



CITY OF VINCENT

COUNCIL BRIEFING

Notice of Meeting and Agenda

2 FEBRUARY 2016

Notice is hereby given that a Council Briefing will be held at the City of Vincent Administration and Civic Centre, at 244 Vincent Street (corner Loftus Street), Leederville, on **Tuesday 2 February 2016** at 6.30pm.

Len Kosova
CHIEF EXECUTIVE OFFICER

27 January 2016

ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY

This document is available in other formats and languages.

DISCLAIMER

No responsibility whatsoever is implied or accepted by the City of Vincent (City) for any act, omission, statement or intimation occurring during Council Briefings or Council Meetings. The City disclaims any liability for any loss however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during Council Briefings or Council Meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council Briefing or Council Meeting does so at their own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning or development application or application for a licence, any statement or intimation of approval made by an Elected Member or Employee of the City during the course of any meeting is not intended to be and is not to be taken as notice of approval from the City. The City advises that anyone who has any application lodged with the City must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Council in respect of the application.

Copyright

Any plans or documents contained within this Agenda may be subject to copyright law provisions (Copyright Act 1968, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that Copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

COUNCIL BRIEFING PRINCIPLES:

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

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

PROCEDURE FOR PUBLIC SPEAKING TIME

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

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

RECORDING OF COUNCIL MEETINGS

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

ORDER OF BUSINESS

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

(b) **Acknowledgement of Country Statement**

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

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

2.1 Cr Harley on approved leave of absence till 9 February 2016 due to personal commitments.

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

4. **Declarations of Interest**

5. **Reports**

ITEM	REPORT DESCRIPTION	PAGE
5.1	DEVELOPMENT SERVICES	
5.1.1	No. 99 (Lot: 437; D/P: 2334) Hobart Street, Mount Hawthorn – Proposed Change of Use from Single House to Short Term Accommodation (Unlisted Use (PR14030; 5.2015.328.1) [Absolute Majority Decision Required]	1
5.1.2	No. 10 (Lot: 616; D/P: 25762) Richmond Street, North Perth – Proposed Alterations and Additions to Existing House and revoking of existing Legal Agreement which includes Removal of Caveat (PR25091; 5.2015.454.1)	5
5.1.3	Nos. 115 – 117 (Lot: 302; D/P: 27241) Kalgoorlie Street, Mount Hawthorn – Proposed Alterations and Additions to Existing Single House to create Two Grouped Dwellings and Construction of a Third Grouped Dwelling (PR14395; 5.2015.460.1)	10
5.1.4	No. 7 (Lot: 1; D/P: 43011) Galwey Street, Leederville – Proposed Alterations and Three Storey Addition to Existing Single Dwelling (PR27785; 5.2015.396.1)	23
5.1.5	No. 46 (Lot: 33; D/P: 1777) Richmond Street, North Perth – Proposed Demolition of Existing Single House and Construction of a Two Storey Single House (PR25135; 5.2015.290.1)	32
5.1.6	Metropolitan Region Scheme (MRS) Amendment 1199/41 – West Perth Regeneration Precinct (SC2416)	40
5.1.7	Amendment to Fees and Charges 2015/2016 (SC245) [Absolute Majority Decision Required]	46
5.2	TECHNICAL SERVICES	
5.2.1	Proposed Traffic Management Improvement - Intersection of Angove and Woodville Streets, North Perth, Report No 2 (SC1005, SC671)	48
5.2.2	Baker Avenue, Perth Proposed Parking Changes (SC681, SC423) [Absolute Majority Decision Required]	51
5.2.3	Little Walcott Street, North Perth Proposed Parking Restrictions (SC859, SC228)	54
5.2.4	Galwey Street, Leederville Proposed Parking Restrictions (SC800, SC1847)	57
5.2.5	Salisbury Street, Leederville Proposed Parking Restrictions (SC935, SC1201)	59
5.2.6	Vincent Greening Plan Proposed 2016 Local Plant Sales (SC1293) [Absolute Majority Decision Required]	61

5.3 CORPORATE SERVICES

5.3.1	Investment Report as at 31 December 2015 (SC1530)	64
5.3.2	Authorisation of Expenditure for the Period 27 November 2015 to 31 December 2015 (SC347)	67
5.3.3	Financial Statements as at 30 November 2015 (SC357)	70
5.3.4	Financial Statements as at 31 December 2015 (SC357)	78
5.3.5	LATE ITEM: Investment Report as at 31 January 2016 (SC1530)	86

5.4 COMMUNITY SERVICES

5.4.1	Vincent Accord Party Bus Registration Scheme Fee (SC1479)	87
5.4.2	Parking and Parking Facilities Local Law 2007– Proposed Amendment to Parking Permits (SC112)	89

5.5 CHIEF EXECUTIVE OFFICER

5.5.1	LATE ITEM: Council Recess Period 2015-2016 - Receiving of Reports (ADM0018)	92
5.5.2	Information Bulletin	93

6. Motions of which Previous Notice has been given

6.1	LATE ITEM: NOTICE OF MOTION: Councillor Dan Loden – Request the Investigation into the Introduction of 360 Litre Recycling Mobile Garbage Bins	
6.2	LATE ITEM: NOTICE OF MOTION: Councillor Joshua Topelberg – Request To Consider Relocation Of Leederville Taxi Rank	
6.3	LATE ITEM: NOTICE OF MOTION: Mayor John Carey – Request Review of City of Vincent Membership to the WA Local Government Association (WALGA)	

7. Representation on Committees and Public Bodies

Nil.

8. Confidential Items/Matters (“Behind Closed Doors”)

8.1	CONFIDENTIAL REPORT: Agreement for the City to Undertake the Care, Control and Management of Car Park Located at 375-393 William Street, Perth (PR54093) [Absolute Majority Decision Required]	
-----	---	--

9. Closure

5.1 DEVELOPMENT SERVICES

5.1.1 No. 99 (Lot: 437; D/P: 2334) Hobart Street, Mount Hawthorn – Proposed Change of Use from Single House to Short Term Accommodation (Unlisted Use)

Ward:	North	Date:	15 January 2016
Precinct:	Precinct 1 – Mount Hawthorn	File Ref:	PR14030; 5.2015.328.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Management Plan including Code of Conduct		
Tabled Items:	Nil		
Reporting Officer:	A Groom. Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES BY ABSOLUTE MAJORITY** the application submitted by M Baynes on behalf of the owners S E & M L Baynes, for the proposed change of use from Single House to Short Term Accommodation (Unlisted Use) at No. 99 (Lot: 437; D/P: 2334) Hobart Street, Mount Hawthorn as shown on plans date stamped 1 July 2015, included as Attachment 2, subject to the following conditions:

1. Limitation on Use

1.1 Approval Period

The approval for Short Term Accommodation is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the City prior to continuation of the use;

1.2 Maximum Accommodation

There shall be no more than four adults and four children (related) accommodated at the property at any one time;

1.3 Maximum Stay

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

1.4 Management Plan

The short term accommodation shall operate in accordance with the Management Plan submitted with this application dated 21 July 2015 to the satisfaction of the City;

2. Code of Conduct

The Code of Conduct dated 21 July 2015 is to be displayed in a prominent location in the house to the satisfaction of the City and be provided to all prospective tenants;

3. External Fixtures

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

4. Verge Trees

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

ADVICE NOTES:

1. All signage that does not comply with the City's Policy No. 7.5.2 – Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Permit application, being submitted to and approved by the City prior to the erection of the signage; and
2. With reference to Condition 1.2 this property may not be used by more than six unrelated persons.

PURPOSE OF REPORT:

To consider the use of the property for short term accommodation, which is an Unlisted use.

DETAILS:

Landowner:	S E & M L Baynes
Applicant:	M Baynes
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): R20 Draft Town Planning Scheme No. 2 (TPS2): R20
Existing Land Use:	Single House
Use Class:	Short Term Accommodation (Unlisted Use)
Use Classification:	"SA"
Lot Area:	488 square metres
Right of Way (ROW):	Not Applicable
Heritage List:	No
Date of Application:	21 July 2015, received 22 July 2015

Short term accommodation is a use not specifically mentioned in the City's Zone Table which means that approval of this use is discretionary and is based on the appropriateness of this use in this location.

The change of use from Residential to Short Term Accommodation is proposed for the existing single house located on the corner of Hobart Street and Edinboro Street. The property abuts a single residential property to its east (Hobart Street), to its south a commercial property (Scarborough Beach Road), a park on its western side and a church to the north.

The single house is single storey and provides the following facilities:

- Three bedrooms with two queen beds and 2 bunk beds sleeping a maximum of 4 adults and 4 children;
- Two bathrooms;
- A kitchen and an outdoor alfresco area;
- A laundry; and
- Two car bays within the carport accessed off Edinboro Street.

ASSESSMENT:

The proposal complies in all respects with the provisions of the City's Scheme, Policies and Residential Design Codes.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
--------------------------	-----	-------------------------------------	-----

Consultation Period:	23 November 2015 to 13 December 2015. In accordance with Clause 37 a sign was placed onsite and a notice was included in the local newspaper during the advertising period.
Comments Received:	No submissions were received during the Community Consultation period.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 7.1.1 – Mount Hawthorn Precinct;
- Policy No. 7.4.5 – Temporary Accommodation; and
- Policy No. 7.7.1 – Parking and Access.

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

Under Clause 39 of the Town Planning Scheme No. 1 Council cannot grant planning approval for a development which involves an 'Unlisted Use' unless it is satisfied, by an absolute majority, that the proposed development is consistent with the matters listed in Clause 38(5).

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The proposal uses an existing building. The adaptive re-use of this existing space has a lower environmental impact compared to constructing a new building for this purpose.
SOCIAL
The proposal provides temporary accommodation within the locality.
ECONOMIC
The proposed land use will bring business to the area.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The property is well serviced by public transport and is only a short distance from the Mount Hawthorn Town Centre. Being surrounded by a commercial property, a park and a church and only abutting one other residential property the property is ideally located for short term accommodation.

The proposal is limited to be occupied by no more than four adults and four children that are required to be related in order for this use not to fall into the category of Lodging House under the Health legislation.

A detailed Management Plan was submitted as part of the planning application (**Attachment 3**). Details included are: control of noise and other disturbances, complaints management procedure, security of guests, residents or visitors, control of anti-social behaviour, car parking and a Code of Conduct. The management plan provided is in line with the City's Policy No. 7.4.5 – Temporary Accommodation. The car parking provided (2 car bays) also exceeds the minimum requirements for this use of 1 car bay.

The proposed use, if operated in accordance with the Management Plan, is not expected to have a negative impact on the locality. It is therefore recommended that a condition is imposed requiring the use to operate in accordance with the management plan. Additionally it is recommended that the approval is limited to 12 months to provide Council the opportunity to reassess the appropriateness of the use in time.

CONCLUSION:

It is recommended that Council approves this proposal.

5.1.2 No. 10 (Lot: 616; D/P: 25762) Richmond Street, North Perth – Proposed Alterations and Additions to Existing House and revoking of existing Legal Agreement which includes Removal of Caveat

Ward:	South	Date:	15 January 2016
Precinct:	Precinct 6 – Smith’s Lake	File Ref:	PR25091; 5.2015.454.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification dated 8 October 2015 4 – Deed of Covenant dated 16 August 2001 5 – City’s Heritage Assessment		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council:

1. **AGREES TO** revoke the existing Legal Agreement between Brian Scott Dobbie and Kellie Anne Dobbie and the City of Vincent dated 9 August 2001 and allows the withdrawal of a caveat from the title of No. 10 (Lot: 616; D/P: 25762) Richmond Street, North Perth subject to the following conditions:
 - 1.1 all costs in this regard will be borne by B & K Dobbie; and
 - 1.2 the existing dwelling being placed on the City’s Municipal Heritage Inventory (MHI) as ‘Category B – Conservation Recommended’ before the caveat is withdrawn; and

2. 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 B & K Dobbie as owners for the proposed Alterations and Additions to existing Single House at No. 10 (Lot: 616; D/P: 25762) Richmond Street, North Perth as shown on plans date stamped 8 October 2015 and amended plans dated 3 November 2015, included as Attachment 2, subject to the following conditions:
 - 2.1 **Boundary Wall**
 The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 12 Richmond Street in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City;

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

 - 2.3 **Verge Trees**
 No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning; and

 - 2.4 **Stormwater**
 All storm water produced on the subject land shall be retained onsite, by suitable means to the satisfaction of the City.

ADVICE NOTES:

1. **With reference to Condition 2.1 the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;**
2. **A Road and Verge security bond for the sum of \$1,000 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; and**
3. **With reference to Condition 2.4, no further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.**

PURPOSE OF REPORT:

To consider revoking the existing legal agreement between the owners and the City to enable removal of the caveat on the title for No. 10 Richmond Street and consider alterations and additions to the existing dwelling.

BACKGROUND:

No. 10 Richmond Street was created with the subdivision in 1999 of the former Richmond Street Depot. This land was owned by Council and its subdivision resulted in 17 lots two of which (Nos. 10 and 12 Richmond Street) accommodated the only two existing dwellings at the depot. Both dwellings are Californian Bungalows.

While the properties were found to have "some" heritage value Council, resolved not to list the properties on the City's Municipal Heritage Inventory, but as Council was keen to secure their retention, required the purchasers each to enter into an agreement with the City to prevent demolition of the existing dwellings. The Agreement for No. 10 Richmond Street includes a clause to that effect (Clause 2) and a further provision (Clause 4) that prevents amalgamation and subdivision of the land, and a requirement that a caveat is registered on the title to secure the City's interest. (**Attachment 4**)

History:

Date	Comment
20 December 1999	Council at its Ordinary Meeting agreed to progress with a subdivision layout for the land formerly occupied by the Richmond Street Depot, resulting in the formation of 17 new lots, including the original two dwellings.
27 February 2001	Council at its Ordinary Meeting approves to limit the development potential on Nos. 10 & 12 (Lots 616 & 617) Richmond Street, North Perth and requires registration of the caveat imposed as part of the legal agreement.
27 May 2014	Council refused the application requesting withdrawal of the caveat as part of a confidential report.

Previous Reports to Council:

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

DETAILS:

Landowner:	B & K Dobbie
Applicant:	B & K Dobbie
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R40 Draft Town Planning Scheme No. 2 (TPS2): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	525 square metres
Right of Way (ROW):	Not Applicable
Heritage List:	No
Date of Application:	8 October 2015, received 9 October 2015

This application is for alterations and additions to the existing single house at No. 10 Richmond Street, North Perth with the ultimate aim to create a compact dwelling and free up the remainder of the block to enable an additional residential lot.

The proposal includes:

- removal of the verandah and existing double carport located at the rear of the property existing development (accessed off Toorak Rise);
- alterations to the existing family, kitchen area to create a kitchen/meals/family room and bathroom/laundry;
- construction of an outdoor living area directly accessible from the proposed family room; and
- hardstand car parking area for two vehicles (accessed off Richmond Street). (**Attachment 2**).

The applicant has requested that the existing caveat be withdrawn to permit subdivision, and, in order to prevent demolition of the existing dwelling, to either enter into another legal agreement with the City that requires a new caveat being placed on the title of the property for the existing dwelling or to place the existing dwelling onto the City's Municipal Heritage Inventory as a Category B.

Under its current density code of R40, which requires an average site area of 220 square metres, the land is sufficiently large to accommodate two dwellings. The subdivision would result in two lots being created namely a new vacant lot (220 square metres) and the lot with the existing dwelling (305 square metres).

The proposal was revised on one occasion after initial submission to satisfy engineering requirements for access as follows:

Date	Comment
9 October 2015	Initial application received.
3 November 2015	Amended plans received.

ASSESSMENT:

The proposed modifications (**Attachment 2**) comply with the City's Policies and Residential Design Codes and can therefore be approved under delegated authority.

However should the property be subdivided the dimensions of the outdoor living area will not comply with the minimum requirements. Following the subdivision the outdoor area which currently far exceeds the minimum dimensions of 4 metres x 6 metres will be 3.771 metres by 6 metres, resulting in a marginal variation of 0.229 metres. This variation is considered acceptable as the area provided is sufficient to adequately serve this two bedroomed dwelling.

CONSULTATION/ADVERTISING:

Required by Legislation:	No	Required by City of Vincent Policy:	No
--------------------------	----	-------------------------------------	----

The proposal was not advertised as the alterations and additions comply with the City's Scheme, Policies and Residential Design Codes.

It should be noted that the adjoining property owner at No. 12 Richmond Street submitted a letter of no-objection to the removal of the caveat as part of the previous application of 27 May 2014.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 7.1.6 – Smith's Lake Precinct; and
- Policy No. 7.2.1 – Residential Design Elements.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

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
Retention of existing home and better use of available land.

SOCIAL
The development contributes positively to the social sustainability of the area by increasing density, social mix and the diversity of dwelling types.

ECONOMIC
The development will make use of existing infrastructure and services available in an already built-up area, avoiding the cost of new infrastructure associated with greenfield developments. The construction will also provide short term employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

There is an expected fee associated with the removal of the caveat.

COMMENTS:

The existing legal agreement over this property to prevent the demolition of the existing dwelling and the subdivision of the lot is unusual and considered to be inappropriate given that:

- a) The protection provided to the existing dwelling is equivalent to the type of protection applied to a Category A listing, when its heritage value only reached category C in 2006 and category B now; and
- b) The property at the R40 density coding can accommodate two dwellings.

While the condition to prevent demolition appears to have been imposed to meet Council's wish to retain the existing dwelling, it has not been possible to establish from the City's records Council's rationale for imposing the condition in regards to the subdivision ban.

When this matter was previously considered by Council in May 2014 the application was for the withdrawal of the caveat and no information was provided in regards to the future intentions of the existing dwelling.

With this proposal the focus has been on retaining the existing dwelling and modifying it to become a functional unique home, and thereby freeing up the additional land to allow for subdivision.

The intention to retain the existing dwelling is supported by the owners' willingness to have the existing place listed on the City's MHI as Category B or enter into an agreement to retain the existing dwelling. Either option achieves the original outcome for the existing dwelling.

The City has undertaken a heritage assessment of the proposal and supports its listing on the MHI as Category B (**Attachment 5**). The heritage value extends to the existing dwelling only and its most significant contribution is to the streetscape. There is no requirement to secure a curtilage and therefore there is no objection to the proposed subdivision of the lot and the proposed additions to the dwelling.

At an average of 220 square metres per dwelling, the existing block at 525 square metres is large enough to permit two lots, one of which will retain the existing dwelling. The newly created rear lot will achieve 220 square metres which is more than the minimum site area of 180 square metres required.

The amendments proposed to the existing dwelling comply with the City's Scheme, Policies and the Residential Design Codes, although will result in an acceptable variation to the outdoor living area should subdivision occur.

In this context revoking of the original agreement and withdrawing the caveat from the title so that the development potential of the property can be achieved is supported, on the condition that the property is placed on the MHI before the caveat is withdrawn. In this way the existing property is retained which will secure the existing character of the area, whilst permitting infill development appropriate for an inner city area.

While the owner of No. 12 Richmond Street has not approached the City, adding No. 12 Richmond Street to the City's MHI would be supported as the heritage value of both properties is enhanced by each being part of a group.

CONCLUSION:

It is recommended that Council approves this proposal.

5.1.3 Nos. 115 – 117 (Lot: 302; D/P: 27241) Kalgoorlie Street, Mount Hawthorn – Proposed Alterations and Additions to Existing Single House to create Two Grouped Dwellings and Construction of a Third Grouped Dwelling

Ward:	North	Date:	15 January 2016
Precinct:	Precinct 1 – Mount Hawthorn	File Ref:	PR14395; 5.2015.460.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Marked up plans showing proposed versus required setbacks 5 – Subdivision Plan 6 – Heritage Impact Statement		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by D Evans on behalf of the owners D Evans & M Ranaldi, for the proposed alterations and additions to existing Single House to create two Grouped Dwellings and construction of a third Grouped Dwelling at No. 115-117 (Lot: 302; D/P: 27241) Kalgoorlie Street, Mount Hawthorn as shown on plans date stamped 12 January 2016, included as Attachment 2, subject to the following conditions:

1. **Legal Agreement**

The owners shall enter into a legal agreement secured by a caveat on the Certificate of Title, that requires that the external built form of the existing Heritage Building is retained and maintained to the satisfaction of the City;

2. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 201 Scarborough Beach Road and No. 113 Kalgoorlie Street in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City;

3. **External Fixtures**

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

4. **Verge Trees**

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

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

5.1 Revised Plans

The applicant shall provide revised plans denoting the following:

5.1.1 Visual Privacy

The windows for the bedroom and living area on the first floor located on the northern elevation of Dwelling 2 shall comply with the requirements of the Residential Design Codes in relation to privacy provisions to the satisfaction of the City to prevent overlooking of No. 201 Scarborough Beach Road, Mount Hawthorn; and

5.2 Landscape and Reticulation Plan

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

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

5.2.2 Areas to be irrigated or reticulated; and

5.2.3 The removal of redundant crossovers; and

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

6.1 Car Parking

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

6.2 Stormwater

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

6.3 Landscape Plan and Verge Upgrade Plan

With reference to Condition 5.2, all works shown in the plans approved with the Building Permit shall be undertaken in accordance with the approved plans and maintained thereafter to the satisfaction of the City at the applicant's expense.

ADVICE NOTES:

1. With reference to Condition 1, all costs associated with this condition shall be borne by the applicant/owners of the land;
 2. With reference to Condition 2, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
 3. With reference to Condition 5.2.3, all new crossovers to the development site are subject to a separate application to be approved by the City;
-

4. Any new street/front wall, fence and gate within the Kalgoorlie Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;
5. A Road and Verge security bond for the sum of \$2,000 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;
6. With reference to Condition 5.2, the City encourages landscaping methods and species selection which do not rely on reticulation;
7. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If there is a request to erect scaffolding, site fencing etc. or if building materials are required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate;
8. With reference to Condition 6.2, no further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings; and
9. Any additional property numbering to the abovementioned address which results from this application will be allocated by the City of Vincent. The applicant is requested to liaise with the City in this regard during the building permit process.

PURPOSE OF REPORT:

To consider the alterations and additions of an existing single house to create two grouped dwellings and the construction of a third two-storey grouped dwelling to the front of the site.

BACKGROUND:

The City's records show the existing building was constructed in 1938 and has been on the City's Municipal Heritage Inventory since 1995 as a Category "B" listed building. This category recommends retention of the built form.

The property was originally used as a Church until 2003. The property was vacant until 2009 when the City approved the change of use from Place of Public Worship (Church) to Single House.

No external structural changes are proposed for the heritage property.

History:

Date	Comment
22 May 2009	Planning approval is granted under delegated authority for the change of use from Place of Public Worship (Church) to Single House.

Previous Reports to Council:

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

DETAILS:

Landowner:	D Evans & M Ranadli
Applicant:	D Evans
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): R30 Draft Town Planning Scheme No. 2 (TPS2): R30
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	981 square metres
Right of Way (ROW):	Not applicable
Heritage List:	Yes
Date of Application:	2 September 2015, received 13 October 2015.

The existing heritage building is currently used as a single house that includes three bedrooms, one study, two kitchens, a main lounge, and two living/dining areas.

The proposed development is to renovate the existing building to create two dwellings and to construct an additional grouped dwelling (two-storey) at the front of the block increasing the total number of dwellings on this site to three, each with the following features:

	Lot 1	Lot 2	Lot 3
Lot Area	243 square metres	200 square metres	500 square metres
Number of Beds	1 bed plus mezzanine floor	4 beds	3 beds
Number of Baths	1 bath	2 bath and 2 separate toilets	2 bath
Number of Car Bays	1 car bay	2 car bays	2 car bays

Access to Lot 3 is via the common driveway and tandem car parking area for Lot 3.

The subject site is zoned Residential R30 which requires a minimum site area per dwelling of 260 square metres and an average of 300 square metres. Overall the lot is 981 square metres and is able to accommodate three dwellings.

Due to the retention of the existing heritage property, the proposed lots 1 and 2 are unable to achieve the minimum R30 lot area requirements.

Clause 27 of TPS1 states that where desirable to facilitate the conservation of a heritage place listed in the Municipal Heritage Inventory or to enhance or preserve heritage values in a Heritage Area, Council may vary any site or development requirement of the Scheme.

A subdivision application as shown in **Attachment 5** is currently pending the determination of this application.

ASSESSMENT:

Summary Assessment

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

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

Detailed Assessment

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

Density/Lot Area			
Location	Policy Requirement	Proposal	Variation
	Residential Design Codes Clause 5.1.1 R30 – Minimum site area per dwelling = 260 square metres	Lot 1 = 243 square metres Lot 2 = 200 square metres	Lot 1 = A shortfall of 17 square metres (minimum lot area) Lot 2 = A shortfall of 60 square metres (minimum lot area)

The assessment against the relevant design principles is as follows:

Density/Lot Area
Design Principles
Residential Design Codes Clause 5.1.1.
P1.1 Development of the type and density indicated by the density code designated in the scheme
Town Planning Scheme No. 1
Clause 20 (2) (b)
Subject to compliance with the procedures set out in the Residential Planning Codes for notifying affected owners and occupier, the Council may grant an increase in the permitted dwelling density by up to 50% if:
(b) the proposed development conserves or enhances an existing dwelling or existing dwellings worth retention;
Clause 12 of the Deemed Provisions (previously clause of 27 TPS1)
<u>Variations to local planning scheme provisions for heritage purposes</u>
(1) The local government may vary and site or development requirement specified in this Scheme to –
(a) facilitate the built heritage conservation of a place entered in the Register of Places under the <i>Heritage of Western Australia Act 1990</i> or listed in the heritage list; or
(b) enhance or preserve heritage values in a heritage area.
(2) A variation under subclause (1) may be unconditional or subject to any conditions the local government considers appropriate.
Application's Justification
<i>"Under the provisions of Town Planning Scheme No. 1 (TPS1), the property is currently zoned Residential R30.</i>
<i>Under TPS1, development on the land that conserves or enhances a heritage listed place is eligible for an increase in the dwelling density of up to 50 per cent, which would mean development could be assessed at the R50 code. The retention of the Church and the Heritage Impact Statement (below) confirm support for the application of the bonus (minimum lot size only) to the proposal".</i>
Officer Technical Comment:
While the WAPC approves undersized subdivisions, Council must consider density and minimum lot areas as part of the development assessment process, and is able to consider variations to minimum requirements. As the property contains a structure that is listed on the City's heritage list, there are two provisions within TPS1 that provides Council with the power to vary density and minimum lots areas.
At 981 m ² for the main lot, the average lot area for all three properties 327m ² each, which complies with the requirements of the R30 density coding. The variation is therefore in relation to the proposed minimum lot areas of proposed Lots 1 and 2.
With the 50% density bonus permitted under Clause 20, the permitted density for an R30 coded site would be R45, but as this coding is not provided for in the R-Codes, the applicable standards would be determined by the R40 and R50 density code. The minimum lot area for R40 is 180m ² and for R50 is 160m ² .
At proposed areas of 243 m ² (Lot 1) and 200 (Lot 2) each exceeds the permitted minimum lot areas of the higher density codings.

Density/Lot Area

The proposed lot areas for lots 1 and 2 are acceptable for the following reasons:

- there is adequate space in each instance to accommodate a dwelling that is similar to the existing housing stock in the locality with all its ancillary requirements such as car parking, store room and outdoor living areas, without seeking variations to those requirements;
- allows for the retention of an existing heritage property, while maximising the development potential of the site.

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

Street Setback

Location	Policy Requirement	Proposal	Variation
Grouped Dwelling Lot 2	Policy No. 7.2.1 – Residential Design Elements SADC 5		
Ground floor	The average of the 5 adjoining properties either side of the development = 7.734 metres	5 metres	2.734 metres
Upper floor	2 metre behind each portion of the ground floor setback which equates to a setback of 9.734 metres from Kalgoorlie Street.	Walls directly above ground floor.	2 metres from the ground floor or 9.734 metres from ROW.
Garage	Policy No. 7.2.1 – Residential Design Elements SADC 8 Garages are to be setback a minimum of 500 millimetres behind line of the front main building lint of the dwelling.	In line with main building line of dwelling.	500 millimetres.

The assessment against the relevant design principles is as follows:

Street Setback

Design Principles

Policy No. 7.2.1 – Residential Design Elements

SPC 5

- (i) Development is to be appropriately located on site to:
- Maintain streetscape character;
 - Ensure the amenity of neighbouring properties is maintained;
 - Allow for the provision of landscaping and space for additional tree plantings to grow to maturity;
 - Facilitate solar access for the development site and adjoining properties;
 - Protect significant vegetation; and
 - Facilitate efficient use of the site.

Street Setback
SPC 8 (i) Garages and carports are not to visually dominate the site or the streetscape.
Application's Justification
None provided.
Officer Technical Comment:
<p>Although the additional dwelling is located closer to the street boundary than the average setback the proposed setback of the new dwelling will maintain the existing streetscape and not adversely affect the amenity of neighbouring properties as:</p> <ul style="list-style-type: none"> The proposed setback aligns with an existing archway feature of the heritage building that is being modified to be the entrance to grouped dwelling 1.5 metres from the boundary); The existing streetscape of this portion of Kalgoorlie Street comprises of single storey properties with varied front setbacks that include carports and porches located in the front setback area which visually alters the perception of front setback. The front setback area provides open outdoor living spaces, which is consistent with the character and amenity of the established properties to the south. The front façade of the proposed dwelling is of a compatible scale to the existing dwelling on site and is well articulated with the use of openings to provide interest and amenity to the streetscape. <p>The additional variation of the garage forward of the façade of the dwelling is also considered acceptable because large windows have been provided on the upper floor and the study on the ground floor, which minimise the impact of the garage.</p> <p>This proposal meets the relevant design principles and is acceptable.</p>

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

Building Setbacks/Boundary Wall			
Location	Policy Requirement	Proposal	Variation
Grouped Dwelling Lot 2	Residential Design Codes Clause 5.1.3		
Boundary Walls	One boundary wall permitted	Two boundary walls – north and south	One additional boundary wall
Ground Floor	North – 1.5 metres	North – Nil/0.9 metres	1.5 metres/0.6 metres
Upper Floor	North – 2.8 metres	North – 1 metre/2.35 metres	1 metre/0.45 metres

The assessment against the relevant design principles is as follows:

Building Setbacks/Boundary Wall	
Design Principles	
Residential Design Codes Clause 5.1.3	
P3.1	<p>Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; moderate the visual impact of building bulk on a neighbouring property; ensure access to daylight and direct sun for adjoining properties; and assist with the protection of privacy between adjoining properties.

Building Setbacks/Boundary Wall	
P3.2	<p>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 an 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 and streetscape.
Application's Justification	
None provided.	
Officer Technical Comment:	
<p><u>Boundary Walls:</u></p> <p>The boundary wall to the south (store for Lot 1) is considered the "as of right" wall, while the boundary wall along the northern boundary for grouped dwelling 2 is discretionary.</p> <p>At a width of 1.8 metres and a height of 2.4 metres the southern boundary wall will not have an adverse impact on the amenity of the adjoining property.</p> <p>The northern boundary wall is 8.2 metres in width and 3 metres in height. As it abuts an area that is used for car parking for the units fronting Scarborough Beach Road and will not have any overshadowing impact on the adjoining property it is acceptable.</p> <p><u>Building Setbacks:</u></p> <p>The proposed building setbacks for the ground floor are minor.</p> <p>Although the variation identified above are as a result of the opening being classified as a major opening, it will be a requirement that these opening are screened in which case the setback variation will be in the vicinity of 200mm.</p> <p>The proposed side setbacks of the new dwelling in relation to the northern boundary are considered acceptable as they affect the car parking area of the units on the adjoining property and therefore have no impact on the amenity of the adjoining property.</p>	

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

Roof Form			
Location	Policy Requirement	Proposal	Variation
Grouped Dwelling Lot 2	<p>Policy No. 7.2.1 – Residential Design Elements</p> <p>The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged.</p>	Flat roof.	30 degrees

The assessment against the relevant design principles is as follows:

Roof Form
Design Principles
Policy No. 7.2.1 – Residential Design Elements Clause 7.4.3
BDPC 3 (i) The roof of a building is to be designed so that: <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Application’s Justification
None Provided.
Officer Technical Comment:
The proposal skillion roof of the new dwelling is contemporary and matches the new grouped dwelling. The roof form differentiates the new dwelling from the existing historic building. It also ensures that the size and scale of the new building is consistent with the existing property and the surrounding streetscape. This proposal meets the relevant design principles and is acceptable.

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

Privacy			
Location	Policy Requirement	Proposal	Variation
Grouped Dwelling Lot 2 North Elevation	Residential Design Codes Clause 5.4.1 Bedrooms – 4.5 metre cone of vision setback.	Rear Bedroom – 2.3 metre cone of vision setback to No. 201 Scarborough Beach Road.	2.2 metres.
	Other habitable rooms – 6 metre cone of vision setback.	Living – 1 metre cone of vision setback to No. 201 Scarborough Beach Road.	5 metres.

The assessment against the relevant design principles is as follows:

Privacy	
Design Principles	
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).
Application's Justification	
None provided.	
Officer Technical Comment:	
Although the proposed overlooking occurs to an area currently used for car parking, the variations to visual privacy are not supported because the adjoining property is zoned for residential purposes:	
To ensure that the current and future amenity of the adjoining properties is maintained it is recommended that a condition of approval is imposed in this regard.	

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	18 November 2015 to 1 December 2015.		
Comments Received:	Four objections were received during the Community Consultation period.		

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Size</u></p> <p>The proposal will result in the overdevelopment of the block.</p>	<p>The block is 981 square metres in size. The Residential Design Codes require a minimum and average site area per dwelling of 260 square metres and 300 square metres respectively. The block size permits development of three grouped dwellings, however due to the retention of an existing heritage property, the site is unable to be divided equally amongst the proposed dwellings resulting in a variation in this instance.</p>

<p><u>Access and Parking</u></p> <p>Concern for the sight lines for cars reversing onto Kalgoorlie Street.</p>	<p>All developments are required to provide visual truncations that comply with the City's Policy No. 2.2.6 – Truncations.</p> <p>No front fence has been proposed that would restrict visual truncations.</p>
<p><u>Solar Access</u></p> <p>Diminishes solar access on adjoining properties.</p>	<p>The proposed new dwelling sits on the northern side of the existing property. Any additional shadow will be cast on the existing property and the associated car parking. There will be no changes to the shadow currently being cast to the south from the existing heritage property.</p>
<p><u>Roof Form</u></p> <p>Does not align with the character of the area.</p>	<p>The proposed roof form for the new dwelling will create a clear contrast between the existing heritage property and the new contemporary style dwelling. The flat roof allows the new dwelling to be of a similar size and scale to the existing property.</p>
<p><u>Privacy</u></p> <p>Concerns for privacy of elderly residents.</p>	<p>The new dwelling proposes overlooking to the adjoining car parking area for the units at No. 201 Scarborough Beach Road. As this lot is zoned residential, a condition has been recommended requiring compliance with the Residential Design Codes in relation to privacy.</p>

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

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

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
The development will assist to offset urban sprawl and its associated negative impacts.
SOCIAL
The development contributes positively to the social sustainability of the area by increasing density, social mix and the diversity of dwelling types.
ECONOMIC
The development will make use of existing infrastructure and services available in an already built-up area, avoiding the cost of new infrastructure associated with greenfield developments. The construction will also provide short term employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

A commendable feature of this proposal is the conservation and refurbishment of the existing heritage building, which is listed on the City's heritage inventory.

The proposal requires discretion to the minimum lot areas for proposed lots 1 and 2, street setback, lot boundary setback, roof form and privacy. The variation proposed to the site area requirements of dwellings 1 and 2 can be considered by Council as part of the development assessment process and can be varied to facilitate the conservation of a place.

The new development is of a scale and mass that respects the adjacent heritage listed place and provides a means to integrate older style buildings with new development for modern needs.

All proposed variations are not expected to have any adverse impact on the streetscape and neighbouring properties and are therefore supported, although it is recommended that a condition is imposed to ensure that the existing heritage property will be retained.

The proposal in its current form is considered to be acceptable and contribute positively to the higher density existing along Scarborough Beach Road.

CONCLUSION:

It is recommended that Council approves this proposal.

5.1.4 No. 7 (Lot: 1; D/P: 43011) Galwey Street, Leederville – Proposed Alterations and Three Storey Addition to Existing Single Dwelling

Ward:	North Ward	Date:	15 January 2016
Precinct:	Precinct 3 – Leederville	File Ref:	PR27785; 5.2015.396.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Marked up plans showing proposed versus required setbacks 5 – Overshadowing Diagram		
Tabled Items:	Nil		
Reporting Officer:	S Laming, Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by D & N Limond on behalf of the owner N J Limond, for the proposed Alterations including three storey addition to an Existing Single Dwelling at No. 7 (Lot: 1; D/P: 43011) Galwey Street, Leederville as shown on plans date stamped 5 January 2016, included as Attachment 2, subject to the following conditions:

1. **External Fixtures**

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

2. **Verge Trees**

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

3. **Stormwater**

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

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

4.1 **Revised Plan**

The applicant shall provide revised plans denoting the following:

4.1.1 **Visual Privacy**

All openings on the first and second levels comply with the privacy requirements of the Residential Design Codes to the satisfaction of the City; and

5. Prior to occupation of the development, all privacy screening shall be installed to the satisfaction of the City.

ADVICE NOTES:

1. With reference to Condition 3 above, please note that no further consideration shall be given to the disposal of storm water 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of 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;
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. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If a request to erect scaffolding, site fencing etc. or if building materials is required to be stored within the road reserve once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate; and
4. Any new street/front wall, fence and gate within the Galwey Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences.

PURPOSE OF REPORT:

To consider an application for alterations and third storey additions to an existing single dwelling.

BACKGROUND:

Nil.

DETAILS:

Landowner:	N J Limond
Applicant:	D & N Limond
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R40 Draft Town Planning Scheme No. 2 (TPS2): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	313 square metres
Right of Way (ROW):	Not Applicable
Heritage List:	No
Date of Application:	7 September 2015

The application is to remove an existing timber extension to an existing masonry building and construct a three-storey extension in its place.

The existing building consists of a single storey dwelling comprising three bedrooms, bathroom and kitchen contained within the masonry component, and living and dining areas contained within the timber lean-to extension at the rear. There are also existing front and rear verandahs.

This application proposes to keep the existing masonry component and front verandah and demolish the timber extension and rear verandah and replace it with a three storey extension comprising a games room, laundry and courtyard on the basement level, living and dining areas on the ground level, and a bedroom, retreat, ensuite, walk-in robe and balcony on the first floor (second storey).

The locality consists of traditional single homes ranging between one and two storeys, although there are also a number of contemporary style home in the near vicinity.

The subject lot has an existing fall of approximately two metres towards the rear with an existing 700mm high retaining wall extending the full width of the rear boundary.

As a result of the undulation, the existing timber lean-to was constructed approximately 1.35 metres above the existing ground level. The proposed replacement additions retain the ground floor level as well as constructing a store/office and laundry basement level below, and the master bedroom above. The basement level is approximately 50% underground, however as it is a habitable space, it must be considered a storey. The culmination of the works results in the building presenting as three storeys at the rear.

A three storey development is required to be determined by Council.

The proposal was revised on one occasion following submission with amended plans received by Council on 5 January 2016. The amendments are:

- different types of windows along the southern elevation on both levels;
- revised roof form with reduced pitch and top of the pitch located a greater distance from the southern boundary reducing overshadowing of the adjoining property;
- internal layout that maximises the northern aspect.

ASSESSMENT:

Summary Assessment

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

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

Design Element	Deemed-to-Comply	Requires the Discretion of Council
Bicycles	✓	
Solar Access	✓	
Site Works	✓	
Essential Facilities	✓	
Surveillance	✓	
Landscaping	✓	

Detailed Assessment

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

Building Setbacks/Boundary Wall			
Location	Policy Requirement	Proposal	Variation
	Residential Design Codes Clause 5.3.1		
Eastern Boundary Ground Floor	New portion of wall extension 1.5 metres setback	1.1 metres (in line with existing wall)	0.4 metres
Western Boundary Ground Floor	New portion of wall extension 3 metres setback	1.37 metres (in line with the existing wall)	1.63 metres

The assessment against the relevant design principles is as follows:

Building Setbacks/Boundary Wall	
Design Principles	
Residential Design Codes Clause 5.1.3	
P3.1	Buildings set back from lot boundaries so as to: <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.
Application's Justification	
None provided.	
Officer Technical Comment:	
<p>The large setback requirements are the result of maintaining the new development in line with the existing dwelling. However, both side elevations include the use of different colours and materials to reduce the perceived bulk of the building to the eastern and western adjoining properties.</p> <p>The setbacks on both eastern and western sides will not detract from the ability of the adjoining property to gain access to northern sunlight and natural ventilation from the south-west. The side elevations have no major openings and therefore have no impact on the privacy of neighbouring properties.</p> <p>The reduced side setbacks meet the relevant design principles and are acceptable.</p>	

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

Building Height/Storeys			
Location	Policy Requirement	Proposal	Variation
Site	<p>Policy No. 7.2.1 – Residential Design Elements BDADC 5</p> <p>Maximum two storeys to a maximum overall building height of 9 metres, and a maximum external wall height of 6 metres.</p>	<p>Three storeys to a maximum overall building height of 9 metres, and a maximum external wall height of 7 metres.</p>	<p>One storey and an additional external wall height of 1 metre.</p>

The assessment against the relevant design principles is as follows:

Building Height/Storeys
Design Principles
<p>Policy No. 7.2.1 – Residential Design Elements BDPC5</p> <p>BDPC5</p> <p>(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.
Application's Justification
None provided.
Officer Technical Comment:
<p>The extension is proposed at the rear of the dwelling and will give the appearance of a two storey building when viewed from the street. The land falls by approximately 1.3 metres from the front of the property as the land slopes from north to south.</p> <p>Although comprising of three storeys, the basement level protrudes above the natural ground level by a maximum of 0.85 metres. This means that the basement level is generally hidden below the existing dividing walls and cannot be seen from neighbouring properties. The overall building height at a maximum height of 8.7 metres complies with the Residential Design Codes for a two storey pitched roof building, where the maximum overall building height is limited to 9 metres.</p> <p>With compliant setbacks from the rear, the adjoining property retains sufficient northern light, specifically towards the southern adjoining property's solar energy collecting panels (refer Attachment 5).</p> <p>This proposal meets the relevant design principles in relation to building height and is acceptable.</p>

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

Privacy			
Location	Policy Requirement	Proposal	Variation
	<p>Residential Design Codes Clause 5.4.1</p> <p>Major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than 0.5 metre above the natural ground level and overlook any part of any other residential property behind its street setback line are:</p> <p>i. setback, in direct line of sight with the cone of vision, from the lot boundary, a minimum distance as follows:</p> <p>Habitable rooms other than bedrooms and studies – 6 metres.</p>	<p>Living and dining rooms on the first floor (second storey) setback a minimum 3.5 metres from the southern boundary.</p>	<p>2.5 metres</p>

The assessment against the relevant design principles is as follows:

Privacy	
Design Principles	
Residential Design Codes Clause 5.4.1	
P1.1	<p>Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> • Building layout and location; • Design of major openings; • Landscape screening of outdoor active habitable spaces; and/or • Location of screening devices.
P1.2	<p>Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> • Offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • Building to the boundary where appropriate; • Setting back the first floor from the side boundary; • Providing higher or opaque and fixed windows; and/or • Screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).
Application's Justification	
<p>The applicant provided the City photo evidence of the existence of mature vegetation that minimises any impacts of overlooking, which is included as Attachment 3.</p>	
Officer Technical Comment:	
<p>The proposed additions result in potential overlooking from the openings along the southern elevation on the ground and first floor (first and second level). As overlooking is not acceptable and mature vegetation is considered to be inadequate to prevent overlooking it is recommended that a condition is imposed that requires that all openings comply with the provisions of the Residential Design Codes.</p>	

CONSULTATION/ADVERTISING:

Required by Legislation:	No	Required by City of Vincent Policy:	Yes
--------------------------	----	-------------------------------------	-----

Consultation Period:	16 October 2015 to 29 October 2015
Comments Received:	In total five responses were received. Three provided support for the application, and two are objections. One member of the public has submitted multiple letters objecting to the proposal, which are treated as one objection.

Comments received relate to the original application plans received 4 September 2015. The City received amended plans 5 January 2016. With the exception of the change to the roof form which has reduced the extent of overshadowing of the southern neighbour, the changes did not address the concerns raised.

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Lack of information on the plans</u></p> <p>Insufficient details are evident on the plans to make informed decisions regarding the potential impacts.</p>	<p>Concerned neighbours have been supplied with additional information by the City outlining the impacts of building bulk and overshadowing. This diagram is included as Attachment 5.</p>
<p><u>Privacy</u></p> <p>Concerns that openings will be able to overlook adjoining properties.</p> <p>Request to know what materials are intended for the balcony screening.</p>	<p>It is recommended that relevant conditions are imposed requiring screening to major openings that allow for overlooking within the cone of vision setback.</p> <p>The City does not know the type of materials intended for the balcony screening. However, in accordance with the Residential Design Codes, all visual privacy screening must be fixed and non-openable and be of an obscure material with a maximum visual permeability of 25 percent. Accordingly, a relevant condition for privacy screening is recommended.</p>
<p><u>Overshadowing</u></p> <p>Concerns that the three storeys will result in significant overshadowing of outdoor living areas of adjoining properties.</p>	<p>The proposed three storey addition will not overshadow the solar energy collector panels of the adjoining southern property, as demonstrated in Attachment 5.</p> <p>The outdoor living area on the adjoining property is located in close proximity to the common boundary, which makes it susceptible to overshadowing even from the dividing fence. Both the proposed building height in metres and the resulting overshadowing complies with the deemed to comply provisions. The applicant has amended the proposal in response to the concern raised to reduce the impact of overshadowing by changing the roof form. The result of this change is that the period of overshadowing and the extent of it is significantly reduced. (refer Attachment 5).</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Building Bulk</u></p> <p>Concerns with the bulk of the development.</p>	<p>The building appears as a two storey dwelling as viewed from the street and, due to the basement level being approximately 50% underground, the dwelling has the appearance of a two and half storey building as viewed from the rear, and is well under the maximum height permitted for a two storey development with a pitch roof.</p>

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

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 7.1.3 – Leederville Precinct; and
- Policy No. 7.2.1 – Residential Design Elements.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

“Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
<p>The proposed development is an effective use of an existing site which enables the reuse of an existing building.</p>

SOCIAL
<p>The development allows the existing owners to stay in the locality.</p>

ECONOMIC

The development will make use of existing infrastructure and services available in an already built-up area, avoiding the cost of new infrastructure associated with new buildings. The construction will also provide short term employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The existing single house is not on the City's Municipal Heritage Inventory and the proposed demolition is therefore permitted.

The proposed development at a height of three storeys is acceptable as the height is generally hidden from the view from the street and surrounding properties.

The basement level is approximately 50% underground, however as it is a habitable space, it must be considered a storey. The overall building height complies with the maximum permitted total building height of 9 metres, as measured from the natural ground level to the top of the pitched roof.

The proposal requires the exercise of discretion in relation to lot boundary setbacks and number of storeys. In both instances the variations from the deemed to comply provisions are considered to be minor.

The proposal complies with the deemed to comply provisions relating with the rear setback and overshadowing.

CONCLUSION:

It is recommended that Council approves this proposal.

5.1.5 No. 46 (Lot: 33; D/P: 1777) Richmond Street, North Perth – Proposed Demolition of Existing Single House and Construction of a Two Storey Single House

Ward:	South	Date:	15 January 2016
Precinct:	Precinct 6 – Smith’s Lake	File Ref:	PR25135; 5.2015.290.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Marked up plans showing proposed versus required setbacks 4 – Plan showing possible manoeuvring for garage accessed from Right of Way		
Tabled Items:	Nil		
Reporting Officer:	S Laming, Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **REFUSES** the application submitted by Home Builders Advantage on behalf of the owner K J & S Osten, for the proposed demolition of an existing single House and the construction of a two storey single house at No. 46 (Lot: 33; D/P: 1777) Richmond Street, Leederville as shown on plans date stamped 29 June 2015, included as Attachment 2, for the following reasons:

1. The proposal does not comply with the City’s Policy No. 7.2.1 – Residential Design Elements Clause SADC 8. Setback of Garages and Carports which requires that vehicle access and parking to the site shall be provided from a Right of Way (ROW) where available; and
2. Providing vehicle access and onsite car parking from Richmond Street rather than the available ROW renders the development:
 - 2.1 Inconsistent with the objectives and intentions of the City of Vincent Planning Scheme 1 to ensure a high level of amenity of the locality; and
 - 2.2 Contrary to orderly and proper planning and the preservation of the amenity of the locality.

PURPOSE OF REPORT:

To consider the proposal to demolish an existing single house and construct a two storey single house.

BACKGROUND:

Date	Comment
25 March 2003	Council, at its Ordinary Meeting, approved the partial demolition of an existing single dwelling and alterations and carport, outbuilding (shed) and two-storey addition to the existing dwelling. The carport was approved at the front of the property with access from Richmond Street.
17 September 2003	The City approved a building permit for the outbuilding (shed) addition to existing single dwelling. The building permit did not include the alterations, carport or two-storey addition that were included in the planning approval granted by Council on 25 March 2003.

Previous Reports to Council:

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

DETAILS:

Landowner:	K J & S Osten
Applicant:	Home Builders Advantage
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R40 Draft Town Planning Scheme No. 2 (TPS2): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	354 square metres
Right of Way (ROW):	3 metres width
Heritage List:	No
Date of Application:	29 June 2015

The proposal is to demolish the existing single house and construct a double storey single house. The proposed dwelling will comprise of three bedrooms, two bathrooms and an additional separate toilet, living and dining areas, study, an alfresco area and a single car garage that is accessed from Richmond Street and includes a wall on the boundary.

The subject site is bound by Richmond Street at the southern boundary and a 3 metre sealed ROW along the northern boundary. Single houses adjoin the subject site on the eastern and western boundaries.

Vehicle access to the existing dwelling is from Richmond Street.

The application can be determined under delegated authority. However the applicant has requested that the matter be referred to Council for determination and Administration has opted not to exercise its delegation in this instance but refer this matter to the Council instead.

ASSESSMENT:

Summary Assessment

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

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

Detailed Assessment

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

Building Setbacks/Boundary Wall			
Location	Policy Requirement	Proposal	Variation (refer Attachment 4)
	Residential Design Codes Clause 5.1.3		
West	First floor – 2 metres (Wall length 15.2 metres)	1.5 – 2.56 metres	0.5 metre
East	First floor – 1.9 metres (Wall length 14.2 metres)	1.21 – 2 metres	0.79 metre

The assessment against the relevant design principles is as follows:

Building Setbacks/Boundary Wall	
Design Principles	
Residential Design Codes Clause 5.3.1	
P3.1	Buildings set back from lot boundaries so as to: <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.
Application's Justification	
None provided.	
Officer Technical Comment:	
<p>The proposed discretion sought in relation to the first floor western and eastern (side) setbacks of this proposal will not impact on the western or eastern adjoining neighbours as the proposed building does not provide any opportunities to overlook the adjoining properties and is articulated through the use of varying setbacks, materials and colours.</p> <p>The proposed setbacks provide adequate open space for the subject dwelling and are consistent with the established streetscape.</p> <p>This proposal meets the relevant design principles for boundary setbacks and is acceptable.</p>	

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

Building Height/Storeys			
Location	Policy Requirement	Proposal	Variation
	Policy No. 7.2.1 – Residential Design Elements BDADC5		
Site	Maximum height of external wall with pitched roof above – 6 metres	6.2 metres	0.2 metres

The assessment against the relevant design principles is as follows:

Building Height/Storeys	
Design Principles	
Policy No. 7.2.1 – Residential Design Elements BDPC5	
BDPC5	
(i) Building height is to be considered to: <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. 	
Application’s Justification	
None provided.	
Officer Technical Comment:	
<p>The additional wall height is as a result of the gable roof and only occurs along the northern elevation, which is at the rear of the property, because the lot slopes towards the rear. The development responds to this natural slope with a split in floor levels resulting in higher ceiling heights in the proposed kitchen living and dining areas.</p> <p>There are a number of existing two-storey dwellings in the locality with similar building heights.</p> <p>As the additional height is minimal, is located at the rear of the development and will not have any impact in terms of overshadowing of an adjoining property, the additional height proposed will not have any negative impact on the locality.</p> <p>This proposal height is therefore acceptable.</p>	

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

Roof Form			
Location	Policy Requirement	Proposal	Variation
Site	Policy No. 7.2.1 – Residential Design Elements BDADC3 Roof pitch between 30 degrees and 45 degrees	25 degrees	5 degrees

The assessment against the relevant design principles is as follows:

Roof Form	
Design Principles	
Policy No. 7.2.1 – Residential Design Elements BDPC3	
BPC 3	
(i) The roof of a building is to be designed so that: <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space. 	
Application’s Justification	

Roof Form
None provided.
Officer Technical Comment:
<p>The proposed roof pitch is consistent with the roof form of the existing housing stock on Richmond Street and therefore complements the existing streetscape character.</p> <p>The reduced roof pitch does not unduly increase the bulk of the building. The overall building height complies.</p> <p>As the lot is oriented north to south the development will not overshadow the adjoining properties.</p> <p>This aspect of the proposal is therefore acceptable.</p>

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

Garage/Carport Location Where ROW Exists			
Location	Policy Requirement	Proposal	Variation
Site	<p>Policy No. 7.2.1 – Residential Design Elements SADC8</p> <p>(a) Car parking, garages and carports are to be located at the rear of the property and accessed via a Right of Way where a Right of Way exists and the property has legal right of access to the Right of Way;</p> <p>(b) Notwithstanding the above, vehicular access to car parking, carports and garages for single houses may be from a street, regardless whether a Right of Way is available to the property, where:</p> <p>(1) the Right of Way is unsealed or not programmed to be sealed within the current, or subsequent, financial year in accordance with the City’s Right of Way upgrade program; or</p> <p>(2) more than 50 per cent of the dwellings in the immediate street block, on the same side of the street that the subject dwelling is located have carports or garages accessed from the primary street; or</p>	Garage located at the front with access from Richmond Street when rear ROW exists.	Location of garage is contrary to the City’s policy for lot where a ROW exists.

Garage/Carport Location Where ROW Exists			
Location	Policy Requirement	Proposal	Variation
	(3) the applicant demonstrates there is a mobility or access issue by using the Right of Way; or		
	(4) the applicant demonstrates there would be a major impact on the existing amenity or open space at the rear of the property.		

The assessment against the relevant design principles is as follows:

Garage/Carport Location Where ROW Exists
Design Principles
Policy No. 7.2.1 – Residential Design Elements SPC8
SPC8 (i) Garages and carports are not to visually dominate the site or the streetscape.
Application’s Justification
Locating the garage at the rear of the property will result in a major impact on the existing amenity and open space. The rear yard consists of an established tree and a garden that the owners have spent the past 15 years developing. The owners strongly object to replacing a planted back yard with a garage or paved alfresco.
Officer Technical Comment:
The proposal does not comply with the criteria for the garage to be located at the front of the site with vehicular access to be provided from Richmond Street for the following reasons: <ul style="list-style-type: none"> • Although narrow the ROW at the rear of the property is sealed and drained. • 33.33% (3/9) of the dwellings in the immediate street block, on the same side of Richmond Street have carports or garages accessed from Richmond Street which is lower than the minimum of 50% required by the policy. • Although the ROW is narrow there will be no mobility or access issues when using the ROW if the garage is adequately setback as demonstrated by the diagram provided by the City’s Technical Services in Attachment 5. • It is also noted that the lot diagonally opposite this site across the ROW at No. 5 Thompson Street, North Perth was recently redeveloped and provides a garage in the rear of the property directly accessible from the ROW. • Although the applicant has justified the location of the garage at the front of the site on the basis that locating the garage at the rear of the property would have a major impact on the existing amenity and open space of the development, it is noted that this is a full redevelopment of the site, including the demolition of the existing dwelling and garage at the rear of the property. Being a new development, there is scope for the design to incorporate the garage at the rear of the property in a way that creates and enhances the amenity and open space for the residents. The existing trees are also located in such a manner that a garage can be accommodated in the space between them. • The residential clause 5.3.5 of the Residential Design Codes also requires that onsite parking be provided from the ROW where a ROW exists. <p>As this aspect of the proposal does not meet the relevant design principles it is not supported.</p>

CONSULTATION/ADVERTISING:

Required by Legislation:	No	Required by City of Vincent Policy:	Yes
--------------------------	----	-------------------------------------	-----

Consultation Period:	23 November 2015 to 6 December 2015
Comments Received:	No submissions received

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 7.1.6 – Smith’s Lake Precinct; and
- Policy No. 7.2.1 – Residential Design Elements.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

“Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The design of the building allows for adequate light and ventilation.

SOCIAL
The development allows the existing owners to stay in the locality, thereby retaining the sense of community.

ECONOMIC
The development will make use of existing infrastructure and services available in an already built-up area, avoiding the cost of new infrastructure associated with new buildings. The construction will also provide short term employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The existing single house is not on the City's Heritage List and its demolition is permitted.

Although the proposed variations to the requirements for boundary setbacks, building height and roof form meet the relevant design principles and are acceptable, this proposal is not supported because it is contrary to the City's Policy No. 7.2.1 – Residential Design Elements and the Residential Design Codes.

The policy requires the garage to be located at the rear of the site and accessed from the available ROW, and only permits parking from the primary street subject to certain criteria under the policy which the development does not achieve.

Although the existing development has access from Richmond Street and Council granted a planning approval in 2003 which includes car parking access from the street, the City now has a policy which came into effect in 2007 and requires the garage/carport to be accessible from the ROW.

Given that the proposal is for a full redevelopment of the site there is scope for the design to align with the City's policy which has been consistently applied.

CONCLUSION:

It is recommended that Council refuses this proposal.

5.1.6 Metropolitan Region Scheme (MRS) Amendment 1199/41 – West Perth Regeneration Precinct

Ward:	All	Date:	15 January 2016
Precinct:	All	File Ref:	SC2416
Attachments:	1 – Letter from the Department of Planning regarding MRS Amendment 1199/41 – West Perth Regeneration Precinct 2 – Locality Map showing area of MRS amendment 1199/41		
Tabled Items:	Nil		
Reporting Officer:	T Elliott, Strategic Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council:

1. **ADVISES** the Western Australian Planning Commission (WAPC) that the City wishes to abandon Metropolitan Region Scheme (MRS) Amendment 1199/41 relating to the proposed MRS rezoning of the area bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway, West Perth, from ‘Industrial’ to ‘Urban’ for the following reasons:
 - 1.1 the City has prioritised other strategic planning projects and has committed resources to efficiently manage and implement these;
 - 1.2 the costs associated with preparing the supporting documents to progress the amendment have not been budgeted for; and
 - 1.3 the draft West Perth Regeneration Masterplan is outdated as it was prepared in 2008 and requires a complete review; and
2. **AUTHORISES** the Chief Executive Officer to write to all stakeholders advising them of this outcome.

PURPOSE OF REPORT:

To consider making a recommendation to the WAPC whether or not to proceed with the initiated amendment to the Metropolitan Region Scheme (MRS) Amendment 1199/41.

BACKGROUND:

In October 2015, the Department of Planning (DoP) wrote to the City requesting advice whether the City wishes to proceed with an amendment to the MRS that was initiated in August 2010.

The amendment proposes to rezone the land bound by Newcastle Street, Loftus Street, Charles Street and the Graham Farmer Freeway (West Perth) from ‘Industrial’ to ‘Urban’ (refer **Attachment 2**). This area was formerly part of the City of Perth and became part of the City of Vincent in 2007.

At that time Administration identified an opportunity to undertake a revitalisation program to transition the area out of its traditional industrial use to a precinct that would house future residents, create jobs and add another meeting place to the City. The City prepared a draft Masterplan for the area as a broad guide to future development, known as the West Perth Regeneration Masterplan.

The Western Australian Planning Commission (WAPC) identified this areas as being a 'major growth area' in its 2010 strategic plan *Directions 2031 and Beyond*. It identified the area to accommodate 600 dwellings despite it also being shown as an 'existing industrial area'. This was based on information provided from the then Town.

In 2015, the WAPC released a new draft strategic plan, *Perth and Peel at 3.5M*, with the intention for that plan to supersede *Directions 2031 and Beyond*. This plan shows the area as being location in a 'transition' area of the Newcastle Street 'corridor'. All references to it being an 'existing industrial area' has been removed.

During 2008/2009, the Western Australian Planning Commission (WAPC) agreed to consider an amendment to the MRS to rezone the area from 'Industrial' to 'Urban', which would unlock that development potential. This was formally initiated by the WAPC in 2010 and advertised between December 2010 and March 2011.

This was on the condition that a town planning scheme amendment would be processed concurrently and would address the conditions contained in a letter received from the WAPC on 25 August 2010. The letter is contained in **Attachment 1** but in summary the conditions are as follows:

No.	Issues to be Actioned	Notes	Cost
1.	Strategic Transport Assessment being undertaken to the satisfaction of Main Roads WA.	<p>The site is surrounded by regional road networks and the proposed increase in population in the area could have impacts on the surrounding transport routes.</p> <p>The Assessment would evaluate the potential effect on the road network and would make recommendations on its appropriateness and suggest improvements where appropriate.</p>	<p>Estimated at \$100,000</p> <p>The estimate was provided by Main Roads WA in 2011.</p>
2.	Provision for cycle and pedestrian connectivity.	The DoP indicated that consideration of pedestrian and cycle connectivity needed to be further explored and articulated. Such investigations could be undertaken as part of the Strategic Transport Assessment.	
3.	Noise abatement issues being addressed.	The DoP advised that any new residential development may be impacted by noise generated from the major transport routes, which flank the area. The potential impact of this is to be identified and measures put in place (i.e. conditions on planning approvals) to mitigate any conflict.	<p>Estimated at \$15,000</p> <p>The estimate was provided by Main Roads WA in 2011.</p>

No.	Issues to be Actioned	Notes	Cost
4.	The nature and scale of future land uses including some provision for service industrial land uses.	<p>The DoP indicated that there was a case to keep some of the industrial uses in the area. Should the City not wish to make provisions in a proposed Masterplan for the area for service industrial land uses, justification would be required and would need to address:</p> <ul style="list-style-type: none"> - Why such service industrial land uses are no longer appropriate in the area? - Where the existing service industrial land uses could be relocated to? - The level of impact the removal of such uses would have on the City and broader inner city area? 	<p>To incorporate service industrial land uses would require the intent, scope and content of any future Masterplan to be revaluated.</p> <p>A preliminary quote to amend the current draft Masterplan to incorporate the issues raised during the 2008 public consultation period, the government agencies and the DoP/WAPC has been provided at a total cost of \$29,000.</p>
5.	The provision for developer contributions towards upgrading of road and servicing infrastructure (i.e. Water Corporation requirements).	<p>The current draft Masterplan proposes an intensification of uses which would have an impact on the existing infrastructure in place. Upgrades would be required to meet the level of development proposed. The Water Corporation has advised that a Water and Waste Water Infrastructure Assessment would be required to assess the infrastructure needs and associated cost implications. A Developer Contribution Plan could then be created based on the information obtained from the assessments.</p> <p>The City would most likely have to prefund any works to ensure the infrastructure is available once the first land owner develops.</p>	<p>Estimated at \$100,000 for the assessment, not the potential upgrades.</p> <p>The estimate was provided by Water Corporation in 2011.</p>

The City initiated Scheme Amendment 29 in 2010 to include this and other areas recently added to the City into Town Planning Scheme No. 1 however advice from the WAPC at that time suggested to remove 'West Perth' from the amendment to mitigate any delays which may occur during the MRS amendment process. Scheme Amendment 29 also did not address any of the above issues required by the WAPC.

The City subsequently removed West Perth from Amendment 29 and initiated and finalised Scheme Amendment 30 which changed the local zoning of the affected properties to Commercial.

History:

A full breakdown of the project history is contained in the table below:

Date	Comment
1 July 2007	Local Government boundary changes transferred the area bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway (known as West Perth) to the City of Vincent.
2 December 2008	Council resolved to request the Western Australian Planning Commission (WAPC) consider an amendment to the Metropolitan Region Scheme (MRS) zoning of the area from 'Industrial' to 'Urban'.
25 August 2010	The City received a letter from the WAPC advising support of the MRS rezoning, subject to conditions being met including running an amendment to the City's TPS1 concurrently.
28 September 2010	Council initiated Scheme Amendment No. 29 to include the areas ceded from the City of Perth and City of Stirling as part of the 2007 local government boundary change, into the City's Town Planning Scheme No. 1.
10 December 2010 - 18 March 2011	Formal advertising of the MRS Amendment was undertaken by the WAPC.
1 February 2011	The City met with the Department of Planning (DoP) to discuss the proposed Scheme Amendment No. 29. The Department advised that West Perth should be removed from the town planning scheme amendment so that it wouldn't be delayed by complications to the MRS Amendment.
23 February 2011	Administration met the DoP to discuss the MRS amendment and proposed Scheme Amendment No. 29. At this time DoP reiterated that the City would be required to address the issues raised by the WAPC letter dated 25 August 2010 in order to progress the MRS Amendment.
28 September 2010	Council requested an information bulletin from Administration which included a letter from the WAPC regarding MRS Amendment 1199/41.
22 March 2011	Administration recommended to Council that it holds the MRS amendment in abeyance given the significant cost to satisfy the conditions contained in the letter from the WAPC dated 25 August 2010. Council also initiates a separate Scheme Amendment 30 which includes the West Perth area into the City's Town Planning Scheme No. 1.
10 February 2012	Scheme Amendment No. 30 was finalised and published in the Government Gazette, zoning the land 'Commercial' under Town Planning Scheme No. 1.

The resolution of Council in 2011 to request that the WAPC hold the MRS Amendment 1199/41 in abeyance for the following reasons:

- The costs associated with satisfying the WAPC's requirements were estimated at approximately \$215,000 and were not budgeted for at the time;
- The West Perth Regeneration Masterplan was considered outdated as it was prepared in 2008 and there were changes to State Planning Legislation at that time;
- The City prioritised the preparation of the Leederville Activity Centre Structure Plan and wanted to divert resources to that project;
- The City's Town Planning Scheme at the time needed amendments to address the boundary changes and the MRS Amendment would have delayed the TPS 1 Amendment.

Previous Reports to Council:

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

DETAILS:

There are two options available to Council given the considerable funds required to progress the studies needed to support the amendment and the current strategic planning priorities of the City.

Option 1 – Proceed with the Amendment

Should this project proceed, it is likely that there would be two stages. The first is project management to compile the various studies required to support the amendment, and the second is the preparation of a Masterplan.

Significant financial and human resources would have to be allocated to this project should Council be of the mind for it to proceed and would include the following tasks:

1. Fund the studies required to support the amendment up to \$250,000;
2. Review and rework the current draft Masterplan. The Masterplan would need to be rewritten as a Structure Plan and this work is likely to have significant cost implications.
3. Council must request the WAPC to hold the amendment in abeyance for a further period of time while all of this work was undertaken.

It is noteworthy that there has been no demand from affected property owners on the City to progress this amendment and while progressing this amendment would give property owners a benefit, it is no guarantee that it will stimulate the area.

Option 2 – Abandon the MRS Amendment

Administration's preferred position is to abandon the amendment for the following reasons:

1. The City has existing priority projects which include Draft Town Planning Scheme No. 2, the new planning policy framework, a comprehensive review of the City's Parking and Access Policy and Car Parking Strategy and the Leederville Activity Centre Structure Plan;
 2. The Masterplan was initially lobbied by property owners on the northern side of Newcastle Street which are not impacted by the MRS Amendment. Draft Town Planning Scheme No. 2 addresses the need for increased development potential of these sites;
 3. Directions 2031 recognises the West Perth Regeneration area as being a 'planned growth area' but looks forward into the future to the year 2031. The West Perth Regeneration Masterplan could be reactivated as a longer term goal;
 4. The continued use of the light service industries in this area still provides a useful purpose in the economic landscape of the City;
 5. The proposed continuation of the Commercial zoning will continue to allow for a variety of uses to develop within the area, ranging from service and light industrial, to shops, offices and multiple dwellings.
-

CONSULTATION/ADVERTISING:

The public advertising period for the MRS Amendment which was facilitated by the WAPC was held between 10 December 2010 and 8 March 2011.

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1; and
- Policy No. 4.1.5 – Community Consultation.

RISK MANAGEMENT IMPLICATIONS:

The City already has a number of large strategic planning projects taking place and it would be a risk to take on another project as Officers will not be able to allocate enough resources to individual projects.

STRATEGIC IMPLICATIONS:

The MRS amendment is not identified in the City's Strategic Plan 2013-2023.

SUSTAINABILITY IMPLICATIONS:

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

ENVIRONMENTAL
Not applicable.

SOCIAL
Not applicable.

ECONOMIC
Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Currently there are no funds allocated to progress the West Perth Regeneration Masterplan in the 2015/2016 Budget and it is not Administrations intention to place up to \$250,000 on the 2016/2017 budget for this purpose.

COMMENTS:

The area within the West Perth Regeneration Masterplan is located in close proximity to the central city and has good access to services, however, the majority of the area is currently zoned 'Industrial' under the MRS. The existing light and service industry uses that are currently located here still have a productive use to the surrounding and inner city areas.

The City is also progressing a number of key priority strategic planning projects which in part will contribute to the redevelopment of the area.

The City has no capacity to progress this project with any degree of efficiency.

CONCLUSION:

It is recommended that Council endorses the Officer recommendation and abandons the MRS amendment.

5.1.7 Amendment to Fees and Charges 2015/2016

Ward:	Both	Date:	22 January 2016
Precinct:	All	File Ref:	SC245
Attachments:	1 – Fees & Charges Comparison & Rationale 2 – Track Change Fees and Charges 2015/2016 (pages 7.3, 7.18 and 7.23-7.26 inclusive)		
Tabled Items:	Nil		
Reporting Officer:	S Smith, Coordinator Policy & Place		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council:

- APPROVES BY ABSOLUTE MAJORITY** in accordance with Section 6.16 of the *Local Government Act 1995* to adopt the amendments to the Schedule of Fees and Charges 2015/2016, as shown in Attachment 1; and
- ADVERTISES** the fees in Attachment 1 to be included in the City's schedule of Fees and Charges, pursuant to section 6.19 of the *Local Government Act 1995*.

PURPOSE OF REPORT:

To obtain Council's approval of several amendments to the Fees and Charges 2015/2016 schedule.

BACKGROUND:

Council adopted the Fees and Charges 2015/2016 schedule at its Special Meeting on 7 July 2015. Since the adoption there have been changes made to the *Planning and Development Regulations 2009* and the new *Planning and Development (Local Planning Schemes) Regulations 2015* have come into force. In addition there has been an increase in two building services levies under the *Building Services (Complaint Resolution and Administration) Regulations 2011*. These changes require the City to update its schedule of Fees and Charges to ensure consistency with State Government legislation.

DETAILS:

There are 11 changes that are proposed to be made to the City's Schedule of Fees and Charges. A full list outlining our current charges, the proposed changes, and the rationale behind the proposed changes is included as **Attachment 1**. The proposed changes generally:

- Bring our fees in line with the maximum fees the City is permitted to charge under the relevant Regulations;
- Introduce a new item for cancelling development approval as required under the *Planning and Development (Local Planning Schemes) Regulations 2015* and *Planning and Development Regulations 2009* and recommend that the City apply its discretion to charge no fee for this type of application;
- Rename several items for consistency with the terminology in the relevant Regulations; and
- Bring our building services levies in line with the required amount under the *Building Services (Complaint Resolution and Administration) Regulations 2011*.

A track change version of the effected pages of the City's schedule of Fees and Charges is included as **Attachment 2**, which includes the proposed changes.

CONSULTATION/ADVERTISING:

Advertising is to be in accordance with Section 6.19 of the *Local Government Act 1995*.

LEGAL/POLICY:

In accordance with the *Planning and Development Regulations 2009*, *Planning and Development (Local Planning Schemes) Regulations 2015*, *Building Act 2011*, *Building Services (Complaint Resolution and Administration) Regulations 2011*, *Planning and Development (Development Assessment Panels) Regulations 2011* and *Local Government Act 1995*.

RISK MANAGEMENT IMPLICATIONS:

The risk of not adjusting our fees to align with the State Government requirements brings the City into non-compliance and as some fees are currently higher than permitted there is a risk of some loss of revenue.

STRATEGIC IMPLICATIONS:

Not applicable.

SUSTAINABILITY IMPLICATIONS:

The fees and charges contribute to the City's financial sustainability.

FINANCIAL/BUDGET IMPLICATIONS:

The revenue received from the proposed fees and charges will be included in the revenue component of the financial statements for 2015/2016.

COMMENTS:

The City fees and charges largely align with the State Government requirements. The State Government has made several changes to the fees and charges that local governments are required to charge and the City needs to review its Fees and Charges to ensure compliance.

CONCLUSION:

Administration recommends that Council approves the amendments to the Fees and Charges 2015/2016 schedule.

5.2 TECHNICAL SERVICES

5.2.1 Proposed Traffic Management Improvement - Intersection of Angove and Woodville Streets, North Perth, Report No 2

Ward:	North	Date:	15 January 2016
Precinct:	Precinct 9 - North Perth Centre	File Ref:	SC1005, SC671
Attachments:	1 – Plan No 3236-CP-01A 2 – Alternative Proposal Plan No 3236-01B 3 – Consultation Summary		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

- APPROVES** the implementation of the traffic improvements at the intersection of Woodville Street and Angove Street estimated to cost \$35,000, as shown on Plan No 3236-CP-01B at Attachment 2; and
- ADVISES** the respondents of its decision.

PURPOSE OF REPORT:

To consider the proposed modification of the intersection of Angove and Woodville Streets as a road safety, traffic management and streetscape improvement.

BACKGROUND:

Ordinary Meeting of Council held on 17 November 2015:

Improvements to the Angove and Woodville Street intersection was considered by Council where the following decision was made:

“That Council:

- ADVERTISES* the proposed traffic management and streetscape improvement at the intersection of Angove and Woodville Streets, North Perth, estimated to cost of \$45,000, as shown on attached Plan No. 3236-CP-01A;
- NOTES* that an amount of \$60,000 has been included in the 2015/2016 Budget for intersection improvements at Angove Street and Woodville Street; and
- RECEIVES* a further report at the conclusion of the public consultation.”

DETAILS:

Proposal: Intersection Improvements:

Residents were consulted regarding a proposal to install a ‘1/2’ seagull island in Woodville Street to prevent the right turn out into Angove Street west bound as shown on Plan No 3236-CP-01A (**Attachment 1**).

As with any proposal to restrict vehicular access, in an effort to improve intersection safety, there is always a potential flow on effect to other surrounding/adjoining streets.

In this case there would be a potential access issue on Woodville Street (between Angove and Farmer Streets) and Menzies Street (between Woodville and Fitzgerald Streets) albeit the proposed modifications would reduce the volume of through traffic using both these Streets.

The previous report to Council outlined existing traffic data and potential impacts.

Existing Balustrading:

As previously reported to Council, the balustrading at the intersection was installed in the early 2000's when the Angove Street streetscape was upgraded and was a recommendation of the landscape architect engaged specifically for the project at the time. The balustrading on corners was deemed to be a safety intervention, separating vehicle space from pedestrian space and assisting to direct pedestrians to designated crossing points.

Note: The balustrade on the north-eastern and south-western corners are not 'crash' rated whereas the other two corners are (replaced as a consequence of being hit by turning vehicles).

The community was canvassed regarding the possible removal of the balustrading as it may restrict the ability for pedestrians to move freely in spaces.

CONSULTATION/ADVERTISING:

In November 2015, 174 consultation packs were distributed to potentially affected residents/business by the proposal/s. At the close of consultation on 10 December 2015, 45 responses were received with five in favour, 36 against and four with other comments. Refer **Attachment 3**.

A meeting was also held with two of the respondents where an alternative proposal was discussed which would improve safety without banning vehicle movements.

Administration Comments:

The results of the community consultation are discussed in the following table. An alternative proposal, as shown on attached Plan No 3236-CP-01B, has been developed, (**Attachment 2**).

It is recommended that the existing balustrade remains in place, at this stage, and the matter further investigated once the improvements have been implemented.

Description	Number of comments	Administration Comments
General Comment	5	Many respondents merely ticked the boxes with "in favour" or "against". Some of the comments made were not specifically related to the proposal and will be further investigated.
Retain Balustrade	5	These respondents specifically indicated that they considered that the balustrade should remain for safety reasons as the removal would endanger pedestrians.
Remove/Adjust Balustrade	4	These respondents considered that the balustrade restricts visibility.
Support Round a bout.	8	The suggestion for a roundabout at the location cannot be supported due to limited road space to accommodate the broad range of vehicles using the intersection.
Rat Running/Impact on Other Streets	13	By far the largest number of comments received were regarding the potential for rat running on other streets should the part closures be implemented.

Parking Concerns	8	Numerous comments received suggesting inadequate parking availability due to increased dwellings in the area placing more pressure on parking. Some comments suggested the removal of car bays closest to Woodville/Angove Street intersection. This will be further investigated in conjunction with the proposed North Perth Parking study.
Suggested Intersection Alterations	7	Numerous suggestions of alternative treatments that would not compromise access to the area. An alternative Plan No 3236-CP-01B has been prepared (Attachment 2).

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: The recorded 85% speeds are low, the traffic volumes are well within the criteria while the accidents statistics are below the metropolitan average and while the statistic do not warrant major intervention, the revised proposal will improve pedestrian safety by providing safer crossing points and better regulate traffic movements at the intersection.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The 2015/2016 Budget includes an allocation of \$60,000 for the intersection modifications. The initial budget was based upon a potentially more complex design than the current proposal. The proposed alternative proposal is estimated to cost in the order of \$35,000.

COMMENTS:

The City receives many requests for traffic management and road safety improvements. At this location, while the accident statistics and the recorded traffic speeds do not warrant major intervention, the revised proposal will improve pedestrian safety by providing safer crossing points.

In addition the proposal will channelise traffic and to better regulate traffic movements at the intersection and deter motorists undertaking dangerous u turns

Conclusion:

Numerous suggestions for alternative treatments that would not compromise access to the area where made by respondents and as a result an alternative Plan No 3236-CP-01B has been prepared and it is requested that the alternative proposal be adopted.

5.2.2 Baker Avenue, Perth Proposed Parking Changes

Ward:	South	Date:	15 January 2016
Precinct:	Precinct 14 – Forrest Precinct 13 - Beaufort	File Ref:	SC681, SC423
Attachments:	1 – Plan No 3262-CP-01A		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer	R Lotznicker, Director Technical Services		

That Council:

1. **APPROVES BY ABSOLUTE MAJORITY**, in accordance with Section 6.8 (1) of the *Local Government Act 1995*, the implementation of the angle parking in Baker Avenue estimated to cost \$75,000, to be funded from the Cash in lieu for Parking Reserve as shown on attached Plan No 3262-CP-01A (Attachment 1);
2. **DEFERS** the introduction of paid parking in Baker Avenue and reviews the matter in 12 months' time; and
3. **ADVISES** the respondents of its decision.

PURPOSE OF REPORT:

To consider the outcome of the recent consultation regarding the proposal to implement angle parking in Baker Avenue, Perth.

BACKGROUND:

Ordinary Meeting of Council held on 17 November 2015:

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

“That Council:

1. **NOTES;**
 - 1.2 *the proposal to formalise time restricted, paid angle parking bays in Baker Avenue, estimated to cost \$75,000 plus \$20,000 for two ticket machines, as shown on Plan No. 3262-CP-01 at Attachment 2; and...*
4. **CONSULTS** with residents of Baker Avenue regarding the proposal to construct time restricted paid 90 degree angle parking on the east side of the street, to be 3P at all times, with the first hour free, as shown on Plan No. 3262-CP-01 at Attachment 2;
5. **RECEIVES** a further report at the conclusion of the Baker Avenue consultation;”

DETAILS:

Parking – Baker Avenue:

As previously reported to Council, there are approximately nine informal angle parking bays on the east side of Baker Avenue. During the consultation regarding the on road bike lanes along Bulwer Street, the Highgate Primary School requested that additional parking along Baker Avenue be investigated.

The investigations revealed there is scope to accommodate approximately 22, 90 degree angle parking bays on the eastern side of Baker Avenue.

Council decided to consult Baker Avenue residents on the implementation of time restricted paid 90 degree angle parking on the east side of the street, to be 3P at all times, with the first hour free, as shown on Plan No 3262-CP-01A (**Attachment 1**).

CONSULTATION/ADVERTISING:

On 18 November 2015 13 letters were distributed to residents of Baker Avenue. At the close of consultation on 4 December 2015 only two responses were received both neither for nor against the proposal. One of the respondents requested residential only parking while the other agreed to the ticket parking suggesting that the restrictions should be the same as the Brisbane Street carpark, improved linemarking and on stopping between Astone Lane and Bulwer Street.

A subsequent meeting was held with a respondent where the proposal for paid parking along the entire street was suggested.

Administration Comments:

Baker Avenue is approximately 170m long and ends in a cul-de-sac at Brisbane Street. Currently there is a no stopping restriction 'on road' on the eastern side, with a 2P restriction 'at all times' on the western side of the street. The informal, unformed angle parking, on the eastern verge area is also restricted to 2P at all times.

It is imperative that the angle parking in Baker Avenue be implemented as soon as possible, as the proposed bicycle lanes along Bulwer Street, (with construction works programed to commence in February 2016), will remove almost all of the on road parking in this vicinity.

It is also considered that paid parking in the street be deferred and that the existing 2P restriction 'at all times' be maintained and a detailed evaluation of parking usage in Baker Avenue and nearby streets, post the bike lanes, be undertaken over at least two school terms.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Low: This proposal will allow for additional on road parking in Baker Ave which comprises a short street ending in a cul-de-sac.

STRATEGIC IMPLICATIONS:

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

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

1.1.3 Take action to reduce the City's environmental impact and provide leadership on environmental matters.

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Council was previously advised that the estimated cost for implementing angle parking in Baker Avenue is \$75,000. As it is recommended that no paid parking be implemented at this stage there will be no requirement to fund ticket machines, estimated at \$20,000, as previously reported to Council.

It is recommended that the project be funded from the Cash in lieu for Parking Reserve.

COMMENTS:

During the community consultation for the bike lanes on Bulwer Street, potentially impacted residents and representatives from the Highgate Primary School expressed some concerns at the proposed loss of parking in the area.

They requested that consideration be given to providing substantially more parking on Baker Avenue, preferably prior to other works commencing, and considering making this a paid parking area.

Conclusion:

The consultation with Baker Avenue residents resulted in only two responses being received. One of the respondents, a long term resident, claimed to have spoken to a number of residents in the streets suggested that paid parking should be implemented along the entire section of Baker Avenue and the proposed restrictions should emulate the existing restrictions in the Brisbane Street carpark.

It is recommended that the angle parking be implemented and that paid parking in the street be deferred and that the existing 2P restriction 'at all times' be maintained at this stage.

5.2.3 Little Walcott Street, North Perth Proposed Parking Restrictions

Ward:	South	Date:	15 January 2016
Precinct:	Precinct 10 - Norfolk	File Ref:	SC859; SC228
Attachments:	1 – Consultation Summary 2 – Proposed Plan No 3185-PP-01		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

- NOTES** the comments received regarding the implementation of parking restrictions in Little Walcott Street, North Perth, as shown in the Summary of Comments (Attachment 1);
- APPROVES** the retention of 2P time restrictions 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturday and 'No Stopping' on the south side of Little Walcott Street, North Perth, as shown on the attached Plan No 3185-PP-01 (Attachment 2);
- ADVISES** the respondents of its decision.

PURPOSE OF REPORT:

To consider the outcome of the recent consultation regarding the proposal to formalise parking restrictions in Little Walcott Street, Mount Lawley.

BACKGROUND:

Ordinary Meeting of Council 7 April 2015:

The City received a request to review the existing parking restrictions in Little Walcott Street, North Perth due to increased congestion within the street due to recent development activity.

The matter was considered by Council where the following decision was made:

"That Council:

- 2. NOTES the comments received regarding the implementation of parking restrictions in Little Walcott Street, North Perth, as shown in the Summary of Comments (Attachment 001);*
- 2. APPROVES the implementation of a six (6) months trial of 2P time restrictions 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturday and 'No Stopping' on both sides of Little Walcott Street, North Perth, as shown on the attached Plan No. 3185-PP-01 (Attachment 002);*
- 3. CONSULTS with residents at the conclusion of the trial;*
- 4. RECEIVES a further report following the further consultation; and*
- 5. ADVISES respondents of its decision."*

DETAILS:

The six month trial commenced in late May 2015 and concluded in November 2015 however the restrictions are still in place pending Council's consideration of the matter.

Prior to implementing the trial, while the majority of respondents were in favour of the trial the following issues were raised:

- A number of respondents suggested that the problem had been caused by workers/trades persons working on the development at the end on Little Walcott Street and when this was completed there would no longer be a parking issue; and
- There were concerns raised regarding inadequate permits for residents if the proposal went ahead and whether residents from the new development would be issued with parking permits. In addition concerns were raised that there would be inadequate parking spaces available if a parking ban was implemented on the south side of the street.

CONSULTATION/ADVERTISING:

Consultation was undertaken in accordance with the City’s Community Consultation policy. Residents were consulted regarding the formalisation of the 2P parking restriction 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturday and ‘No Stopping’ on the south side of Little Walcott Street.

Required by legislation	No	Required by City of Vincent Policy	Yes
Consultation period	13 November 2015 – 27 November 2015		
Comments Received	22 consultation packs were distributed. At the close of consultation five responses were received with three in favour and two against the proposal.		

Administration Comments:

As can be seen from the feedback five responses were received with a 50/50 split for and against keeping the restrictions.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Description	Budget	% year	% spent
2015/2016 Budget supply and installation of parking signs and street name blades	\$63,620		
Expenditure to date	\$42,420	50%	67%
Estimated cost to install signage in Little Walcott Street	Nil		

Note:* The cost to implement the trial, signs and poles was in the order of \$500.

COMMENTS:

A resident raised concerns that commuters and others are using Little Walcott Street as a convenient parking zone, making it difficult for residents, their visitors and patrons to find parking in the street during the week.

Conclusion:

The trial parking restrictions resulted in adequate parking availability in the street. Whether this is due to the development activity in the street ceasing or the day parkers being deterred is not clear.

Therefore the very low response and the very few issues raised by residents, during the trial, it is considered that the restrictions remain in place and that the matter be reviewed in the future should the majority of residents in the street consider the restrictions to be inappropriate in the longer term.

5.2.4 Galwey Street, Leederville Proposed Parking Restrictions

Ward:	North	Date:	15 January 2016
Precinct:	Precinct 3 – Leederville	File Ref:	SC1847, SC800
Attachments:	1 - Consultation Summary 2 - Plan No. 3261-PP-01		
Tabled Items:	Nil		
Reporting Officers:	A Brown, Engineering Technical Officer		
Responsible Officer	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

- NOTES** the comments received regarding the implementation of parking restrictions in Galwey Street, Leederville, as shown in Attachment 1;
- APPROVES** the introduction of 2P parking restrictions 8am to 5.30pm Monday to Friday, in Galwey Street, Leederville, Oxford to Scott Streets, as shown on attached Plan No 3261-PP-01 (Attachment 2); and
- ADVISES** the residents of Galwey Street, and other respondents of its decision.

PURPOSE OF REPORT:

To consider the outcome of the recent consultation regarding the proposal to implement parking restrictions in Galwey Street, Leederville.

BACKGROUND:

The City received requests to investigate parking along Galwey Street, Leederville due to all day parking in the street.

DETAILS:

Administration undertook an investigation into the parking along Galwey Street which determined that the parking issues were confined to the section of Galwey Street between Oxford and Scott Streets. This is due largely to the close proximity to businesses and the ability to park for free and walk to the Oxford Street Town Centre

In light of the findings, Administration concluded that the introduction of a 2P 8.00am to 5.30pm Monday to Friday parking restriction in Galwey Street between Oxford and Scott Street would be appropriate to regulate parking in the street.

CONSULTATION/ADVERTISING:

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

Required by legislation	No	Required by City of Vincent Policy	Yes
Consultation period	5 October 2015 – 19 October 2015		
Comments Received	40 consultation packs were distributed. At the close of consultation 18 responses were received with 15 in favour and three against the proposal. (Refer Attachment 1).		

Administration Comments:

Residents were consulted regarding the introduction of a 2P parking restriction 8.00am to 5.30pm Monday to Friday in Galwey Street between Oxford and Scott Street. The section of Galwey east of Scott Street was not considered as part of this proposal due to limited parking issues in this section of street due to it being further away from Oxford Street.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

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

1.1.3 Take action to reduce the City's environmental impact and provide leadership on environmental matters.

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Description	Budget	% year	% spent
2015/2016 Budget supply and installation of parking signs and street name blades	\$63,620		
Expenditure to date	\$42,420	50%	67%
Estimated cost to install signage in Galwey Street	\$500		

COMMENTS:

The residents voiced concerns that commuters and others are using Galwey Street as a convenient parking zone, making it difficult for residents, their visitors and patrons visiting local businesses to find parking in the street during the week.

Conclusion:

A recent parking survey of the street indicated that the proposed parking restriction should be limited to the section of Galwey Street between Oxford and Scott Streets as this is where the all-day parking is occurring.

5.2.5 Salisbury Street, Leederville Proposed Parking Restrictions

Ward:	North	Date:	15 January 2016
Precinct:	Precinct 3 – Leederville	File Ref:	SC935, SC1201
Attachments:	1 - Consultation Summary 2 - Plan No 3271-PP-01		
Tabled Items:	Nil		
Reporting Officers:	A Brown, Engineering Technical Officer R Lotznicker, Director Technical Services		
Responsible Officer	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

- NOTES** the comments received regarding the implementation of parking restrictions in Salisbury Street, Leederville, as shown in Attachment 1;
- APPROVES** the introduction of 2P parking restrictions 8am to 5.30pm Monday to Friday, in Salisbury Street, Leederville, Oxford to Shakespeare Streets, as shown on attached Plan No 3271-PP-01 (Attachment 2); and
- ADVISES** the residents of Salisbury Street, and other respondents, of its decision.

PURPOSE OF REPORT:

To consider the outcome of the recent consultation regarding the proposal to implement parking restrictions in Salisbury Street, Leederville.

BACKGROUND:

The City received requests regarding parking along Salisbury Street, Leederville to deter long term parking in the street and improve amenity for residents and their visitors.

DETAILS:

In response to these requests Administration investigated the introduction of a 2P 8.00am to 5.30pm Monday to Friday along Salisbury Street and undertook a site assessment.

The investigation determined that the proposed parking restriction should be limited to the section of Salisbury Street between Oxford and Shakespeare Streets as this is where all of the all-day parking is occurring.

CONSULTATION/ADVERTISING:

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

Required by legislation	No	Required by City of Vincent Policy	Yes
Consultation period	5 October 2015 – 19 October 2015		
Comments Received	45 consultation packs were distributed. At the close of consultation 19 responses were received with 15 in favour, three against and one neither for nor against the proposal. (Refer Attachment 1).		

Administration Comments:

Residents were consulted regarding the introduction of a 2P parking restriction 8.00am to 5.30pm Monday to Friday in Salisbury Street between Oxford and Shakespeare Street. The section of Salisbury east of Shakespeare Street was not considered as part of this proposal due to limited parking issues in this section of street due to it being further away from Oxford Street

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

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

1.1.3 Take action to reduce the City's environmental impact and provide leadership on environmental matters.

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Description	Budget	% year	% spent
2015/2016 Budget supply and installation of parking signs and street name blades	\$63,620		
Expenditure to date	\$42,420	50%	67%
Estimated cost to install signage in Salisbury Street	\$500		

COMMENTS:

The residents voiced concerns that commuters and others are using Salisbury Street as a convenient parking zone, making it difficult for residents, their visitors and patrons visiting local businesses to find parking in the street during the week.

Conclusion:

A recent parking survey of the street indicated that the proposed parking restriction should be limited to the section of Salisbury Street between Oxford and Shakespeare Streets as this is where all of the all-day parking is occurring.

5.2.6 Vincent Greening Plan Proposed 2016 Local Plant Sales

Ward:	Both	Date:	15 January 2016
Precinct:	All	File Ref:	SC1293
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	S Hill, Project Officer Parks and Environment		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council;

1. **APPROVES BY ABSOLUTE MAJORITY to adopt the additions to the Schedule of Fees and Charges 2015/16 as shown below;**

Item	Sale Price
Native Tube Stock (various species)	\$1.00
Kangaroo Paws (130mm pots)	\$5.00
Native Fertiliser (500g tub)	\$5.00

2. **NOTES that Local Plant Sales will be held on Saturday 16 April 2016 and 6 August 2016 commencing at 8.00 am outside the City's Library and Local History Centre; and**

2. **ADVERTISES and PROMOTES the sales to the Vincent community.**

PURPOSE OF REPORT:

To advise Council of the date of the 2016 Local Plant Sales and to request approval to amend the 2015/16 fees and charges to include the cost of the plants.

BACKGROUND

A report was presented and approved by Council on 10 March 2015 in relation to the 2015 Local Plant Sales where the following decision was made (in part):

"That the Council

1. *APPROVES holding two (2) Local Plant Sales with the first to be held on Saturday 18 April 2015 and the other to be held on Saturday 15 August 2015, both commencing at 8.am outside the City's Library and Local History Centre;"*

DETAILS:

Local Plant Sales:

The Local Plant Sale for 2015 was held in April and the second plant sale held on Saturday 15 August and set an all-time record for attendance with 202 residents attending to purchase native plant stock.

Therefore, given ongoing excellent attendance rates and popularity of these events, it is recommended that the City continues holding two local plant sales per calendar year.

For each plant sale the City purchases approximately 6,000 - 7,000 native tube stock, 60 kangaroo paws (130mm pots) and 35 tubs of native fertiliser.

As part of the Adopt-a-Verge Program, approximately 600 tube stock are supplied to residents at no charge.

Each participant of the program is given a voucher for 20 free tube stock to be redeemed at one of the Local Plant Sales in order to give the resident a 'head start' and encourage the use of waterwise native plants.

CONSULTATION/ADVERTISING:

The Local Plant Sales will be extensively advertised in local papers, on the City's website, newsletters and on banner displays.

LEGAL/POLICY:

Not applicable.

RISK IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

For a number of years the City has been committed to promoting and actively encouraging residents to use local native and other waterwise plant species as they are the most sustainable option when it comes to establishing a new garden or renovating an old water-dependant European-styled garden.

Native plants are well adapted to our hot drying climate and have a better survival rate compared with exotic plant species which require a lot more water to survive. As an incentive to utilise native plants, all stock sold on the day is provided to the City's residents at a subsidised cost.

FINANCIAL/BUDGET IMPLICATIONS:

Bi-annual Local Native Plant Sales

Item	Cost Price	Retail Price (approximate)	Subsidised Price
Native Tube Stock (various species)	\$1.30 - \$1.80	\$2.00 - \$3.00	\$1.00
Kangaroo Paws (130mm pots)	\$6.00	\$9.00	\$5.00
Native Fertiliser (500g tub)	\$5.00	\$7.00	\$5.00

Description	Budget	% year	% spent
2015/2016 Budget – Local Plant Projects	\$15,000		
Expenditure to Date	\$6,075	50%	40.5%
Estimated Total Expenditure – Local Plant Projects	\$12,500*		

Note*: This does not include expected revenue.

COMMENTS:

The Local Plant Sales undertaken in 2015 were very popular with residents. This was evident at the 2015 August sale when 202 residents came to purchase plants. This is the highest attendance for a plant sale since our inaugural sale was held in April 2005.

Conclusion:

With each passing year the City's residents are embracing the concept of utilising native plants to beautify their garden and also play their part in contributing to saving our precious water resources. Winter rainfall is still declining in Western Australia and it is vital that the City continues to play a lead role in showcasing within our parks and reserves what can be achieved by utilising local native plants in a garden setting.

Local Plant Sales have contributed to the beautification of numerous street verges and residential front gardens that now feature native waterwise plants.

5.3 CORPORATE SERVICES

5.3.1 Investment Report as at 31 December 2015

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

OFFICER RECOMMENDATION:

That Council **NOTES** the Investment Report for the month ended 31 December 2015 as detailed in Attachment 1.

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

Total funds held for the period ended 31 December 2015 were \$29,737,925 as compared to \$20,452,468 at the end of 31 December 2014.

Total Investments for the period ended 31 December 2015 were \$27,239,542 as compared to \$31,206,505 at the end of November 2015. At 31 December 2014, \$19,361,000 was invested.

Investment comparison table:

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

Total accrued interest earned on Investments as at 31 December 2015:

	Annual Budget	Budget Year to Date	Actual Year to Date	% of FY Budget
Municipal	\$320,000	\$160,002	\$266,816	83.38
Reserve	\$203,680	\$101,838	\$131,127	64.38

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

Long Term Rating (Standard & Poor's) or Equivalent	Short Term Rating (Standard & Poor's) or Equivalent	Direct Investments Maximum % with any one institution		Managed Funds Maximum % with any one institution		Maximum % of Total Portfolio	
		Policy	Actual	Policy	Actual	Policy	Actual
AAA Category	A1+	30%	Nil	45%	Nil	100%	Nil
AA Category	A1+	30%	25.4%	30%	Nil	90%	69.1%
A Category	A1	20%	20.0%	30%	Nil	80%	30.8%
BBB Category	A2	10%	Nil	n/a	Nil	20%	Nil

RISK MANAGEMENT IMPLICATIONS:

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

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

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

STRATEGIC IMPLICATIONS:

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

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

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

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

The funds invested have decreased from the previous period due to the seasonal trend of monthly expenditure exceeding revenue for the same period. Most of the cash for rates is received in August to September, so the amount of cash held by the City peaks in September or October, and then gradually reduces until the rates are raised at the start of the next financial year.

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

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

The City has obtained a weighted average interest rate for current investments of 2.68% which includes the City's operating account. When the investments are calculated excluding the operating account, the average investment rate achieved is 2.93% as compared to the Reserve Bank 90 days Accepted Bill rate of 2.34%. As of 31 December 2015, the City's actual investment earnings are exceeding the budget estimate by \$136,103 (52%).

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

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

5.3.2 Authorisation of Expenditure for the Period 27 November to 31 December 2015

Ward:	Both	Date:	15 January 2015
Precinct:	All	File Ref:	SC347
Attachments:	1 – Creditors Report – Payments by EFT 2 – Creditors Report – Payments by Cheque 3 – Credit Card Transactions		
Tabled Items:	-		
Reporting Officers:	R Tang, Accounts Payable Officer; G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council RECEIVES the list of accounts paid under Delegated Authority for the period 27 November to 31 December 2015 as detailed in Attachment 1, 2 and 3 as summarised below:

Cheque numbers 79125 - 79396	\$257,384.36
EFT Documents 1875 - 1887	\$5,207,987.46
Payroll	\$1,556,674.07

Direct Debits

- **Lease Fees** \$12,651.13
- **Loan Repayment** \$144,404.46
- **Bank Fees and Charges** \$9,413.35
- **Credit Cards** \$6,947.04

Total Direct Debit	\$173,415.98
Total Accounts Paid	\$7,195,461.87

PURPOSE OF REPORT:

To present to Council the expenditure and list of accounts paid for the period 27 November 2015 to 31 December 2015.

BACKGROUND:

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

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

DETAILS:

The Schedule of Accounts paid, covers the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account (Attachment 1 and 2)		
Automatic Cheques	79125 - 79396	\$261,070.23
Cancelled Cheques	79298; 79308; 79310; 79324	- \$3,685.87
EFT Payments	1875 - 1887	\$5,207,987.46
Sub Total		\$5,465,371.82
Transfer of Payroll by EFT		
	01/12/15	\$525,928.01
	04/12/15	\$387.94
	15/12/15	\$538,985.96
	23/12/15	\$3,645.49
	29/12/15	\$487,007.12
	29/12/15	\$719.55
	December 2015	\$1,556,674.07
Corporate Credit Cards (Attachment 3)		\$6,947.04
Bank Charges and Other Direct Debits		
Lease Fees		\$12,651.13
Loan Repayment		\$144,404.46
Bank Charges – CBA		\$9,413.35
Total Bank Charges and Other Direct Debits		\$166,468.94
Less GST effect on Advance Account		0.00
Total Payments		\$7,195,461.87

LEGAL/POLICY:

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

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

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

Regulation 13(1), (3) of the Local Government (Financial Management) Regulations

1996 refers, i.e. -

13. *Lists of Accounts*

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

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

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

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

SUSTAINABILITY IMPLICATIONS:

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

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENT:

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

5.3.3 Financial Statements as at 30 November 2015

Ward:	Both	Date:	15 January 2016
Precinct:	All	File Ref:	SC357
Attachments:	1 – Financial Reports		
Reporting Officers:	N Makwana, Accounting Officer B Wong, Accountant G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council **RECEIVES** the Financial Statements for the month ended 30 November 2015 as shown in Attachment 1.

PURPOSE OF REPORT:

To present the Financial Statements for the period ended 30 November 2015.

BACKGROUND:

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

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

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

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

DETAILS:

Final audit for the financial year 2014-2015 is now complete. All brought forward figures have been updated to actuals.

The following documents, included as **Attachment 1** represent the Statement of Financial Activity for the period ending 30 November 2015:

Note	Description	Page
1.	Statement of Financial Activity by Programme Report and Graph	1-3
2.	Statement of Comprehensive Income by Nature and Type Report	4
3.	Net Current Funding Position	5
4.	Summary of Income and Expenditure by Service Areas	6-35
5.	Capital Works Schedule and Funding and Graph	36-42
6.	Cash Backed Reserves	43
7.	Receivables	44
8.	Rating Information and Graph	45-46
9.	Beatty Park Leisure Centre Report – Financial Position	47
10.	Explanation of Material Variance	48-56

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

Summary of Financial Activity By Programme as at 30 November 2015

	Revised Budget \$	Year to date Budget \$	Year to Date Actual \$	Year to Date Variance \$	Year to Date Variance %
Operating Revenue	29,619,458	12,693,734	12,381,751	(311,983)	-2%
Operating Expenditure	(55,853,974)	(23,871,225)	(20,384,553)	3,486,672	-15%
Add Deferred Rates Adjustment	0	0	8,414	8,414	0%
Add Back Depreciation	11,058,555	4,607,630	2,998,304	(1,609,326)	-35%
(Profit)/Loss on Asset Disposal	(3,716,718)	(1,828,354)	(1,842,982)	(14,628)	1%
Net Operating Excluding Rates	(18,892,679)	(8,398,215)	(6,839,067)	1,559,148	-19%
Proceeds from Disposal of Assets	4,662,151	2,605,818	2,641,696	35,878	1%
Transfer from Reserves	2,391,223	1,231,223	297,194	(934,029)	-76%
	7,053,374	3,837,041	2,938,890	(898,151)	-23%
Capital Expenditure	(12,805,999)	(8,321,984)	(2,861,928)	5,460,056	-66%
Repayments Loan Capital	(760,288)	(308,547)	(308,546)	1	0%
Transfers to Reserve	(4,568,059)	(1,158,166)	(1,154,884)	3,282	0%
	(18,134,346)	(9,788,697)	(4,325,359)	5,463,338	-56%
Net Capital	(11,080,972)	(5,951,656)	(1,386,469)	4,565,187	-77%
Total Net Operating and Capital	(29,973,651)	(14,349,871)	(8,225,536)	6,124,335	-43%
Rates	29,396,786	29,235,031	29,524,682	289,650	1%
Opening Funding Surplus/ (Deficit)	576,865	576,865	1,007,891	431,027	75%
Closing Surplus/(Deficit)	0	15,462,025	22,307,037	6,845,012	44%

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

Comments on Summary of Financial Activity by Programme:

Operating Revenue

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

Revenue by programme is showing a negative variance of 2% (\$312k). This is due to reduced revenue in the Transport programme (\$572k) – reduced fees and charges (\$442k) and delayed capital grant revenue of (\$138k).

Operating Revenue as presented on the 'Nature and Type' report (Page 4 of **Attachment 1**) is on budget.

Operating Expenditure

The positive variance is currently at 15% and is primarily due to the delayed payment cycle for materials, contracts and depreciation charges being lower than budget.

Transfer from Reserves

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

Capital Expenditure

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

Transfer to Reserves

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

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

Opening Funding Surplus/(Deficit)

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

Closing Surplus/(Deficit)

There is currently a surplus of \$22,307,037 compared to year to date budget surplus of \$15,462,025. This is substantially attributed to the positive variance in operating expenditure and the current level of Capital Expenditure.

Please note that the November closing balance does not represent cash on hand (please see the Net Current Funding Position on page 5 of the attachment).

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

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

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

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

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

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

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

The net current funding position as at 30 November 2015 is \$22,307,038.

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

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

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

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

The revised budget for Purchase of Infrastructure Assets has been increased by \$148,652 for Roads to Recovery program – Anzac Road-Powis to Sasse which is funded from a Federal Government Grant and is reflected in grant and contributions revenue.

	Adopted Budget	Revised Budget	Year to date Budget	Year to Date Actual	Full Year Budget Remaining
	\$	\$	\$	\$	%
Furniture & Equipment	469,300	469,300	463,300	57,661	88%
Plant & Equipment	1,831,650	1,831,650	443,650	142,778	92%
Land & Building	2,858,272	2,858,272	2,458,272	627,093	78%
Infrastructure	7,498,125	7,646,777	4,956,762	2,034,397	73%
Total	12,657,347	12,805,999	8,321,984	2,861,928	78%

	Adopted Budget	Revised Budget	Year to date Budget	Year to Date Actual	Full Year Budget Remaining
	\$	\$	\$	\$	%
Capital Grant and Contribution	1,791,189	1,939,841	283,975	137,886	93%
Cash Backed Reserves	2,391,223	2,391,223	300,000	297,193	88%
Other (Disposal/Trade In)	135,000	135,000	42,000	69,269	49%
Own Source Funding – Municipal	8,339,935	8,339,935	7,696,009	2,357,579	72%
Total	12,657,347	12,805,999	8,321,984	2,861,928	78%

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

6. Cash Backed Reserves (Note 6 Page 42)

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 30 November 2015 is \$8,529,495. The balance as at 31 October 2015 was \$8,507,781.

7. Receivables (Note 7 Page 43)

Receivables of \$2,979,907 are outstanding at the end of November 2015, of which \$476,168 has been outstanding over 90 days. These comprise:

\$422,614 (14.2%) relates to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangements for more than one year.

\$53,554 (1.8%) relates to Other Receivables.

\$2,081,879 (70.4%) relates to unpaid infringements (plus costs). Infringements that remain unpaid for more than two months are sent to Fines Enforcement Registry (FER). FER collect the outstanding balance and return the funds to the City for a fee.

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

8. Rating Information (Note 8 Page 44 - 45)

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

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

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

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

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

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

Rates debtors as at 30 November 2015 including deferred rates was \$7,262,695 which represents 24.12% of the collectable income compared to 23.75% at the same time last year. It is of note that the rates notices were distributed one week earlier in 2014, with the second instalment due on 27 October, 2014, which may have contributed to the lower percentage paid for the corresponding period.

9. Beatty Park Leisure Centre – Financial Position Report (Note 9 Page 46)

As at 30 November 2015 the operating deficit for the Centre was \$54,546 in comparison to the year to date budgeted deficit of \$69,798.

The November budget estimates for Beatty Park Leisure Centre were mostly under or less than the actual expenditure incurred or revenue received. This has been detailed in the variance comments report in **Attachment 1**.

The cash position showed a current cash surplus of \$244,838 in comparison year to date budget estimate of a cash surplus of \$247,482.

10. Explanation of Material Variances (Note 10 Page 48 - 56)

The materiality threshold used for reporting variances is 10% on variances more than \$10,000. This threshold was adopted by Council as part of the Budget adoption for 2015-16 and is used in the preparation of the statements of financial activity when highlighting material variance in accordance with *Financial Management Regulation 34(1) (d)*.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

All expenditure included in the Financial Statements is incurred in accordance with Council's adopted Annual Budget. However, it is noted that a small capital expense has been incurred to purchase minor plant with no approved budget for 2015/2016. Historically, there has always been a budget for such purchases which has been omitted in the current year. This was fixed in carried forward adjustment in December and the new budget will be reflected in the December report.

5.3.4 Financial Statements as at 31 December 2015

Ward:	Both	Date:	15 January 2016
Precinct:	All	File Ref:	SC357
Attachments:	1 – Financial Reports		
Reporting Officers:	N Makwana, Accounting Officer B Wong, Accountant G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council **RECEIVES** the Financial Statements for the month ended 31 December 2015 as shown in Attachment 1.

PURPOSE OF REPORT:

To present the Financial Statements for the period ended 31 December 2015.

BACKGROUND:

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

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

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

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

DETAILS:

Final audit for the financial year 2014-2015 is now complete. All brought forward figures have been updated to actuals.

The following documents, included as **Attachment 1** represent the Statement of Financial Activity for the period ending 31 December 2015:

Note	Description	Page
1.	Statement of Financial Activity by Programme Report and Graph	1-3
2.	Statement of Comprehensive Income by Nature and Type Report	4
3.	Net Current Funding Position	5
4.	Summary of Income and Expenditure by Service Areas	6-35
5.	Capital Works Schedule and Funding and Graph	36-42
6.	Cash Backed Reserves	43
7.	Receivables	44
8.	Rating Information and Graph	45-46
9.	Beatty Park Leisure Centre Report – Financial Position	47
10.	Explanation of Material Variance	48-56

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

Summary of Financial Activity By Programme as at 31 December 2015

	Revised Budget \$	Year to date Budget \$	Year to Date Actual \$	Year to Date Variance \$	Year to Date Variance %
Operating Revenue	29,619,458	16,702,800	14,494,248	(2,208,552)	-13%
Operating Expenditure	(55,853,974)	(28,408,194)	(24,434,210)	3,973,984	-14%
Add Deferred Rates Adjustment	0	0	8,414	8,414	0%
Add Back Depreciation	11,058,555	5,529,156	3,595,070	(1,934,086)	-35%
(Profit)/Loss on Asset Disposal	(3,716,718)	(3,716,718)	(1,831,560)	1,885,159	-51%
Net Operating Excluding Rates	(18,892,679)	(9,892,956)	(8,168,038)	1,724,918	-17%
Proceeds from Disposal of Assets	4,662,151	4,662,151	2,630,273	(2,031,878)	-44%
Transfer from Reserves	2,473,328	1,563,328	499,019	(1,064,309)	-68%
	7,135,479	6,225,479	3,129,292	(3,096,187)	-50%
Capital Expenditure	(12,568,748)	(10,283,607)	(3,591,217)	6,692,390	-66%
Repayments Loan Capital	(760,288)	(371,087)	(371,085)	2	0%
Transfers to Reserve	(4,568,059)	(3,215,773)	(2,352,688)	863,085	-27%
	(17,897,095)	(13,870,467)	(6,314,990)	7,555,477	-54%
Net Capital	(10,761,616)	(7,644,988)	(3,185,698)	4,459,290	-58%
Total Net Operating and Capital	(29,654,295)	(17,537,944)	(11,353,736)	6,184,207	-35%
Rates	29,396,786	29,265,282	29,533,919	268,636	1%
Opening Funding Surplus/ (Deficit)	576,865	576,865	1,007,891	431,027	75%
Closing Surplus/(Deficit)	319,356	12,304,203	19,188,074	6,883,870	56%

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

Comments on Summary of Financial Activity by Programme:

Operating Revenue

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

Revenue by programme is showing a negative variance of 13% (\$2.2m). This is due to reduced revenue in Transport - reduced fees and charges (\$397k) and Other Property and Services (\$1.86m) Tamala Park – profit from sale of land.

Operating Revenue as presented on the 'Nature and Type' report (Page 4 of **Attachment 1**) is on budget.

Operating Expenditure

The positive variance is currently at 14% and is primarily due to the delayed payment cycle for materials, contracts and depreciation charges being lower than budget. It should be noted that due to a system error, road and footpath assets have not been depreciated. This will be corrected in January 2016 financial reports. Depreciation for Roads and Footpaths would have been in the range of \$1.4 million.

Transfer from Reserves

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

Capital Expenditure

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

Transfer to Reserves

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

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

A sum of \$875,631 has been transferred to the Aged Person and Senior Citizens Reserve as approved at the Ordinary Meeting of Council (OMC) decision on 8 December 2015. This amount represents the nominal interest that would have been earned to 30 June 2015. The adjustment to YTD earnings will be processed in January 2016.

Opening Funding Surplus/(Deficit)

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

Closing Surplus/(Deficit)

There is currently a surplus of \$19,188,074 compared to year to date budget surplus of \$12,304,203. This is substantially attributed to the positive variance in operating expenditure and the current level of Capital Expenditure.

Please note that the December closing balance does not represent cash on hand (please see the Net Current Funding Position on page 5 of the attachment).

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

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

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

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

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

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

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

The net current funding position as at 31 December 2015 is \$19,188,075.

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

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

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

The revised budget for Purchase of Furniture and Equipment Assets has been increased by \$12,105 for purchase of iPads for Councillors which is funded from Electronic Equipment Reserve.

The revised budget for Purchase of Plant and Equipment Assets has been increased by \$3,000 for purchase of an electric bike for the Mayor which is funded from Plant and Equipment Reserve.

The revised budget for Purchase of Building Assets has been increased by \$67,000 for Charles Veryard Reserve- clubroom upgrade which is funded from Capital Reserve.

Capital carry forward adjustments have been completed for the month of December as per OMC decision on 8 December 2015.

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

	Adopted Budget \$	Revised Budget \$	Year to date Budget \$	Year to Date Actual \$	Full Year Budget Remaining %
Furniture & Equipment	469,300	490,219	470,219	82,601	83%
Plant & Equipment	1,831,650	1,837,635	1,667,635	145,596	92%
Land & Building Infrastructure	2,858,272	2,921,606	2,646,606	733,497	75%
	7,498,125	7,319,288	5,499,147	2,629,523	64%
Total	12,657,347	12,568,748	10,283,607	3,591,217	71%

	Adopted Budget \$	Revised Budget \$	Year to date Budget \$	Year to Date Actual \$	Full Year Budget Remaining %
Capital Grant and Contribution	1,791,189	1,939,841	433,975	485,589	75%
Cash Backed Reserves	2,391,223	2,441,967	500,000	499,019	80%
Other (Disposal/Trade In)	135,000	135,000	42,000	69,269	49%
Own Source Funding – Municipal	8,339,935	8,051,940	9,307,632	2,537,339	68%
Total	12,657,347	12,568,748	10,283,607	3,591,217	71%

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

6. Cash Backed Reserves (Note 6 Page 42)

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 2015 is \$9,525,474. The balance as at 30 November 2015 was \$8,529,495.

7. Receivables (Note 7 Page 43)

Receivables of \$2,966,762 are outstanding at the end of December 2015, of which \$612,110 has been outstanding over 90 days. These comprise:

\$446,080 (15%) relates to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangements for more than one year.

\$166,030 (5.6%) relates to Other Receivables.

\$2,153,283 (72.6%) relates to unpaid infringements (plus costs). Infringements that remain unpaid for more than two months are sent to Fines Enforcement Registry (FER). FER collect the outstanding balance and return the funds to the City for a fee.

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

8. Rating Information (Note 8 Page 44 - 45)

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

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

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

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

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

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

Rates debtors as at 31 December 2015 is \$5,666,996 (this includes deferred rates of \$154,886). This represents 18.82% of the collectable income compared to 18.16% at the same time last year.

9. Beatty Park Leisure Centre – Financial Position Report (Note 9 Page 46)

As at 31 December 2015 the operating deficit for the Centre was \$8,277 in comparison to the year to date budgeted surplus of \$134,490.

The December budget estimates for Beatty Park Leisure Centre were mostly under or less than the actual expenditure incurred or revenue received. This has been detailed in the variance comments report in **Attachment 1**.

The cash position showed a current cash surplus of \$350,975 in comparison year to date budget estimate of a cash surplus of \$515,226.

10. Explanation of Material Variances (Note 10 Page 48 - 56)

The materiality threshold used for reporting variances is 10% on variances more than \$10,000. This threshold was adopted by Council as part of the Budget adoption for 2015-16 and is used in the preparation of the statements of financial activity when highlighting material variance in accordance with *Financial Management Regulation 34(1) (d)*.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

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

5.3.5 LATE ITEM: Investment Report as at 31 January 2016

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

TO BE ISSUED IN THE COUNCIL MEETING AGENDA.

Administration Comment:

Investments are undertaken in accordance with Policy No. 1.2.4 – “Investments” and authorised under Delegated Authority No. 3.3 “Power to Invest”.

A condition of the delegation of authority is that a report is submitted to Council on a monthly basis.

Current accounting practice is to process all accrued income for the investments at the end of each month.

Due to the timing of the council meeting, this report will not be available for the briefing session.

5.4 COMMUNITY SERVICES

5.4.1 Vincent Accord Party Bus Registration Scheme Fee

Ward:	Both	Date:	25 January 2016
Precinct:	All	File Ref:	SC1479
Attachments:	1 – Map Showing Designated Party Bus Parking Bays		
Tabled Items:	Nil		
Reporting Officer:	K Allen, A/Coordinator Safer Vincent		
Responsible Officer:	R Hall, A/Director Community Services		

OFFICER RECOMMENDATION:

That Council;

1. **ABOLISHES** the Vincent Accord Party Bus Registration Scheme Fee;
2. **APPROVES** the removal of the dedicated Party Bus areas and the reinstatement of standard on road parking to comply with existing restrictions, where appropriate at the following locations as shown in Attachment 1;
 - 2.1 Pick up/set down areas at:
 - 2.1.1 Frame Court Car Park, Leederville;
 - 2.1.2 Axford Park, Hobart Street, Mount Hawthorn;
 - 2.1.3 Newcastle Street (near Carr Place), Leederville; and
 - 2.1.4 Vincent Street, Leederville.
 - 2.2 Lay-over area at Cleaver Street, West Perth; and
3. **ADVISES** the relevant Party Bus companies of its decision.

PURPOSE OF REPORT:

To consider abolishing the Vincent Accord Party Bus Registration Scheme Fee.

BACKGROUND:

Party Bus companies regularly provide transport between entertainment venues for various groups. There have been complaints made about the behaviour of patrons of party bus groups and issues with set down/pick up of passengers near residences.

At the Ordinary Meeting of Council held on 10 February 2009, a report was considered on the Draft Vincent Accord Party Bus Registration where it was resolved in part as follows:

“That the Council;

- (ii) **APPROVES:**
 - (b) *the introduction of dedicated Party Bus ‘pick up/set down’ areas at Frame Court Car Park, Leederville and Hobart Street, Mount Hawthorn, adjacent to Axford Park, as attached at Appendix 9.1.11; and*
 - (c) *the introduction of a dedicated Party Bus ‘Lay-over’ area at Cleaver Street, West Perth, to enable Registered Party Buses to park for around an hour;*

At the Ordinary Meeting of Council held on 7 October 2014, Council approved the introduction of a fee for registration with the Vincent Accord Party Bus Scheme. The fee is \$100.00 per bus, per annum. Registration allows operators to utilise the City's four designated Party Bus bays for set down and pick up of passengers and the two layover bays for longer term parking between pick-ups. The introduction of the fee was intended to cover the costs of the line marking, monitoring and maintenance of the bays, administration and loss of any car parking revenue.

DETAILS:

At the Party Bus Working Group meeting held on 17 December 2014, Party Bus Working Group members objected to the introduction of the fee and indicated their intentions not to participate in the registration scheme. They have highlighted their membership in the Party Bus Working Group is voluntary, and believe they should not have to pay a fee to participate. They disputed the need for a fee and maintained they are lawfully able to conduct business within the City of Vincent, without using the party bus bays, as long as they park legally.

As a result of their objection to the fee, the group was requested at numerous group meetings to present a formal objection in writing, stating their case, and why they object to the fee. This request was made at both meetings and additionally via email in between group meetings. To date, no submission has been received. All Party Bus Operators have refused to pay the fee and many no longer participate in the group and the last meeting held was on 15 July 2015.

Rangers have been monitoring the party bus operations throughout the City and to-date, no parking infringements have been issued, as the operators are not using the reserved bays and park legally in other locations. There has not been any incidents or complaints about party buses since the operators' decision not to use the reserved bays.

CONSULTATION/ADVERTISING:

No consultation is required because all bus operators in the City of Vincent are aware of the Scheme and have chosen to not participate.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Low: There is minimal risk associated with this matter.

STRATEGIC IMPLICATIONS:

Keeping in line with the City's *Strategic Community Plan 2013-2023*, the following Objectives state:

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Bus operators have indicated that they will not be paying any registration fee for the Scheme. The forecasted revenue of \$10,900 in Party Bus registration fees will not be received and the budget will be revised accordingly.

COMMENTS:

The Party Bus operators refuse to participate in the voluntary Scheme and have not made use of the bus bays. Therefore, it is recommended that the Scheme be abolished and the allocated bus bays are returned to standard car parking bays to increase the number of parking bays for general use.

5.4.2 Parking and Parking Facilities Local Law 2007 – Proposed Amendment to Parking Permits

Ward:	Both	Date:	21 January 2016
Precinct:	All	File Ref:	SC112
Attachments:	1 – Proposed Amendments to Parking and Parking Facilities 2007 Local Law 2 – Draft Amended – Parking and Parking Facilities Local Law 2007 (As Amended)		
Tabled Items:	Nil		
Reporting Officer:	S Butler, Manager Ranger & Community Safety Services		
Responsible Officer:	R Hall, Acting Director Community Services		

OFFICER RECOMMENDATION:

That Council:

1. **APPROVES** in accordance with Section 3.12(3) of the *Local Government Act 1995*, the advertising of the City of Vincent’s proposal to amend the **Parking and Parking Facilities Local Law 2007** as shown in **Attachment 2**;
 - 1.1 **Giving Statewide public notice** stating that the local government proposes to make a local law the purpose and effect of which is summarized in the notice and for no less than six weeks;
 - 1.2 **The proposed local law be available for inspection at the City’s Offices and a copy be provided to any person requesting it; and**
 - 1.3 **A copy of the proposed local law and a copy of the notice be provided to the Minister for Local Government and Communities; and**
2. **NOTES** that the results of the public submissions will be presented to Council to consider.

PURPOSE OF REPORT:

To consider an amendment to the City of Vincent’s Parking Facilities Local Law 2007 to remove Schedule 6 and associated administrative changes caused by the removal of Schedule 6.

BACKGROUND:

Administration has recently upgraded the current hand written permits by introducing a digital, modern computer generated style of permit.

Schedule 6 of the local law designates the permit template. The proposal is to effectively remove Schedule 6 to allow the Administration in the future to modify and determine the style of permits in accordance with the ongoing operational requirements of the City, without having to modify the local law. There is no legal requirement to specify the template in the local law.

At the Council Forum held on 14 July 2015, a presentation was provided to Council outlining the rationale for the removal of schedule 6 and the introduction of the new style of permit.

DETAILS:

Amendments are required to be made to Part 7 – Parking Permits – and Schedule 6 of the City of Vincent Parking and Parking Facilities Local Law 2007. The changes are detailed in the Table below and as shown in **Attachment 1**.

Local Law

The proposed amendments to the City of Vincent Parking and Parking Facilities Local Law 2007, are summarised as follows and shown at **Attachment 1**.

Clause Amendments	Comments
<p>7.1 Definitions</p> <p><u>“temporary parking permit” means a permit issued to a business or individual by local government pursuant to clause 7.4;</u></p>	<p>Additional clause added to 7.1 for this category of permit.</p>
<p>7.3 Issue of permits</p> <p><u>4 The local government may upon written application of an eligible person issue a temporary parking permit.</u></p>	<p>Additional clause added to 7.3(3) for this category of permit.</p>
<p>7.5.1</p> <p><u>Every temporary parking permit issued for private or commercial use as may be the case, shall cease to be valid upon –</u></p> <p><u>(a) Midnight of the expiry date shown on the permit;</u></p> <p><u>(b) the revocation of the permit by the local government pursuant to clause 7.6; and</u></p> <p><u>(c) the replacement of any permit issued by the local government issued pursuant to clause 7.3.</u></p>	<p>Additional clause added to 7.5 for this category of permit.</p>
<p>7.9 Display of parking permits</p> <p>A person shall not stop or park a vehicle in an area set aside for persons or vehicles of a particular class during any permitted period unless a valid permit is displayed inside the vehicle. <u>The permit must be</u> and <u>is</u> clearly visible to and able to be read by an authorised person from outside the vehicle at all times while the vehicle remains stopped or parked in the zone. <u>Resident parking permits must be affixed to the inside left hand side of the vehicle windscreen to which it was issued to be valid.</u></p>	<p>The proposed amendment to clause 7.9 requires resident permits to be affixed to the inside left hand side of the vehicle windscreen.</p>

Schedule Amendments	Comments
<p>Remove Schedule 6</p>	<p>There is no requirement to include an illustration of the permit in local law. This type of illustration limits the City’s ability to modify the form as may be required from time to time.</p>
<p>Rename Schedule 7 as Schedule 6</p>	<p>Given the current Schedule 6 is deleted, Schedule 7 should be renamed Schedule 6 for uniformity.</p>

CONSULTATION/ADVERTISING:

The City has consulted with the Department of Local Government and Communities in relation to changes to local law. Should Council approve the intended amendment, the City will be required to comply with the Section 1.7, 1.8 and 3.12 (3) of the *Local Government Act 1995*, and advertise the amendment in a newspaper with a State-wide publication for 42 days, seeking public comment and explaining where and when the proposed amendment may be inspected.

LEGAL/POLICY:

- Section 3.12 *Local Government Act 1995*,
- Parking and Parking Facilities Local Law 2007, and
- Policy No. 4.1.5 – Community Consultation.

RISK MANAGEMENT IMPLICATIONS:

There is no risk to the City associated with this proposed amendment. The amendment involves an administrative change to template layout and design.

STRATEGIC IMPLICATIONS:

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

“Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

There are no sustainability issues associated with this proposal.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial or budget implications associated with the amendment to Parking and Parking Facilities Local Law 2007.

COMMENTS:

It is recommended that Schedule 6 be removed and associated amendments be made to improve the flexibility of the Parking and Parking Facilities Local Law 2007.

The removal of the schedule will provide the City with the ability to modernise its parking permits when necessary, without a lengthy process involving changes to local laws.

There will be no impact on the community, as the change to the permit template is an administrative requirement.

The ability to regularly update the permit template will mean that Administration can include security measures as necessary to avoid fraudulent duplication.

5.5 CHIEF EXECUTIVE OFFICER

5.5.1 Council Recess Period 2015-2016 - Receiving of Reports

DUE TO THE COUNCIL RECESS PERIOD FINISHING ON 29 JANUARY 2016. THE DELEGATED AUTHORITY REPORT WILL BE FINALISED AND ISSUED PRIOR TO THE COUNCIL BRIEFING SESSION.

5.5.2 Information Bulletin

Ward:	-	Date:	15 January 2016
Precinct:	-	File Ref:	-
Attachments:	1 – 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 15 January 2016 as distributed with the Agenda.

DETAILS:

The items included in the Information Bulletin dated 15 January 2016 are as follows:

ITEM	DESCRIPTION
IB01	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 18 November 2015
IB02	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 4 December 2015
IB03	Mindarie Regional Council Ordinary Council Meeting of Minutes held on 3 December 2015
IB04	WALGA State Council Meeting – December 2015
IB05	Tamala Park Regional Council Meeting Minutes held on 10 December 2015
IB06	Register of Petitions – Progress Report – February 2016
IB07	Register of Notices of Motion – Progress Report – February 2016
IB08	Register of Reports to be Actioned – Progress Report – February 2016
IB09	Register of Legal Action (Confidential – Council Members Only) – Monthly Report as at 15 January 2016
IB10	Register of Orders and Notices Issued Under the Building Act 2011 and Health Act 1911(Confidential – Council Members Only) – Quarterly Report as at 14 January 2016
IB11	Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 14 January 2016
IB12	Register of Applications Referred to the MetroWest Development Assessment Panel – Current
IB13	Register of Applications Referred to the Design Advisory Committee – 2015
IB14	Forum Notes - 24 November 2015

6. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

6.1 NOTICE OF MOTION: Councillor Dan Loden – Request the Investigation into the Introduction of 360 Litre Recycling Mobile Garbage Bins to Residential properties

6.2 NOTICE OF MOTION: Councillor Joshua Topelberg – Request To Consider Relocation Of Leederville Taxi Rank

6.3 NOTICE OF MOTION: Mayor John Carey – Request Review of City of Vincent Membership to the WA Local Government Association (WALGA)

TO BE PUBLISHED BY FRIDAY 29 JANUARY 2016.

7. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

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

8.1 CONFIDENTIAL REPORT: Agreement for the City to Undertake the Care, Control and Management of Car Park Located at 375-393 William Street, Perth

Ward:	South	Date:	15 January 2016
Precinct:		File Ref:	PR54093
Attachments:	1 – Confidential attachment		
Tabled Items:	Nil		
Reporting Officer:	S Butler, Manager Ranger and Community Safety Services		
Responsible Officer:	R Hall, Acting Director Community Services		

DETAILS:

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

Local Government Act 1995 - Section 5.23(2):

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

LEGAL:

2.14 Confidential business

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

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

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

9. CLOSURE
