clause 5.8 of the City of Vincent Local Law relating to Standing Orders, subject to a report being submitted to Council each month (or bi-monthly if necessary) detailing the documents which have been affixed with the Council's Common Seal.

The Common Seal of the City of Vincent has been affixed to the following documents:

Date	Document	No of copies	Details
27/11/2014	Surrender of Lease	1	City of Vincent and State of Western Australia acting through the Minister administering the Western Australian sports Centre Trust Act 1986 for the time being of care of VenuesWest, Challenge Stadium, Stephenson Avenue, Mount Claremont relating to a Portion of nib Stadium
08/12/2014	Town Planning Scheme No. 2	5	Finalisation of the City of Vincent Local Planning Strategy and Town Planning Scheme No. 2 – <i>Adopted at the Special Meeting of Council held on 18 November 2014</i>
16/12/2014	Withdrawal of Caveat	1	City of Vincent and HWL Ebsworth Lawyers, Level 11, 167 St Georges Terrace, Perth WA 6000 re: No. 2 (525 D/P: 3077; 33 D/P: 2612) Leake Street, North Perth – <i>To satisfy Conditional Planning approval granted under Delegated Authority on 10 July 2013</i>
18/12/2014	Restrictive Covenant	3	City of Vincent and I Hall and K E Williams both of 12 Norfolk Street, Mount Lawley 6050 re: No. 12 (Lot: 185 D/P: 1237) Norfolk Street, Mount Lawley – <i>To satisfy Conditional Planning approval granted by the Western Australian Planning Commission (WAPC) on 15 January 2014</i>
06/01/2015	Notification Under Section 70A	1	City of Vincent and Milton Pulse Pty Ltd of 33 Giles Street, North Beach – No 52 Milton Street, Mount Hawthorn – Parking Permits - <i>To satisfy Conditional Approval of the Ordinary Meeting of Council held on 20 June 2013</i>

Date	Document	No of copies	Details
09/01/2015	Deed of Agreement	3	City of Vincent and The Owners of 440 William Street Strata Plan 60424 of 440 William Street, Perth re: Amended Car Parking Maintenance Agreement (Stacked Car Parking Agreement), No. 440 William Street, Perth (Strata Plan 60434)
09/01/2015	Local Law Amendment	1	City of Vincent Trading in Public Places Local Law 2014 – Local Law Amendment – <i>Adopted at the Ordinary Meeting of Council held on 16 December 2014</i>
19/01/2015	Deed of Indemnity and Release Indemnity	2	City of Vincent and Psaros Pty Ltd of Level 3, 11/50 oxford Close, West Leederville re: 602/610 Beaufort Street, Mount Lawley – Deed of Indemnity and Release Indemnity Associated with Sheet Piling Works – <i>Condition 5 of Building Permit 6.2014.634.1</i>
22/01/2015	Deed	2	City of Vincent and H Katsamakias and V R Traganopoulos both of 59 Clieveden Street, North Perth – Deed regarding maintaining separate and distinct ownership of Nos. 13A and 15 Barnett Street, North Perth – <i>To satisfy conditional approval of the Ordinary Meeting of Council held on 9 November 2010</i>

9.5.2 Information Bulletin

Ward:	-	Date:	23 January 2015
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	-		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	Len Kosova Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 23 January 2015, as distributed with the Agenda.

DETAILS:

The items included in the Information Bulletin dated 23 January 2015 are as follows:

ITEM	DESCRIPTION
IB01	WALGA State Council Summary Minutes – December 2014
IB02	Integrated Transport Advisory Group (ITAG) Unconfirmed Minutes from Meeting held on 4 December 2014
IB03	Unconfirmed Minutes of the Parks Working Group (PWG) held on 19 November 2014
IB04	Unconfirmed Minutes of the Party Bus Working Group (PBWG) held on 17 December 2014
IB05	Confirmed Minutes of the Safer Vincent Crime Prevention Partnership (SVCPP) held on 8 October 2014
IB06	Unconfirmed Minutes of the Safer Vincent Crime Prevention Partnership (SVCPP) held on 10 December 2014
IB07	Register of Petitions – Progress Report – February 2015
IB08	Register of Notices of Motion – Progress Report – February 2015
IB09	Register of Reports to be Actioned – Progress Report – February 2015
IB10	Register of Legal Action (Confidential – Council Members Only) - Monthly Report as at 22 January 2015
IB11	Register of Orders and Notices Issued Under the Building Act 2011 and Health Act 1911 (Confidential – Council Members Only) - Quarterly Report (22 January 2015)
IB12	Register of State Administrative Tribunal (SAT) Appeals – Progress Report – as at 22 January 2015
IB13	Register of Applications Referred to the Design Advisory Committee – 2015
IB14	Register of Applications Referred to the MetroWest Development Assessment Panel – Current

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 NOTICE OF MOTION: Cr Joshua Topelberg - Endorsing a Position on Desired Future Building Height Limits along Major Roads

That Council REQUESTS the Chief Executive Officer to provide a report for Council to endorse a position on desired future building height limits of proposed developments on lots located along major roads outside nominated District Centres with proposed codings of R100 or greater under draft TPS2.

REASON:

This is to include:

- Charles Street (lots coded R60/R100);
- Fitzgerald Street (all areas coded R100 or greater);
- Newcastle Street (areas proposed to be coded R160);
- Oxford Street (areas between the two District Centres - Bourke to Anzac); and
- Lord Street (R100)

This position statement is to be publicly available and should guide decision making in relation to building heights in the City of Vincent during the transition period prior to the gazettal of Town Planning Scheme 2.

Administration Comment:

This matter will be addressed as part of the review of the City's Planning Policy Framework which is scheduled to be presented to Council in March.

10.2 NOTICE OF MOTION: Cr Joshua Topelberg – Amendment to Policy No. 7.5.11 relating to Exercise of Discretion for Development Variations

That Council **AMENDS** Policy No. 7.5.11 relating to Exercise of Discretion for Development Variations to insert a new Clause 3.1 as follows and the remaining Clauses be renumbered:

“3.1 The provisions of this Policy must not be used in conjunction with the requirements of Town Planning Scheme No. 2 as adopted by Council at its Special Meeting held on 18 November 2014.”

Administration Comment:

This Notice of Motion is support by Administration. It should be noted that Clause 47 of Town Planning Scheme No. 1 does not permit Local Planning Policies to be amended without prior public advertising. A statutory advertising period of 28 days will be required. If Council adopts the proposed Motion then Administration will submit a report to Council to formally adopt the amendment and commence the advertising process.

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”)

Nil.

15. CLOSURE
