



CITY OF VINCENT

ORDINARY COUNCIL MEETING

7 March 2017

Notice of Meeting and Agenda

Notice is hereby given that an Ordinary Meeting of the Council of the City of Vincent will be held at the Administration and Civic Centre, at 244 Vincent Street (corner Loftus Street) Leederville, on **Tuesday 7 March 2017** at 6:00pm.

Len Kosova
CHIEF EXECUTIVE OFFICER

3 March 2017

ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY

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

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

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

RECORDING OF COUNCIL MEETINGS

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

ORDER OF BUSINESS

1. (a) **Declaration of Opening**
(b) **Acknowledgement of Country Statement**
"Today we meet on the lands of the Nyoongar people and we honour them as the traditional custodians of this land".
 2. **Apologies/Members on Approved Leave of Absence**
 3. (a) **Public Question Time and Receiving of Public Statements**
(b) **Response to Previous Public Questions Taken On Notice**
 - [3.1](#) Response to questions from Mr Shannon O'Rourke taken on notice at the Ordinary Council Meeting held on 7 February 2017.
 - [3.2](#) Response to a question from Mr Dudley Maier taken on notice at the Ordinary Council Meeting held on 7 February 2017.
 4. **Applications for Leave of Absence**
 5. **The Receiving of Petitions, Deputations and Presentations**
Nil.
 6. **Confirmation of Minutes**
 - 6.1 Ordinary Meeting of Council held on 7 February 2017.
 7. **Announcements by the Presiding Member (Without Discussion)**
 8. **Declarations of Interest**
 9. **Reports**
As listed in the Index.
 10. **Motions of which Previous Notice has been given**
 - 10.1 NOTICE OF MOTION: Litis Stadium Master Plan
 11. **Questions by Members of which Due Notice has been given (Without Discussion)**
Nil.
 12. **Representation on Committees and Public Bodies**
Nil.
 13. **Urgent Business**
Nil.
 14. **Confidential Items/Matters for which the Meeting May be Closed ("Behind Closed Doors")**
 15. **Closure**
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9.1 DEVELOPMENT SERVICES

9.1.1 No. 486 (Lot: 1; D/P: 10160) Newcastle Street, West Perth – Proposed Seven Grouped Dwellings and Home Occupation (Office)

Ward:	South	Date:	17 February 2017
Precinct:	Precinct 5: Cleaver	File Ref:	5.2016.285.1
Attachments:	1 – Consultation and Location Map 2 – Development Application Plans 3 – Summary of Submission 4 – Design Advisory Committee Comments 5 – Determination Advice Notes		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Senior Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the development application for Seven Grouped Dwellings and Home Occupation (Office) at No. 486 (Lot 1; D/P: 10160) Newcastle Street, West Perth, in accordance with the plans included as Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 5:

1. Car Parking and Access

- 1.1 A minimum of 14 resident bays and two visitor bays shall be provided onsite, with a minimum of two resident car parking bays allocated to each dwelling;
- 1.2 The car park shall be used only by residents and visitors directly associated with the development;
- 1.3 Vehicle and pedestrian access points are required to match into existing footpath levels;
- 1.4 Prior to the commencement of development, the detailed design of the internal driveway, including drainage, shall be submitted to and approved by the City. This detailed design shall be accompanied by a report prepared by a hydraulics consultant and approved to the City confirming the necessary storm water management measures. Any recommendations of the report are to be undertaken prior the occupation or use of the development;
- 1.5 The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to the occupation or use of the development; and
- 1.6 All redundant crossovers shall be removed and the verge area reinstated to the City's satisfaction prior to the occupation or use of the development;

2. **Right of Way**

- 2.1 The Right of Way widening of 0.5 metre, as depicted on the approved plan, is to be ceded free of cost at the time of subdivision (including built strata subdivision) of the development to the satisfaction of the City;
- 2.2 The Right of Way widening of 0.5 metres, as depicted on the approved plan, shall be sealed, drained and graded to match into the level of the existing Right of Way to the satisfaction of the City prior to the occupation or use of the development; and
- 2.3 The 'Black/Charcoal Aluminium Garage Door' showing on Elevation 3 fronting the right-of-way shall be modified to be visually permeable as defined by the Residential Design Codes;

3. **External Fixtures**

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

4. **Privacy**

- 4.1 Prior to the occupation of the development, the wall to the roof terrace of Unit 7 on the western elevation shall comply with the visual privacy requirements of State Planning Policy 3.1: Residential Design Codes so as not to overlook the outdoor living area of the adjoining western property to the satisfaction of the City; and
- 4.2 All privacy screening devices or opaque glazing to windows on the western elevation, on the first floor, as depicted on the approved plans are to accord with the definition under the R-Codes;

5. **Landscape and Reticulation Plan**

- 5.1 A detailed landscape and reticulation plan for the development site and adjoining road verge is to be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:
 - 5.1.1 The location and type of existing and proposed trees and plants;
 - 5.1.2 The provision of mature tree planting in the deep soil zones;
 - 5.1.3 Areas to be irrigated or reticulated; and
 - 5.1.4 The western setback area is to be provided with a minimum 80% canopy cover; and
- 5.2 All works shown in the plans as identified in Condition 5.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

6. **Verge Trees**

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

7. **Schedule of Finishes**

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

8. **Construction Management Plan**

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

9. **Waste Management**

9.1 A Waste Management Plan shall be submitted to and approved by the City prior to commencement of the development detailing a bin store to accommodate the City's specified bin requirement and the form and timing of waste collection; and

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

10. **Clothes Drying Facility**

Each dwelling shall be provided with a clothes drying facility or communal area in accordance with the Residential Design Codes and to the satisfaction of the City prior to the occupation or use of the development. The clothes drying facility or commercial area shall be maintained thereafter to the satisfaction of the City;

11. **Stormwater**

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

12. **Home Occupation (Office)**

12.1 The area to the Home Occupation (Office) shall be limited to a maximum area of 29.82m²;

12.2 The Home Occupation (Office) shall not employ any person not a member of the occupier's household of Unit 1 of the proposed development;

12.3 The Home Occupation (Office) shall not display an external sign exceeding 0.2m² without the approval of the City; and

12.4 The Home Occupation (Office) shall not involve the retail sale, display or hire of goods of any nature;

13. **General**

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

14. Retention & Protection of Existing On-Site Mature Trees

- 14.1** The existing Olive Trees as depicted on the approved plans being retained and protected from any damage to the satisfaction of the City;
- 14.2** An arboriculturist report be submitted to and approved by the City, prior to the commencement of development which identifies measures to ensure that the existing on-site mature trees referred to in Condition 14.1 above are retained and protected during the construction of the development and maintained thereafter; and
- 14.3** The recommendations identified in the arboriculturist's report as required in Condition 14.2 above are to be implemented to the satisfaction of the City prior to the commencement of development.

PURPOSE OF REPORT:

To consider an application for development approval for seven grouped dwellings and a home occupation at No. 486 Newcastle Street, West Perth.

BACKGROUND:

Landowner:	Eleganza Developments Pty Ltd
Applicant:	PTS Town Planning Pty Ltd
Date of Application:	8 July 2016
Zoning:	MRS: Urban TPS1: Zone: Residential R80 TPS2: Zone: Residential/Commercial RC160
Existing Land Use:	Single House
Proposed Use Class:	Grouped Dwelling – "P"
Lot Area:	1,237 m ²
Right of Way (ROW):	Northern side, Crown owned with private access rights, 5 metres in width and sealed
Heritage List:	Not applicable

The subject site is located on the northern side of Newcastle Street, West Perth, between Strathcona Street and Charles Street, as shown in **Attachment 1**. There are single dwelling developments adjacent to the site and on the southern side of Newcastle Street there is commercial development. The residential developments in the immediate vicinity are generally single storey in height. At the rear of the site there is currently a Right-of-Way which will be used by vehicles to access the site. On the northern side of the Right-of-Way there is an existing Technical School. The existing single house on the subject site is not heritage listed and will be required to be demolished if the site is to accommodate the proposed development.

The application proposes to construct seven 'grouped dwellings' to a maximum height of four storeys. The development is configured with Unit 1 facing Newcastle Street and a common driveway along the southern boundary from the ROW providing access to the development. A 'home occupation' or home office has also been incorporated into the design of Unit 1 and fronts Newcastle Street. Visitors parking will be located at the north-western corner of the site facing the laneway. The development plans proposed are included as **Attachment 2**.

A subdivision application has been submitted to the Western Australian Planning Commission (WAPC) for the subdivision of the property into seven lots, consistent with the development being proposed as part of this development application.

The plans initially submitted were assessed and advertised under the City's Residential Design Elements Policy No. 7.2.1. Council at its meeting on 13 December 2016 adopted the Built Form Local Planning Policy No 7.1.1 (Built Form Policy) and revoked the Residential Design Elements Policy No. 7.2.1. The Built Form Policy and revocation of the Residential Design Elements Policy No. 7.2.1 was published and became operational on 21 January 2016. This now becomes the applicable planning framework under which the application will be determined. It is noted that the landscaping and rear setback requirements of the policy require approval of the Western Australian Planning Commission (WAPC) and as a result the assessment will only have 'due regard' to these provisions.

The subject site is located within the 'Activity Corridor Built Form Area' as depicted in the Built Form Policy the changes to the framework impact the assessment in relation to building height, setback from Right-of-Way, landscaping and roller door.

Following the conclusion of the consultation period, amended plans were submitted and are the subject of this report. The amended plans are included as **Attachment 2**.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the City's Draft Built Form Policy No. 7.1.1 and the State Government's Residential Design Codes.

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

Detailed Assessment

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

Boundary Setbacks/Boundary Wall	
Deemed-to-Comply Standard	Proposal
Residential Design Codes Clause 5.1.3 <u>Western Boundary</u> <i>Unit 1</i> Second Floor = 4.3m Terrace = 5.3m	Second Floor = minimum setback 4.0m Terrace = minimum setback 4.0m

<p><i>Units 2, 3,4,5,6</i></p> <p>Second Floor = 4.3m <i>Unit 7</i></p> <p>Terrace = 5.5m</p> <p><u>Northern Boundary - Facing ROW</u></p> <p>Unit 7</p> <p>First Floor = 3.6m</p> <p>Second Floor = 5m</p> <p>Third Floor = 7m</p>	<p>Second Floor = minimum setback 3.0m</p> <p>Terrace = minimum setback 4.0m</p> <p>First Floor = minimum setback 3.3m</p> <p>Second Floor = minimum setback 3.3m</p> <p>Third Floor = minimum setback 3.3m</p>
Privacy	
Deemed-to-Comply Standard	Proposal
Residential Design Codes Clause 5.4.1	
<p>Unit 1</p> <p>Terrace</p> <p>Privacy setback is required to be 6.0m from the western boundary</p> <p>Activity Room on the Second Floor</p> <p>Privacy setback is required to be 4.5m from the western boundary</p> <p>Unit 7</p> <p>Terrace</p> <p>Privacy setback is required to be 6.0m from the western boundary</p>	<p>Minimum privacy setback is 4.0m from the western boundary</p> <p>Minimum privacy setback is 4.0m from the western boundary</p> <p>Minimum privacy setback is 4.0m from the western boundary</p>
Site Works	
Deemed-to-Comply Standard	Proposal
Residential Design Codes Clause 5.3.6	
<p>Excavation of filling behind a street setback line and within 1.0m of a lot boundary shall not be more than 0.5m above natural ground level</p>	<p>Eastern boundary – Maximum excavation 0.7m</p> <p>Western boundary – Maximum Fill 0.7m</p>
Retaining Wall	
Deemed-to-Comply Standard	Proposal
Residential Design Codes Clause 5.3.8	
<p>Unit 7 – Western boundary</p> <p>Setback of retaining wall = 1.0m</p>	<p>Nil setback</p>

Vehicle Access and Parking	
Deemed-to-Comply Standard	Proposal
<p>Built Form Policy No.7.1.1 Clause C1.10.4</p> <p>Roller shutters and screens are to be visually permeable.</p>	<p>Garage of Unit 7 facing right of way is proposed to have a solid door.</p>
Area of Home Occupation	
Deemed-to-Comply Standard	Proposal
<p>Home Business, Home Occupation, Home Office and Home Store Policy No.7.5.9</p> <p>Home Occupation (Office) – does no occupy an area greater than 20.0m².</p>	<p>Occupies an area of 29.8m²</p>

The above elements of the proposal that do not meet the specified deemed-to-comply standards are discussed in the Comment section below.

CONSULTATION/ADVERTISING:

The application was advertised for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 18 October 2016 until 31 October 2016. The method of advertising included 31 letters being mailed to all owners and occupiers within a 75 metres radius from the subject site, as shown on **Attachment 1**, in accordance with the City's Policy No. 4.1.5 – Community Consultation.

Three submissions were received, one objection and two comments. The concerns raised in the submissions related to height; bulk and scale; the traffic impact on Newcastle Street; the car parking impact on the surrounding area; the character of the existing building; and setback from the eastern boundary. These matters are discussed in the Comment section below. A detailed summary of the submission and Administration's response to each matter raised is included in **Attachment 3**.

Following the advertising period the applicant made a number of change to address the concerns raised during the consultation period as follows:

- The advertised proposal constituted a three storey development with roof terrace. Following advertising the applicant amended the plan to include a powder room (toilet & basin) to the roof terrace and the proposal is now technically considered as four storeys with an overall height of 12.1 metres. Under the Built Form Policy, six storeys to an overall height of 20.5m are permitted as-of-right on the subject site and therefore the proposal complies with the deemed-to-comply provisions relating to height.
- The advertised proposal included a garage with a boundary wall for Unit 7 on the western boundary of the site. Following advertising the garage to Unit 7 and the visitors parking bays were relocated removing the boundary wall along the western boundary.
- Additional landscaping was included along the western boundary.
- The ground floor setbacks to the western boundary were increased from 1 to 5 metres to 1 to 6.3 metres.
- The first floor balconies orientated to the western boundary were replaced with kitchen/dining room. The resulting setback increased from 1.2 metres to 2 metres.
- The setback to Unit 7 from the western boundary was increased from 1.2 metres to a varying setback of 4.0 metres to 6.3 metres.
- On the second floor, the setback to the western boundary for Units 1-6 was increased from 1.4 metres/2.6 metres to 3 metres/4 metres. The setback of Unit 7 from the western boundary was increased from 1.4 metres to 4 metres/6 metres.
- On the third floor (roof terrace), a wall of 1.6 metres in height setback 3 to 4 metres from the western boundary was included to prevent any overlooking into the adjoining property, except to the rooftop floor of Unit 1 and Unit 7 where a screen to a maximum height of 1.2 metres was included.

- The ground floor setback from the ROW was decreased from 1.5 metres to 1.3 metres. The first floor setback from the ROW was increased from 1 metre to 1.3 metres. The second and third floors setback from the ROW have increased from 1 metre to a varying setback of 1 metre to 1.3 metres.
- The filling/retaining wall to Unit 7 was advertised to a height of 0.9 metres. The amended plan reduced the height of filling/retaining wall reduced to 0.7 metre.
- The western wall to bedroom 3 of Unit 1, on the second floor, was modified to include a major opening.
- The wall colours on the western elevation were amended to break the bulk of the building.

It is considered that these changes do not result any additional variations impacting on the adjoining properties. As such these amended plans were not readvertised and are the subject of this report.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: Yes

The proposal was referred to DAC for the members' opinion on the aesthetics of the development and elevations to all boundaries. The amended plans submitted in November 2016 were provided to the DAC electronically and additional comments were provided by the DAC on these plans on 29 November 2016. Refer to Attachment 4 for DAC comments and Officer's responses.

The applicant responded to several elements raised by the DAC is subsequent amended plans dated 10 January 2017.

LEGAL/POLICY:

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

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

Council at its meeting of on 13 December 2016 formally adopted Local Planning Policy – Built Form No. 7.1.1, which was published and became operational on 21 January 2017. In this context, the policy is considered the applicable planning framework.

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

Delegation to Determine Applications:

The proposed development is more than three storeys and is therefore classified as a Category 1 application in the City's Delegated Authority Register. Category 1 applications are required to be referred to Council as no delegation exists to otherwise determine the application.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Building Setbacks

Unit 1

The activity room of Unit 1 on the second floor is setback 4.0 metres from the adjoining property to the west in lieu of the 4.3 metres deemed-to-comply standard in the R-Codes. In addition, the terrace of Unit 1 on the third floor is setback 4.0 metres from the adjoining property to the west in lieu of the 5.3 metres deemed-to-comply standard in the R-Codes. The activity room and terrace will be facing an extensive front yard of the adjoining property to the west, as a result it is considered that the proposal will not impact on privacy, ventilation, overshadowing or access to sunlight of the adjoining property. It is also noted that no objection or comments of concern relating to this reduced setback were raised from the adjoining property to the west. Given the above the reduced setback is considered appropriate and meet the design principles of the R-Codes and Built Form Policy.

Units 2, 3, 4, 5, 6

At the second floor, the proposed bedrooms of Units 2-6 are setback 3 metres increasing to 4 metres from the adjoining property to the west in lieu of the 4.3 metre deemed-to-comply standard set in the R-Codes. Unit 2 will be facing the extensive front yard of the adjoining property to the west. Units 3-6 are located near to the existing single dwelling to the west, which does have some east facing openings. The proposed walls are staggered which reduces the appearance of bulk on the adjoining property. The proposed setback area includes significant landscaping and a condition is recommended requiring this area be landscaped with 80% canopy coverage, further lessening any perceived bulk from the reduced setback. It is considered that the proposed setback of between 3 and 4 metres maintains adequate ventilation and sunlight to the proposed development and the existing dwelling on the adjoining western property. In addition the openings to the bedrooms of Units 2-6 comply with the required privacy setback of 3 metres to the western boundary. It is also noted that no objection or comments of concern relating to this reduced setback were raised from the adjoining property to the west. Given the above the proposed setbacks are considered to be appropriate and meet the design principles of the R-Codes and Built Form Policy.

Unit 7

The terrace of Unit 7 is setback 4.0 metres to 6.3 metres from the adjoining property to the west in lieu of the 5.5 metres deemed-to-comply standard in the R-Codes. Part of the length of the wall complies with the deemed-to-comply setback of 5.5 metres. The terrace will be facing the outbuilding and part of an outdoor area of the adjoining western property. With regard to the outdoor living area, and as is set out in the privacy section below, the terrace will be required to be screened. The proposed wall is staggered which reduces the appearance of bulk on the adjoining property. It is considered that the proposed setback of between 4.0 to 6.3 metres maintains adequate ventilation and sunlight to the proposed development and the existing dwelling on the adjoining western property. It is also noted that no objection or comments of concern relating to this reduced setback were raised from the adjoining property to the west. Given the above the proposed setbacks are considered to be appropriate and meet the design principles of the R-Codes and Built Form Policy.

Right of Way Setback - Unit 7

The ground of Unit 7 complies with the required setback facing the ROW. However, the first, second and third floors are setback a minimum of between 1.3 and 1.5 metres from the ROW in lieu of the 1.6, 3.0 and 5.0 metre deemed-to-comply setback set by the R-Codes respectively. The application has also been assessed against the provisions of the Built Form Policy, with the development proposing a minimum setback of 1.3 metres from the ROW in lieu of the deemed-to-comply setback of 2.0m. The façade of the development (Units 7) facing the ROW is proposed to include major openings and incorporates the use of different materials and finishes which will reduce the bulk on the lane way streetscape. On the opposite side of the ROW are car parking bays belonging to the Technical School owned by the Department of Training Workforce Development. That area of the Technical School is already visible from the ROW and existing car parking and there will be no impact in terms of privacy as a result of the reduced setbacks. Given the above, the proposed setbacks to the ROW are considered appropriate.

Privacy

Unit 1

The privacy setback of the activity room on the second floor from the western boundary is 4 metres in lieu of the 4.5 metre deemed-to-comply standard set in the R-Codes. In addition, the privacy setback to the terrace on the third floor from the western boundary is 4 metres in lieu of the 6 metre deemed-to-comply standard set in the R-Codes. The proposed activity room and terrace face the extensive front setback area of the adjoining property to the west and as a result it is considered that the proposal will not impact on privacy of the adjoining property and meets the design principles of the R-Codes and Built Form Policy.

Unit 7

The terrace of Unit 7 on the third floor will be facing the outbuilding and part of the outdoor living area. With regard to the outbuilding there is no privacy issue. However, the overlooking of the outdoor living area is not supported and it is recommended that a condition be imposed so that the terrace be screened to prevent any privacy intrusion in the outdoor living area.

Landscaping

The proposed development fully complies with the landscaping requirements set out in the R-Codes. The application has been assessed against the provisions of the Built Form Policy No. 7.1.1, which sets a deemed-to-comply standard of 15% of the site area as deep soil zone and 80% of one side setback area is to be provided as canopy coverage at maturity.

The application was submitted prior to the adoption of the Built Form Policy No. 7.1.1 and does not specifically meet the above requirements. A total of 9.45% of the site area has been provided as deep soil zone, with the overall landscaping proposed equating to 12.35% of the total site area. With regard to the canopy coverage at maturity, the applicant has not yet engaged a landscape architect to develop a detailed landscaping plan and so the proposed canopy coverage of the side setback areas cannot be determined. However, the applicant is proposing to retain the existing olive trees along the western boundary and a mature tree along the eastern boundary, and given the extent of deep soil zones provided on the western boundary, it is considered that 80% of this setback can reasonably be provided in accordance with the Built Form Policy. It is recommended that a condition requiring 80% canopy coverage along the western side setback area be included on any approval issued.

In addition to the above, the applicant is proposing additional canopy within the setback areas of eastern side and northern rear boundaries. Given this, it is considered that the landscaping provided satisfies the intent of the Built Form Policy.

Roller Door fronting the Right of Way

Under the Built Form Policy roller doors facing a street or right of way are required to be visually permeable. This application proposes a solid aluminium garage door fronting the ROW. In order to ensure minimise the impact of the vehicle entrance on the ROW it is recommended that a condition be included requiring the garage door to modified to be visually permeable in accordance with the Built Form Policy.

Site Works and Height

The excavation along the eastern boundary ranges from 0.562 metres to 0.687 metres in lieu of the 0.5 metre deemed-to-comply standard set in the R-Code. The fill along the western boundary for Unit 7 ranges from 0.562 metres and 0.687 metres in lieu of the 0.5 metre deemed-to-comply standard set in the R-Code. This results in a proposed retaining wall to Unit 7 along the western boundary of 700mm in height in lieu of the 500mm set as a deemed-to-comply standard in the R-Codes.

The extent of these departures are relatively minor and abuts an outbuilding and a relative small part of the outdoor living area on the adjoining property. As a result the proposed wall and fill will not be visible from the neighbouring property. The fill and retaining wall are not considered to have an adverse impact on the development when viewed from the street given their location to the rear of the site.

The development takes into account the slope of the land and the proposed site works do not impact on the overall building height. Under the Built Form Policy the permitted height for the property is six storeys and as such the proposal complies with deemed-to-comply standards of the policy.

Home Occupation (Office)

The proposed home office occupies an area of 29.82m² in lieu of 20m² set in the City's Home Business, Home Occupation, Home Office and Home Store Policy No. 7.5.9. The home office is directly accessible from both the dwelling and Newcastle Street and provides the opportunity for a "live/work" configuration, enabling diversity in housing options. It is noted that under the draft TPS2 the site is proposed to be rezoned Residential/Commercial RC160 whereby commercial type uses on the ground floor will be an acceptable use. The home occupation - office will not be out of context with the desired future character of the area and is unlikely to adversely impact on the amenity of the streetscape nor the neighbourhood. The additional area of the 'Home Occupation' use is appropriate in this context.

Character, Traffic and Parking

Concerns were raised during the consultation period regarding the character of the existing dwelling as well as the impact of the development on traffic and car parking on Newcastle Street. The existing single house is not listed on the City's municipal heritage inventory and as a result demolition is exempt from the need for development approval in accordance with the State Government's *Planning and Development (Local Planning Scheme) Regulations 2015*.

A total of 14 residents and two visitor parking bays are provided by the development, in excess of the seven residential and one visitor bay set as a deemed-to-comply standard in the R-Codes.

The parking provided on-site for the proposed development complies with and is well in excess of the deemed-to-comply standards of the R-Codes and is considered sufficient for both residents and visitors.

The City's Built Form Policy requires that access to the development be provided from the ROW. Given the scale of the development it is considered that the Right-of-Way is capable of accommodating the vehicle movements from the seven dwelling proposed to use it for access.

Conclusion

The height of the proposed development is consistent with the City's Built Form Policy for Newcastle Street. Although the proposal requires discretion in relation to building setbacks, retaining walls and site works, roller door, privacy and area of the home occupation these elements of the proposal are considered to meet the design principles/criteria set out in the Built Form Policy and R-Codes. In each instance the above discretions are not considered to adversely impact the adjoining properties or the streetscape. The proposed Home Occupation (Office) addresses the objectives of the City's policy and is considered in line with the future character of the area.

The proposal is recommended for approval subject to conditions.

9.1.2 No. 392 (Lot: 89; D/P: 1197) Lord Street, Highgate – Proposed Three Grouped Dwellings

Ward:	South	Date:	17 February 2017
Precinct:	Precinct 3 – Leederville	File Ref:	5.2016.381.1
Attachments:	1 – Consultation and Location Map 2 – Development Application Plans 3 – Summary of Submission 4 – Determination Advice Notes		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Senior Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the development application for Three Grouped Dwellings at No. 392 (Lot 89; D/P: 1197) Lord Street, Highgate, in accordance with the plans included as Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4:

1. Boundary Wall

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 394A-B Lord Street, Highgate in a good and clean condition prior to occupation or use of the development. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City;

2. Car Parking and Access

- 2.1 A minimum of four resident bays shall be provided onsite, with a minimum of one car parking bay allocated to each dwelling;
- 2.2 The car park shall be used only by residents and visitors directly associated with the development;
- 2.3 Vehicle and pedestrian access points are required to match into existing footpath levels;
- 2.4 The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to the occupation or use of the development; and
- 2.5 All redundant crossovers shall be removed and the verge area reinstated to the City’s satisfaction prior to the occupation or use of the development;

3. Right of Way

- 3.1 The Right of Way widening of 0.5 metres, as depicted on the approved plan, shall be ceded free of cost at the time of subdivision (including built strata subdivision) of the development to the satisfaction of the City; and
- 3.2 The Right of Way widening of 0.5 metres, as depicted on the approved plan, shall be sealed, drained and graded to match into the level of the existing Right of Way to the satisfaction of the City prior to the occupation or use of the development;

4. **External Fixtures**

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

5. **Privacy**

The proposed screening devices depicted on the 'terrace' on the north-eastern side of the 'Strata Lot 1' is to be screened in accordance with State Planning Policy 3.1: Residential Design Codes prior to the use or occupation of the development;

6. **Landscape and Reticulation Plan**

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

- 6.1.1 The location and type of existing and proposed trees and plants;
- 6.1.2 A deep soil zones;
- 6.1.3 The provision of mature tree planting in the deep soil zones; and
- 6.1.4 Areas to be irrigated or reticulated; and

6.2 All works shown in the plans as identified in Condition 6.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy occupation or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

7. **Verge Trees**

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

8. **Schedule of External Finishes**

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

9. **Construction Management Plan**

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

10. Waste Management

10.1 A Waste Management Plan shall be submitted to and approved by the City prior to commencement of the development detailing a bin store to accommodate the City's specified bin requirement and the form and timing of waste collection; and

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

11. Clothes Drying Facility

Each dwelling shall be provided with a clothes drying facility or communal area in accordance with the Residential Design Codes and to the satisfaction of the City prior to the occupation or use of the development. The clothes drying facility or commercial area shall be maintained thereafter to the satisfaction of the City;

12. Stormwater

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

13. Road Reservation – Lord Street

No structures are to be constructed within the Lord Street Metropolitan Region Scheme Other Regional Road reserve. The proposed stairs are to be located completely within the zoned portion of the property; and

14. General

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

PURPOSE OF REPORT:

To consider an application for development approval for three grouped dwellings at No. 392 Lord Street, Highgate.

BACKGROUND:

Landowner:	Stephen Yu and Zenquan Liang
Applicant:	Beacon Homes Pty Ltd
Date of Application:	2 September 2016
Zoning:	MRS: Urban TPS1: Zone: Residential R-Code: R60 TPS2: Zone: Residential R-Code: R100
Existing Land Use:	Vacant Land
Proposed Use Class:	Grouped Dwelling – "P"
Lot Area:	556m ²
Right of Way (ROW):	Width of 3.6 metres, sealed, private right of way, owned by the City.
Heritage List:	Not applicable

The subject site is located on the eastern side of Lord Street, Highgate, near the corner of Harold Street, as shown in **Attachment 1**. The site and surrounding area is zoned 'Residential' and is characterised by predominantly single dwelling development of between one and two storeys in height. On the western side at the corner of Harold Street and Lord Street is a Technical School (North Metropolitan TAFE Mt Lawley). The site has a ROW (Aria Lane) to the eastern boundary (rear).

The proposal is for three grouped dwellings comprising of a three-storey grouped dwelling facing Lord Street and two two-storey dwellings orientated to the ROW. The development is serviced by a common driveway from the ROW. The ROW is privately owned by the City and any widening of the ROW is likely to be ceded to the crown vested with the City. The development plans proposed are included **Attachment 2**.

The plans initially submitted were assessed and advertised under the City's Residential Design Elements Policy No. 7.2.1. Council at its meeting on 13 December 2016 adopted the Built Form Local Planning Policy No. 7.1.1 (Built Form Policy) and revoked the Residential Design Elements Policy No. 7.2.1. The Built Form Policy and revocation of the Residential Design Elements Policy No. 7.2.1 was published and became operational on 21 January 2016. This now becomes the applicable planning framework under which the application is to be determined. It is noted that the landscaping and rear setback requirements of the Built Form Policy require approval of the Western Australian Planning Commission (WAPC) and as a result the assessment will only have 'due regard' to these provisions.

The subject site falls within a 'Transit Corridor' under the Built Form Policy and has been assessed against the applicable standards and requirements of the policy.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the Residential Design Codes (R-Codes) and the City's local planning policies. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

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

Detailed Assessment

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

Street Setback	
Deemed-to-Comply Standard	Proposal
Built Form Policy No. 7.1.1 Clause 4.3	
Setback of 2 metres from the boundary of the Lord Street widening.	Setback of 1 metre from the boundary of the Lord Street widening.
Boundary Setbacks/Boundary Wall	
Deemed-to-Comply Standard	Proposal
R-Codes Clause 5.1.3	
<u>Strata Unit 1'</u>	
Ground Floor:	
1.5m to the north-eastern boundary	1m from Bed 2 wall in front setback area to the north-eastern boundary
First Floor:	
1.5m to the north-eastern boundary	1m from Power Room and Broom walls to the north-eastern boundary
<u>Strata Unit 2'</u>	
First Floor:	
1.7m to the north-eastern boundary	1m from Bathroom, Linen, Air-Conditioning Duct and Walk-in-Robe walls to the north-eastern boundary
<u>Strata Unit 3'</u>	
First Floor:	
1.6m to the north-eastern boundary	1m from Bathroom, Ensuite and Master Bedroom walls to the north-eastern boundary
<u>Boundary Wall:</u>	
A wall to one lot boundary for a maximum length of 25.8m	Three walls to one lot boundary (north-east) for a maximum length of 27.3m.
<u>Unit 1</u>	
3.5m maximum boundary wall height	3.72 m maximum boundary wall height on the north-eastern boundary
3m average boundary wall height	3.01 m average boundary wall height on the north-eastern boundary
<u>Unit 3</u>	
3m average boundary wall height	3.053 m average boundary wall height on the north-eastern boundary

The above elements of the proposal that do not meet the specified deemed-to-comply standards are discussed in the Comment section below.

CONSULTATION/ADVERTISING:

The application was advertised for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 10 November 2016 until 28 November 2016. The method of advertising included 16 letters mailed to all owners and occupiers within close proximity to the subject site, as shown on **Attachment 1**, in accordance with the City's Policy No. 4.1.5 – Community Consultation.

A total of two submissions were received being one objection and one neither support nor object with some concerns raised. The matters raised in the submission was as follows:

- Security concern as a result of the small distance between the top of the proposed first floor screen to 'Strata Lot 1' and the roof of the adjoining property to the north-east;
- The 1.6 metre height of the first floor screen to 'Strata Lot 1' being insufficient to prevent overlooking to the adjoining property to the north-east;
- The finish of the boundary wall; and
- Concerns regarding the impact of the ground floor courtyards to 'Strata Lots 2 and 3' will have on the adjoining property to the north-east in terms of visual and noise impact.

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

Following the consultation period the applicant modified the development plans in response to the submissions raised. The changes made to the plans were as follows:

- The ground floor level of 'Strata Lot 1' was reduced by 0.257 metres;
- The screening to the terrace of 'Strata Lot 1' facing the north-eastern property was modified from solid wall to obscured glass screen;
- The garage to 'Strata Lot 3' was changed from two car bays to one car bay; and
- An entry to 'Strata Lot 3' was provided from the right of way.

Referral to Department of Planning

The lot fronts onto Lord Street and is impacted by the roads 'Other Regional Road' reserve under the Metropolitan Region Scheme. In accordance with the WAPC's instrument of delegation, the application was referred to the Department of Planning for comments, who state that they have no objections to the proposal.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

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

Council at its meeting of on 13 December 2016 formally adopted Local Planning Policy – Built Form No. 7.1.1, which was published and became operational on 21 January 2017. In this context, the policy is considered the applicable planning framework.

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

Delegation to Determine Applications:

The proposed development includes a three storey component and as such it is classified as a Category 1 application in the City's Delegated Authority Register. Category 1 applications are required to be referred to Council as no delegation exists to otherwise determine the application.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Street Setback

The street setback excludes the 5 metres 'Other Regional Road' reserve that affects this property and is calculated from the reserve boundary. The proposal provides a 1.0 metre setback in lieu of the 2.0 metre deemed-to-comply standard of the City's Built Form Policy. The dwellings located either side of the subject property have nil setback to the road widening boundary and therefore the proposed street setback of 1 metre will not be out of context with the existing streetscape. The design of the façade facing Lord Street incorporates varying materials and finishes and a terrace on the first floor which contribute to the articulation of the façade reducing the potential bulk on the streetscape.

It is noted that a small step up from the road reserve area to the landscaped and porch area is proposed to be located within the 'other Regional Road' reserve. No structures are permitted to occur with this 5.0 metres 'Other Regional road' reserve and given this a condition has been recommended requiring the relocation of the stair within the zoned portion of the site.

Building Setbacks

The ground floor wall to Bedroom 2 of 'Strata Lot 1' is setback 1 metres from the adjoining north-eastern property, in lieu of the 1.5 metres deemed-to-comply standard in the R-Codes. No objections were received regarding this aspect of the development. The portion of wall measures 1 metres in length and is adjacent to a black wall to the property to the north-east. Given this, it is considered that the proposed setback will not adversely impact the adjoining property.

On the first floor, three walls, one from each of the three proposed strata lots, are proposed to be setback 1 metres from the adjoining property to the north-east in lieu of the deemed-to-comply standard setbacks of 1.5 metres, 1.7 metres and 1.6 metres for each wall from front to back. No objections were received regarding these reduced setbacks. The wall setbacks are staggered with part of the walls being setback beyond the deemed-to-comply standard, which reduces the impact of bulk on the adjoining property. The proposed walls are located to the northern boundary and would not result in any significant overshadowing of the adjoining property.

Boundary Wall

The proposed development includes ground floor boundary walls along the north-eastern boundary for a section of each of the dwellings. The deemed-to-comply standards enable one boundary wall to one side boundary up to two thirds (66%) of the length of the boundary as-of-right. However, the application proposes three boundary walls to one side boundary (north-east) for a total combined length of 70% of the applicable boundary length. The proposed boundary walls are single storey, with the wall to Strata Lot 1 and 2 exceeding the deemed-to-comply maximum wall height by 0.22 metres and 0.01 metres respectively. The deemed-to-comply average boundary wall height is also exceeded overall by 0.05 metres.

The overall average height of the boundary walls are considered negligible and will have no additional impact on the adjoining property in terms of bulk compared to a deemed-to-comply boundary wall. The wall to Unit 3 is located to the rear of the site adjacent to the extensive rear yard of the adjoining property. The maximum height of the 'Strata Lot 1' boundary wall occurs for only a small length where screening for privacy is being provided to the first floor terrace. The wall is a combination glazing and rendered wall which will minimise the impact of bulk and still allow some light to the adjoining property. The wall is adjacent to a section of the dwelling with only one opening and given the above is not considered to have an impact on the adjoining property.

One objection was received raising concern with the portion of the boundary wall proposed to first floor terrace of 'Strata Lot 1' and the possibility of some climbing from this screen onto the roof of the adjoining property to the north-east. Following the advertising period the applicant modified the proposal to drop the floor level of 'Strata Lot 1' to increase the distance between the proposed screen and the eave of the adjoining dwelling to the north-east. The applicant also modified the screen from solid wall to obscured glass so that it was no longer climbable.

Landscaping

The proposed development fully complies with the landscaping requirements set out in the R-Codes. The application has been assessed against the provisions of the draft Built Form Policy, which sets a deemed-to-comply standard of 15% of the site area as deep soil zone and as the subject site is located in a 'Transit Corridor', 50% canopy coverage of the front setback area and 30% overall canopy coverage.

The application was submitted prior to the adoption of the Built Form Policy and as the applicant did not engage a landscape architect to design the landscaping prior to lodgement of the application the proposal has not specified deep soil or canopy coverage percentages. The proposal has evolved in design since the applicant was advised of the changes proposed by the Built Form Policy resulting in an increasing amount of landscaping provided on-site. It is now considered that 11.4% of the total site area can be provided as deep soil zone. It is also noted if the landscaping proposed for the road widening area is included in the landscaping calculation then the proposal will significantly exceed the landscaping requirement.

This proposal includes the provision of deep soil zones along the property and street boundary. It is considered that the development has the capacity to deliver adequate canopy coverage in accordance with the local housing objective of the Built Form Policy. Given this, it is recommended that a condition be included on any approval requiring a detailed landscaping plan that details deep soil zones and canopy coverage.

Conclusion

Although the proposal requires discretion in relation to street setback and building setbacks, these elements of the proposal are considered to meet the design principles of the R-Codes and local housing objectives set out in the Built Form Policy in each instance and are not considered to adversely impact the adjoining properties or the streetscape. On this basis the proposal is recommended for approval subject to conditions.

9.1.3 No. 395 (Lot: 1; D/P: 1283) Bulwer Street, West Perth – Proposed Four Multiple Dwellings

Ward:	South	Date:	17 February 2017
Precinct:	Precinct 12 – Hyde Park	File Ref:	5.2016.73.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Car Parking and Bicycle Tables 5 – Summary of Submissions 6 – Determination Advice Notes		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the development application for Four Multiple Dwellings at No. 395 (Lot: 1; D/P: 1283) Bulwer Street, West Perth in accordance with the plans included as Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 6:

1. Boundary Wall

The owners of the subject land shall finish and maintain the surface of the boundary walls facing Nos. 393 Bulwer Street and 401 Bulwer Street in a good and clean condition prior to the occupation or use of the development. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City;

2. Car Parking and Access

- 2.1 A minimum of four resident bays shall be provided onsite, with one car parking bay allocated to each dwelling;
- 2.2 The car park shall be used only by residents and visitors directly associated with the development;
- 2.3 Vehicle and pedestrian access points are required to match into existing footpath levels;
- 2.4 The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to the occupation or use of the development; and
- 2.5 All redundant crossovers shall be removed and the verge area reinstated to the City’s satisfaction prior to the occupation or use of the development;

3. Right of Way

- 3.1 The Right of Way widening of 1 metre, as depicted on the approved plan, shall be ceded free of cost at the time of subdivision (including built strata subdivision) of the development to the satisfaction of the City; and

3.2 The Right of Way widening of 1 metre, as depicted on the approved plan, shall be sealed, drained and graded to match into the level of the existing Right of Way to the satisfaction of the City prior to the occupation or use of the development;

4. External Fixtures

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

5. Privacy

The proposed screening devices depicted on the balconies at the rear of the upper floors to the eastern and western elevations of Units 3 and 4 are to be screened in accordance with State Planning Policy 3.1: Residential Design Codes prior to the use or occupation of the development;

6. Acoustic Report

An Acoustic Report in accordance with the City's Policy No. 7.5.21 – Sound Attenuation shall be lodged with and approved by the City prior to commencement of the development. All recommended measures in the report shall be undertaken in accordance with the report to the City's satisfaction, prior to the occupation or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

7. Landscape and Reticulation Plan

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

- 7.1.1 The location and type of existing and proposed trees and plants;**
- 7.1.2 Areas to be irrigated or reticulated;**
- 7.1.3 The provision of a minimum 9.1 percentage of the site area as deep soil zones; and**
- 7.1.4 A minimum 11.7% of the site area ~~is to be provided as~~ canopy cover at maturity;**

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

8. Verge Trees

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

9. **Schedule of External Finishes**

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

10. **Construction Management Plan**

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

11. **Waste Management**

11.1 A Waste Management Plan shall be submitted to and approved by the City prior to commencement of the development detailing a bin store to accommodate the City's specified bin requirement and the form and timing of waste collection; and

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

12. **Clothes Drying Facility**

Each multiple dwelling shall be provided with a clothes drying facility or communal area in accordance with the Residential Design Codes prior to the occupation or use of the development and shall be maintained thereafter to the satisfaction of the City;

13. **Stormwater**

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

14. **Bicycle Bays**

A bicycle parking bay location plan detailing the location of a minimum of two residential bicycle bays shall be lodged with and approved by the City prior to the commencement of the development. A minimum of two resident bicycle parking bays shall be provided onsite in accordance with the approved location plan to the City's satisfaction prior to the occupation or use of the development; and

15. **General**

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

PURPOSE OF REPORT:

To consider an application for development approval for four Multiple Dwellings at No. 395 Bulwer Street, West Perth.

BACKGROUND:

Landowner:	Mihail Holdings Pty Ltd
Applicant:	Capital Industries
Date of Application:	24 February 2016
Zoning:	MRS: Urban TPS1: Zone: Residential R-Code: R80 TPS2: Zone: Residential R-Code: R80
Existing Land Use:	Single House – “P”
Proposed Use Class:	Multiple Dwelling – “P”
Lot Area:	374m ²
Right of Way (ROW):	3 metres in width, unsealed, City owned
Heritage List:	No

The subject site is located on Bulwer Street, midway between Victoria Street and Gallop Street, West Perth, as shown in **Attachment 1**. The site and adjoining properties are zoned ‘Residential’ and the area consists of a mix of single houses and multiple dwellings, with single houses being the prevalent form of development along Bulwer Street.

On the adjoining property at No. 393 Bulwer Street, Council granted development approval on 7 August 2014 for four multiple dwellings. Construction is currently underway and is nearing completion.

This application proposes four multiple dwellings over two storeys. Units 1 and 2 are proposed on the ground floor and Units 3 and 4 on the upper floor directly above Units 1 and 2. The development is based around a central pedestrian access spine which separates the dwellings along eastern and western boundaries and provides pedestrian access from both Bulwer Street and the rear right-of-way. All of the dwellings are proposed to front Bulwer Street, with two double garages and two balconies directly above these fronting the rear right-of-way. Access to the rear garages is from the 3 metre wide unsealed right-of-way, with one car parking bay provided for each dwelling.

The site slopes approximately 500mm from west to east and approximately 1 metre from the front of the block to the rear of the block. The development will require the demolition of the existing single house on the site. The development plans are included as **Attachment 2**.

The plans initially submitted were assessed and advertised under the City’s Residential Design Elements Policy 7.2.1. Council at its meeting on 13 December 2016 adopted the Built Form Local Planning Policy No. 7.1.1 (Built Form Policy) and revoked the Residential Design Elements Policy 7.2.1. The Built Form Policy and revocation of the Residential Design Elements Policy No. 7.2.1 was published and became operational on 21 January 2016. This now becomes the applicable planning framework under which the application is to be determined. It is noted that the landscaping and rear setback requirements of the Built Form Policy require approval of the Western Australian Planning Commission (WAPC) and as a result the assessment will only have ‘due regard’ to these provisions.

The subject site falls within a ‘Transit Corridor’ under the Built Form Policy and has been assessed against the applicable standards and requirements of the policy.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the Residential Design Codes (R-Codes) and the City's local planning policies. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

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

Detailed Assessment

The deemed-to-comply assessment of the elements that require the discretion of Council is as follows, noting that the car parking and bicycle assessment tables is included at **Attachment 4**:

Building Setbacks/Boundary Wall	
Deemed-to-Comply Standard	Proposal
<p>R-Codes Clause 6.1.4</p> <p>Ground Floor:</p> <p>Western 3 metres</p> <p>Upper floor:</p> <p>Western 3 metres</p> <p>Eastern 3 metres</p> <p>Boundary wall:</p> <p>A wall to one lot boundary for a maximum length of 18.01 metres</p>	<p>1.2 metres</p> <p>1.2 metres</p> <p>1.2 metres</p> <p>Four walls to two lot boundaries (north-west and south-east) for a maximum length of 19.4 metres in total on both sides.</p>

Parking and Access	
Deemed-to-Comply Standard	Proposal
R-Codes Clause 6.3.3 Visitor car parking spaces (per dwelling) – 0.25 – 4 dwellings = 1 visitor car parking bay	No visitor car parking bay

The above elements of the proposal that do not meet the specified deemed-to-comply standards are discussed in the Comment section below. The applicant’s justification for the proposal is included in **Attachment 3**.

CONSULTATION/ADVERTISING:

Consultation on the proposal was undertaken for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 17 August 2016 until 30 August 2016. Letters were sent to owners and occupiers of a total of 24 properties within close proximity of the subject site as shown on **Attachment 1**, in accordance with the City’s Policy No. 4.1.5 – Community Consultation.

A total of two submissions raising general concerns were received in relation to the proposal. The matters raised in the submissions are as follows:

- Concern over damage to adjoining properties during construction;
- Concern in relation to the height of the building;
- Concern in relation to privacy issues for the rear balcony;
- Concern over the limited parking on Bulwer Street and surrounding streets; and
- Concern over the current condition of the right-of-way.

Following the consultation period the applicant modified the development plans in response to the submissions raised. The changes made to the plans increased the landscaping on the site. It is considered that the changes will not result any additional variations impacting on the adjoining properties. These modified plans are the subject of this report and are presented to Council for consideration.

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

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: Yes

The applicant engaged with the DAC process with the proposal was considered by the City’s DAC on two occasions on 23 March 2016 and 22 June 2016. The applicant undertook modifications to the design of the development in response to the DAC’s comments with all mandatory items of the 23 March 2016 DAC meeting and all comments from the 22 June 2016 meeting being addressed prior to the plans being advertised.

LEGAL/POLICY:

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

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

Council at its meeting of 13 December 2016 formally adopted Local Planning Policy – Built Form No. 7.1.1, which was published and became operational on 21 January 2017. In this context, the policy is considered the applicable planning framework.

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

Delegation to Determine Applications:

This matter is being referred to Council as the application proposes four multiple dwellings and there is no delegation to consider more than three multiple dwellings.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Boundary Setbacks

The application proposes four boundary walls to two lot boundaries on the ground floor in lieu of the R-Codes deemed-to-comply standard of one boundary wall to one boundary. The boundary walls are 19.4 metres long in total along the north-west and south-east boundaries in lieu of the deemed-to-comply maximum length of 18.0 metres set by the R-Codes.

The proposed ground floor walls on the south-eastern boundary largely align with the boundary wall currently under construction on the adjoining property at 393 Bulwer Street. However, the boundary wall does extend partly across the courtyard of 393 Bulwer Street as the proposed courtyard does not align exactly with the courtyard under construction at 393 Bulwer Street. The R-Codes permit an average boundary wall height of 6 metres for Residential R80 properties. Due to the width of the lots along this portion of Bulwer Street, the applicant has minimised the wall to an average height of 3.38 metres adjacent the courtyard at No. 393 Bulwer Street to limit the amount of overshadowing onto this area. However, it is noted that due to the location of the courtyard at No. 393 Bulwer Street, any new development would result in this area being overshadowed.

The proposed ground floor walls on the western boundary have also been split to allow a courtyard centrally along the property boundary with the adjoining properties. The split aligns with the one major opening located on this side of the adjoining property and allows a setback from this major opening to the built form proposed by this application. As a result it is considered that the proposal will not impact on ventilation, overshadowing or access to sunlight of the adjoining property.

The upper floor walls are proposed to be setback 1.2 metres in lieu of the deemed-to-comply setback of 3 metres set in the R-Codes. Although the walls do not meet the required setback distances for multiple dwellings, the setbacks are considered to allow adequate daylight, direct sun and ventilation to neighbouring dwellings and associated open spaces and are consistent with the approved setbacks for the development at 393 Bulwer Street and the setback of the single storey dwelling at 401 Bulwer Street. It is not considered that these reduced setbacks would have a negative impact to the adjoining properties. In addition, the proposed portions of wall do not include any major openings that would impact upon privacy or overlooking.

Parking and Access

The development proposes four resident car parking bays, one for each unit, in accordance with deemed-to-comply standards of the R-Codes. No visitor parking bays are proposed in lieu of the one visitor bay required for this development by R-Codes deemed-to-comply standards. Concern was raised during the public consultation period that the development will cause car parking issues with limited street car parking available in the area, as no visitor bay is provided. Street parking is available for visitors along the entire length of Bulwer Street in the immediate vicinity of the site. The street parking has a 2 hour parking restriction between 8:00am and 5:00pm Monday to Friday, which is considered appropriate for residential visitors. The City's Policy No. 7.7.1 – Parking and Access stipulates alternative car parking options for commercial developments only, with reciprocal car parking and cash-in-lieu not considered an alternative in this instance.

Landscaping

The proposed development fully complies with the landscaping requirements set out in the R-Codes. The application has been assessed against the provisions of the Built Form Policy , which sets a deemed-to-comply standard of 15% of the site area as deep soil zone and as the subject site is located in a 'Residential Area', 30% overall canopy coverage.

The application was submitted prior to the adoption of the Built Form Policy and as the applicant did not engage a landscape architect to design the landscaping prior to lodgement of the application the proposal has not specified deep soil or canopy coverage percentages. The proposal has evolved in design since the applicant was advised of the changes proposed by the Built Form Policy resulting in an increasing amount of landscaping provided on-site. It is now considered that approximately 9.1% of the site area can be provided as deep soil zones in lieu of 15.0% set as a deemed-to-comply standard in the Built Form Policy. Overall the development now provides 11.7% or 43.6 m² of canopy coverage of the entire site in lieu of the 30.0% set as a deemed-to-comply standard in the Built Form Policy.

This proposal includes the provision of deep soil zones along the street boundary and planter boxes on the upper floor fronting the right-of-way. The applicant has also proposed six mature trees along the street boundary. The proposed landscaped areas are located principally to the perimeter of the site, which assists to soften the building bulk and allow for deep root plantings in the form of 500L trees. It is considered that the landscaping proposed will enhance the streetscape and setting for the proposed development and given the above the proposal is considered to appropriately achieve the policy's local housing objectives.

Conclusion

Although the proposal requires discretion to the lot boundary setback requirements and visitor parking, these variations are considered to meet the design principles of the R-Codes in each instance and will not adversely impact the adjoining properties.

The proposal is considered appropriate and consistent with the existing surrounding land uses and developments in progress within the locality. Given the above, the proposal is recommended for approval subject to conditions.

9.1.4 Submission on Metropolitan Region Scheme Amendment 1310/41 – Guildford Road from East Parade to Tonkin Highway

Ward:	South	Date:	7 March 2017
Precinct:	Precinct 15 – Banks	File Ref:	SC654
Attachments:	<p>1 – Metropolitan Region Scheme Amendment 1310/41 – Guildford Road from East Parade to Tonkin Highway Amendment Report</p> <p>2 – Metropolitan Region Scheme Detail Plan No. 1.6275</p> <p>3 – City of Vincent Submission on Metropolitan Region Scheme Amendment 1310/41</p>		
Tabled Items:	Nil		
Reporting Officer:	T Elliott, Strategic Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council:

1. **ENDORSES Attachment 3 as the City of Vincent’s submission on the Metropolitan Region Scheme Amendment 1310/41 – Guildford Road from East Parade to Tonkin Highway;**
2. **WRITES to the Minister for Transport, the Minister for Planning and the Western Australian Planning Commission requesting that the East Parade, Guildford Road and Whatley Crescent intersection be upgraded to improve pedestrian and cycle access from the Banks Precinct to the Mount Lawley Train Station and principle shared path that runs along the Midland Railway line prior to the opening of Perth Stadium; and**
3. **NOTES that Administration will:**
 - 3.1 **Forward the submission included as Attachment 3 to the Western Australian Planning Commission; and**
 - 3.2 **Meet with Main Roads, the Department of Transport and the Department of Planning regarding the detailed design and operation of the East Parade, Guildford Road and Whatley Crescent intersection.**

PURPOSE OF REPORT:

To consider the City’s submission on the proposed Metropolitan Region Scheme (MRS) Amendment 1310/41 – Guildford Road from East Parade to Tonkin Highway (Amendment 1310/41).

BACKGROUND:

The existing MRS reservation for Guildford Road was last amended in 1994. The reservation set aside at this time was based on conceptual designs for a vehicle transport corridor. In 2006 Council endorsed more detailed designs for the intersection of East Parade, Whatley Crescent and Guildford Road prepared by Main Roads (Item 10.2.1 from the Council Meeting on 14 March 2006). The recommendation of Council included:

- a request for an additional lane to turn left onto East Parade from Guildford Road heading south-west;

- the addition of a concrete median to improve safety at the intersection of Gardiner Street and East Parade; and
- a note that traffic signals at the intersection of East Parade and Westralia Street were no longer the preferred option and that other measures to improve crossing of and access to East Parade be further explored.

The Western Australian Planning Commission (WAPC) has now prepared Amendment 1310/41 for the purpose of public consultation. The purpose of this Amendment is to provide clarity and certainty for future road planning and development along Guildford Road and to ensure that there is sufficient Primary Regional Road reservation for the abovementioned designs to be implemented. A copy of the Amendment Report is included as **Attachment 1** and a plan of the affected area is included as **Attachment 2**. The submission period closes on 17 March 2017.

DETAILS:

The draft Amendment seeks to improve road safety and public transport movement and introduce shared paths and cycle lanes to Guildford Road. To facilitate this the Primary Regional Road reservation is proposed to increase by 1.58 hectares.

There are no private landowners or businesses in the City of Vincent that are impacted by the draft Amendment as the affected lots are owned by the State Government. All lots are owned by the WAPC, except one which is owned by the Water Corporation.

A summary of the key themes and major proposed changes that impact the City of Vincent are provided below:

1. Guildford Road and East Parade Intersection

Amendment 1310/41 reserves land for Primary Regional Road on the south-eastern side of the intersection of Guildford Road and East Parade. The proposal affects Nos. 18 – 32 (Lot 243 – 250) Guildford Road where a length of 2.7 metres, for the width of each lot, is being reserved for Primary Regional Road. This is equal to approximately 263m² of land over the eight lots. This reservation allows enough room for the road to be modified to include an additional left-hand turning lane from Guildford Road onto East Parade heading south-west consistent with the Option 1 intersection design endorsed by Council at its Ordinary Meeting held 14 March 2006 (Item 10.2.1). The details of the intersection regarding pedestrian crossings and landscaping have not been provided, and the proposal does not include dedicated cycle lanes or bus lanes.

2. Guildford Road and Stanley Street Intersection

No. 42 (Lot 255) Guildford Road and No. 35 (Lot 12) Stanley Street are also affected by the proposal. An average length of 3.8 metres for the width of the two lots is proposed to be reserved. This is equal to approximately 157m² of land over the two lots. This proposed reservation allows space for a right-hand turning lane, within the proposed median, to enter Ellesmere Road heading north-east.

3. Carriageway Width, Number of Lanes and Speed

The existing Guildford Road consists of a four lane undivided road within the amendment area including:

- road carriageway with a width of predominately 7 metres in each direction;
 - verges with widths ranging from 1.5 metres to 4 metres; and
 - no medians except at some intersections where a width of approximately 1.5 metres exists at 16 of the 32 intersections.
-

The Amendment proposes to increase:

- the width of each carriageway from 7 metres to between 7.5 metres and 7.8 metres in each direction;
- the width of verges from between 1.5 metres and 4 metres to between 4.1 metres and 5.1 metres; and
- the width of medians from approximately 1.5 metres to between 2 metres and 5.5 metres for the length of Guildford Road, except at intersections.

The purpose of these increases is to allow additional turning lanes and accommodate shared paths, street trees and service infrastructure.

Changes to speed limits are not part of the proposed Amendment 1310/41 these are road operation matters which are dealt with directly by Main Roads. The Department of Planning advised that Main Roads have indicated no intention to change the speed limits of Guildford Road at this time.

4. Active Transport and Public Transport

The proposed widening allows for improvements to public transport movement. There are currently 14 bus embayments along Guildford Road and the Amendment will allow for an additional embayment on the north side of Guildford Road between Leake Street and King William Street.

The proposal also introduces bus queue jump lanes at five of the eight signalised intersections, including Peninsula Road, Seventh Avenue, Caledonian Avenue, Garratt Road and King William Street. These facilities enable buses to have priority at intersections by entering the bus queue jump lane and receiving a 'bus only' signal to proceed through the intersection ahead of the main traffic flow.

A 1.5m wide cycle lane is proposed between Caledonian Avenue and Tonkin Highway. Between East Parade and Caledonian Avenue a cycle lane is not provided and cyclists can either share the road with vehicles or connect to the Principal Shared Path (PSP) adjacent to the rail line.

CONSULTATION/ADVERTISING:

The consultation period provided by the WAPC is between 13 December 2016 and 17 March 2017. Copies of the documentation have been displayed at the Library and Local History Centre and the Administration Building for the duration of the consultation period.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- Metropolitan Region Scheme; and
- City of Vincent Town Planning Scheme No. 1.

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

SUSTAINABILITY IMPLICATIONS:

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

"1.10 Advocate for improved public transport links within and to the City."

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

A summary of Administration's comments relating to the key themes outlined above are provided below:

1. Guildford Road and East Parade Intersection

Administration supports the proposed reservation at the Guildford Road and East Parade intersection. It will facilitate improved traffic flow at this intersection as additional vehicles will be able to queue and turn whilst traffic flow is maintained on Guildford Road.

This aligns with Traffic and Transport Strategy 3 in the City's draft Local Planning Strategy which is to provide for a safe and efficient network of local arterial roads facilitating access and distribution of traffic through the City. It also aligns with Council's previous resolution from 2006. Administration recommends that the final road design include landscaping and pedestrian facilities at this intersection.

The details of the proposed pedestrian and cyclist crossing arrangements at the East Parade, Guildford Road and Whatley Crescent intersection have not been provided. This is an important intersection as it provides access to the Mount Lawley train station and the principle shared path that runs along the Midland Railway line. The opening of Perth Stadium will increase pedestrian, cyclist and vehicle movements in this area and improvements to accommodate this increase are necessary.

There is currently a six second pedestrian crossing phase (standard parallel walk or 'green man') at the northern, eastern and southern legs of the intersection. There is no pedestrian crossing on the western leg of the intersection. To allow the expected large volume of pedestrians and cyclists to safely cross the intersection the City recommends including:

- a combined pedestrian and cycle crossing, in all directions including on the western leg;
- increased pedestrian and cycle crossing phase, longer than the current six seconds;
- left turn light delay, to allow additional pedestrian and cycle crossing opportunities; and
- landscaping which incorporates large shade trees to improve the pedestrian amenity in the area.

Administration has written to Main Roads, the Department of Transport and the Department of Planning to discuss the detailed design of the intersection to facilitate improvements. It is also recommended that the City write to the Minister for Transport, the Minister for Planning and the Western Australian Planning Commission requesting that the intersection be upgraded to improve pedestrian and cyclist access to the Mount Lawley train station and the principle shared path that runs along the midland Railway Line prior to the opening of Perth Stadium.

2. Guildford Road and Stanley Street Intersection

Administration supports the proposed reservation at the Guildford Road and Stanley Street intersection as it will facilitate:

- improved pedestrian safety with the introduction of a median strip; and
- improved traffic flow with the introduction of a turning lane which allows the uninterrupted flow of traffic past the intersection.

This also aligns with the abovementioned Strategy 3 in the City's draft Local Planning Strategy and as such no change to the proposed Amendment is recommended.

3. Carriageway Width, Number of Lanes and Speed

Administration agrees with the proposal to maintain the current speed limit on Guildford Road, however disagrees with the proposed widening of the carriageway widths along Guildford Road. The current lane width are considered sufficient to ensure safe vehicle movement. Traffic and Transport Strategy 4 in the City's draft Local Planning Strategy is to increase opportunities for residents, business and visitors to use cycling and walking at their preferred mode of transport. Strategy 1.1.5(e) in the City's Strategic Community Plan 2013-2023 is to promote alternative methods of transport. To support these strategies Administration recommends using the additional reservation width to provide pedestrian paths and public transport stops along Guildford Road rather than widening the carriageway.

4. Active Transport and Public Transport

The City supports the proposed bus queue jump lanes as this encourages the use of alternative modes of transport by prioritising public transport over private vehicles. This aligns with the City of Vincent Strategic Plan 2013-2017 Strategy 1.1.3(b) which is to contribute to cleaner air by encouraging the use of and promoting alternative modes of transport (other than car use). It also aligns with Strategy 1.1.5(b) which is to promote alternative methods of transport.

The proposed cycle lane on Guildford Road between Tonkin Highway and Caledonia Avenue is not considered necessary as there is an existing PSP which follows the rail line and connects the city and Midland. In most instances the distance between Guildford Road and the PSP is less than 500 metres. It is also considered undesirable to have an on road cycle lane on a Primary Regional Road with regular crossovers and a significant amount of heavy vehicle traffic.

The City recommends that the proposed cycle lane on Guildford Road be removed and that further planning be undertaken to ensure adequate cycle connections to the PSP near the train line and the Recreational Shared Path along the Swan River approximately one kilometre away.

A summary of the City's submission is included as **Attachment 3**.

CONCLUSION:

Administration recommends that Council endorse the comments provided in **Attachment 3** on the proposed MRS Amendment 1310/41 which will form the basis of a submission to be forwarded to the WAPC.

9.1.5 Outcomes of Advertising – Proposed Amended Parking Restrictions – North Perth Town Centre

Ward:	North	Date:	23 January 2017
Precinct:	Not applicable	File Ref:	SC2862
Attachments:	1 – North Perth Town Centre Parking Survey Area 2 – Summary of North Perth Town Centre Parking Survey Results 3 – Category Matrix 4 – Advertised Draft Parking Restrictions Map 5 – Summary of Submissions 6 – Revised Parking Restrictions Map 7 – Amendment to Fees and Charges 2016/2017		
Tabled Items:	Nil		
Reporting Officers:	S Schreck, Strategic Planning Officer A Brown, Engineering Technical Officer		
Responsible Officers:	J Corbellini, Director Development Services R Lotznicker, Director Technical Services M Quirk, Director Community Engagement		

RECOMMENDATION:

That Council:

1. **ADOPTS** the Proposed changes to parking restrictions in the North Perth Town Centre, as shown in Attachment 6; and
2. **APPROVES BY ABSOLUTE MAJORITY** changes to the City’s Schedule of Fees and Charges 2016/2017, as shown in Attachment 7, pursuant to Section 6.16 of the *Local Government Act 1995* and gives public notice of the intention to amend the City’s Schedule of Fees and Charges 2016/2017, included as Attachment 7, and the date in which the amendment will be imposed pursuant to Section 6.19 of the *Local Government Act 1995*; and
3. **NOTES:**
 - 3.1 The results of the surveys undertaken as shown in Attachment 2;
 - 3.2 The summary of submissions and Administration’s responses as shown in Attachment 5;
 - 3.3 The Category Matrix, included as Attachment 3, which is intended to be used as a guide and incorporated into a future City transport strategy.

PURPOSE OF REPORT:

To consider:

- The results of the 2016 North Perth Town Centre parking survey;
- The outcomes of community consultation on the advertised draft parking restrictions;
- The adoption of the proposed changes to parking restrictions;
- The adoption of the car parking category matrix; and
- The adoption of the amendment to the Fees and Charges for the View and Wasley Street Car Parks.

BACKGROUND:

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

As a result of Action 8 and increasing community concern surrounding a lack of parking and low turnover of vehicles, the City commissioned an independent consultant to conduct parking occupancy surveys of the North Perth town centre.

The parking occupancy survey area included the North Perth Town Centre bounded by Charles Street, Farmer Street, Norfolk Street and Vincent Street. A map of the parking occupancy survey area is included as **Attachment 1**.

The parking occupancy surveys identified the number of on and off street parking bays, both peak and average occupancy and duration of stay over a four week period. The surveys were completed from 5 February to 2 March 2016, at 9 – 11am, 12 – 2pm and 3 – 5pm, on Monday, Wednesday and Saturday of each week. The three days and time periods surveyed enable the City to determine the midweek and weekend occupancy rates and inform parking restriction proposals accordingly.

The number, occupancy rates and duration of stay for off street car bays were recorded for all City owned car parks and the privately owned North Perth Plaza and Rosemount Hotel Car Parks. The North Perth Town Centre currently contains 1336 City owned on and off street car bays. 1246 of the total bays in the town centre are located on street and 90 are located in City owned car parks. A further 168 off street bays are located at the privately owned North Perth Plaza and Rosemount Hotel car parks.

Over the four weeks of the occupancy surveys, eight of 26 streets and all four of the City and privately owned car parks demonstrated an occupancy of greater than 85% at least once. However, the survey results indicated that the overall the on street parking network is capable of accommodating parking demand in the town centre if the parking usage is spread across all streets. A breakdown of each streets peak and average occupancy can be seen in **Attachment 2**.

The occupancy surveys also measured the duration of stay of parked vehicles using the town centre, which has been used to determine levels of compliance with existing restrictions. As a whole the town centre showed that 76% of vehicles were parked for less than three hours. The surveys also demonstrated that 12% of vehicles were parked for longer than five hours, which indicates a large proportion of long stay commuter parking occurring within the town centre area.

During the surveys 12 of 26 streets demonstrated long stay parking above the overall average of 12%. The highest level of long stay parking was shown on Alfonso Street, Burt Street, Camelia Street, Glebe Street and Peach Street which demonstrated above 25% of vehicles being long stay parking. Both the View and Wasley Street car parks demonstrated 13% of vehicles being parked for longer than the current three hour parking restriction.

Both the City's adopted Car Parking Strategy and Precinct Parking Management Plans identify when paid parking should be implemented. The City's Car Parking Strategy identifies that where parking exceeds a peak occupancy of 85% paid parking should be implemented, while the Precinct Parking Management Plan for North Perth specifically identifies that the introduction of pay parking on street should be considered when peak occupancy exceeds 85%. Angove and Alma road registered peak occupancies of less than 85%, while Glebe, View and Woodville Streets registered peak occupancies of 90% or greater. Both of the View and Wasley Street car parks registered peak occupancies greater than 95% peak occupancy.

As a part of the implementation of the City's Car Parking Strategy, a 'Category Matrix' has been created to outline the parking restrictions available for the town centres within the City in response to the occupancy data, distance from the town centre and land use activity. The Category Matrix is included as **Attachment 3**.

The proposed 'Category Matrix' indicates that where occupancy exceeds 85% the City should restrict parking to less than one hour or introduce/increase paid parking. Where peak occupancy demonstrates demand of between 45% and 85% or where parking is located within 400 metres of a public transport stop the proposed 'Category Matrix' recommends two or three hour limits to parking.

DETAILS:

The draft parking restrictions proposed the introduction of paid parking in off street car parks in the centre of North Perth and limiting on street parking to less than one hour in areas categorised by commercial land uses within the town centre. These restrictions were proposed to increase the turnover and availability of car bays in the town centre.

The City's two car parks in North Perth, being Wasley Street and View Street, were shown to have peak occupancies of over 98% as part of the parking surveys. These surveys also showed that 13% of vehicles parked stayed for longer than three hours. Given both car parks are well in excess of the 85% occupancy rate set by the City's Car Parking Strategy as the trigger for when paid parking should be introduced, the View and Wasley Street car parks were proposed as paid parking. On this basis the Wasley Street car park was advertised as three hour paid parking, given its central location and importance for visitors to the town centre. In order to ensure parking is available for staff working in the town centre, the View Street car park was proposed as unrestricted all day paid parking.

The potential impact of surrounding parking restrictions on both the North Perth Plaza and Rosemount Hotel car parks was recognised as part of this proposal. Both the car parks are privately owned and therefore are unable to be included in this proposal without the City and the car park owners entering into an agreement. It was recognised that these car parks play an important role in the town centre as a whole and meetings were held with both car park owners in January 2017 to discuss the possibility of the City managing these car parks. Both car park owners expressed interest in partnering with the City. Further discussions will be held with both car park owners during the implementation of this project to ensure that these car parks align with the wider parking restrictions in the town centre.

Paid parking was not proposed for on street bays surrounding the centre of the North Perth town centre due to the varying peak occupancies that occurred on different streets and the fact that these streets currently have no time limited parking restrictions. On this basis it was seen appropriate to implement one hour or less parking restrictions to these streets rather than paid parking. Angove and Alma Streets registered peak occupancy of less than 85% and under the City's Car Parking Strategy and Precinct Parking Management Plan did not justify the introduction of paid parking. View Street was not proposed paid parking for clarity and consistency with surrounding on street parking restrictions.

The draft on street parking restriction proposed for the streets adjoining commercial land uses was advertised as being limited to less than one hour (1P) to allow customers and short term visitors to businesses in the town centre to have access to parking. These restrictions were proposed to include weekdays and Saturday between 8am and 6pm to capture the busier week and weekend trade, whilst Sundays were not considered to require parking restrictions.

The draft parking restrictions also proposed that all streets outside of the high commercial activity area of the town centre be restricted to two hour parking (2P) between the hours of 8:00am – 6:00pm and between Mon – Fri. Two hour restrictions were proposed to be appropriate for spill over streets located close to the town centre using the City's 'Category Matrix'. These restrictions were extended along the length of these streets, further out from the centre of North Perth, to ensure that parking problems were not simply shifted further down a street. This was also proposed to ensure consistency, assisting all users of the town centre and allowing efficient enforcement of restrictions.

CONSULTATION/ADVERTISING:

The proposed parking restrictions were advertised between 25 November 2016 and 16 December 2016. During the advertising period a notice was published on the City's website, an information pack (including a letter, map and comment form) was sent to all owners, residents and businesses within the study area, as shown in **Attachment 4**, and two information sessions were held at North Perth Plaza. A total of 110 submissions were received with a varied range of views both agreeing and disagreeing with the proposed parking restrictions. The main issues raised during the consultation period related to:

- The introduction of paid parking into the View and Wasley Street Car Parks, with the main issues being whether there was a need for paid parking, the effect paid parking would have on businesses and the lack of a one-hour free system;
- The advertised 2P parking restrictions either being too long to make bays out the front of residents homes available or too short for visitors of residents and the town centre;
- The parking restrictions proposed on specific streets, particularly no stopping on one side of the street; and
- The City's ability to enforce the increase in the number and intensity of parking restrictions.

These main issues are discussed in detail in the Comment section of the report. A summary of all of the submission received and responses to each is included as **Attachment 5**.

LEGAL/POLICY:

- *Local Government Act 1995*;
- City of Vincent Parking and Parking Facilities Local Law 2007;
- Policy No. 4.1.5 – Community Consultation; and
- Town of Vincent – Car Parking Strategy

The City's 'Category Matrix' was formulated based on the City's Car Parking Strategy, Precinct Parking Management Plans and the consultant's recommendations. The City's Car Parking Strategy and the Parking Precinct Management Plans set out a series of triggers or actions for modifying or implementing parking restrictions, for example where peak occupancy reaches greater than 85% short term parking restrictions should be introduced. The City's Precinct Parking Management Plan for North Perth also states that where pressure is being felt from all day commuter parking short to medium stay parking restrictions are appropriate.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

"8. *Creating Liveable Neighbourhoods*

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

The City's Strategic Plan 2013 – 2023 states:

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

The City's Car Parking Strategy 2010 states:

"Objective 7

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

SUSTAINABILITY IMPLICATIONS:

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

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

FINANCIAL/BUDGET IMPLICATIONS:

The 2016/17 Budget has an allocation of \$185,000 for 'North Perth Parking Improvements'.

The total number of new and replacement signs and poles required, in accordance with the Australian Standards, to implement the recommended parking restrictions is in the order of 320 units and associated line marking.

Whilst the majority will be a standard 'off the shelf' single installation there will also be significant number of site specific signs (i.e. 3 in 1 signs and 3 x large car park entry signs). The total estimated cost to supply, install and project manage the installation of the signage and associated line marking is \$61,000.

Administration has identified the existence of high pressure gas pipelines within the North Perth parking survey area. The full extent of these lines is currently being established in liaison with ATCO Gas. In areas where lines are present contractors employed to install the parking signs will be required to manually install them and an ATCO Gas supervisor may have to be present on site. As a result the cost of sign installation is expected to be higher than that stated in the Council report to meet these requirements. The estimated increase in expenditure will be established prior to the installation of signage.

There are currently two ticket machines in both the View and Wasley Street car parks, however these are outdated CALE systems and will need to be updated. Two new ticket machines will need to be purchased and installed, to replace the existing outdated machines, within each of the View and Wasley Street car parks. The total four new ticket machines are estimated to cost a total of \$36,000 to purchase and install. The ticket machines also have an approximate maintenance cost per month of \$375 per machine, as well as ongoing licensing costs. The revenue generated by these car parks will provide adequate funding for the ongoing maintenance and licensing fees of the ticket machines.

With the installation of new signs and line marking there is an increased risk of ongoing maintenance costs. Appropriate budgeting to accommodate the increased cost of maintenance of signs and associated line marking will be addressed as part of the draft 2017/2018 budget report.

Therefore it is recommended that the following budget be expended on the implementation of the North Perth parking project.

	Total
Existing 'North Perth Parking Improvements' budget allocation	\$185,000
Estimated cost to install new and replace existing signage	\$61,000
Estimated cost for four (4) new ticket machines	\$36,000
Funds remaining	\$88,000

COMMENTS:

Paid Parking

During the advertising period 23 submissions were received on the proposed paid parking in the View and Wasley Street car parks. A total of 13 submitters disagreed with paid parking in the town centre, seven submitters raised concerns regarding staff parking and the need for a free time period and three submitters agreed with the proposed paid parking for the town centre. The submissions have been summarised into four key issues.

View & Wasley Street car parks

The 'Category Matrix' indicates that paid parking is appropriate where peak occupancy is greater than 85% and the parking is located within town centres. Both the View and Wasley Street car park is proposed as unrestricted paid parking. These restrictions are proposed to balance the needs of residents, consumers and staff using the town centre.

The current three hour free parking arrangement in the Wasley Street car park allows the potential for all day staff parking in the centre of North Perth, removing the availability of parking for customers. As the Wasley Street car park is currently being used for all day staff parking the City is recommending to modify the current and proposed three hour parking restrictions to unrestricted paid parking. Paid parking, greater enforcement and 'park by plate' ticket machines will increase the level of compliance with parking restrictions and encourage greater turnover and availability of bays for visitors to the North Perth town centre.

Staff who are seeking to park all-day within close proximity of the town centre will be able to do so in both the View and Wasley Street car parks for a rate which is proposed to be consistent with the rate of all other City of Vincent car parks.

One Hour Free

Several submitters explained that if paid parking was to be introduced a one hour free system (similar to that of Leederville) would need to be introduced with paid parking after the first hour. A one hour free system has been used as a transitional measure in other City of Vincent town centres and it is considered important for a similar transitional approach to be taken in North Perth, to ensure a consistent, fair and equitable approach across the City. It is evident that one hour free parking is frequently abused and creates enforcement issues for the City.

In order to address this the City proposes to purchase ticket machines that require users to input their licence plate number and then choose either one hour free or pay for additional parking. To avoid abuse the ticket machines will not issue two consecutive one hour free tickets to the same licence plate allowing City rangers to determine if a person using a one hour free ticket is in violation of the allotted period on that ticket.

The majority of the City owned car parks within town centres are currently one hour free paid parking. The City acknowledges that there needs to be clarity and consistency between all car parks within the City of Vincent and is recommending modifying the View and Wasley Street car parks to be one hour free paid parking. The introduction of one hour free to North Perth is intended to be a transitional measure and any future changes to one hour free parking will be undertaken holistically across all City owned car parks.

Staff Parking

Several submitters also raised concern regarding the lack of parking available for staff working at local businesses. One submitter acknowledged that the View Street car park was able to accommodate staff with all day paid parking, however felt that it was unfair to ask staff to pay \$17.20 a day to park for full time hours of work.

Some submitters raised concern with the proposed restrictions limiting the amount of available parking for staff. Both the peak and average occupancies of the View and Wasley Street car parks are considered to be high and justify the need to balance demand for off street car bays through paid parking. The 'Category Matrix' indicates that paid parking is a viable option to increase turnover and availability of bays within town centres where demand is high. The on street parking restrictions in conjunction with paid parking is intended to encourage use of alternative modes of transport for staff to increase the availability of car bays for visitors as well as liveability for residents while still providing the option for staff to drive and park at the City's all day rate. The proposed three hour paid parking restriction for Wasley Street car park is recommended to be modified to unrestricted paid parking to allow for an increase in available all day staff parking.

The City's Policy No. 3.9.3 – Parking Permits states that a maximum of one commercial parking permit may be issued to the proprietor of a business or commercial enterprise located within a designated activity centre. Part 4 of this Policy allows the Chief Executive Officer to approve additional commercial parking permits where the applicant provides written justification. The cost of a commercial parking permit is currently \$1,736.00 as set out in accordance with the City's adopted Schedule of Fees and Charges 2016/2017.

Paid Parking's Effect on Local Business

Several submitters raised concern with the effect that paid parking would have on businesses in the area. Two submitters expressed concerns that customers would simply move to Mount Hawthorn or Dog Swamp shopping centre where free parking is available. One submitter also raised concerns regarding the possibility of paid parking pushing people out of the car parks and onto free on street parking.

The proposal to make the Wasley and View Street car parks paid parking, along with the proposed on street parking restrictions are intended to work together and increase the turnover and availability of bays within the town centre. The proposed restrictions create a diversity of parking options for residents, local staff and consumers. The short term on street restrictions in the centre of North Perth will encourage a high turnover of bays for consumers accessing shops for short periods of time, while the three hour parking (3P) available elsewhere in the town centre will provide longer parking options for visitors to other businesses. The all-day paid parking for the View and Wasley Street car parks is intended to provide staff and long term parking opportunities in the town centre. The addition of one hour free to both the View and Wasley Street car park will provide consumers of local businesses free parking for short visits to the town centre. It is considered that this strategy will actually significantly benefit local businesses by significantly increasing the availability of bays within the town centre for customers and visitors.

2P Parking Restrictions

Submitters raised concern with the proposed two hour (2P) restrictions either being too long or too short.

One submitter felt that 2P was too long for Alma, Burt, Forrest and Wasley Streets. The submitter felt that a half hour parking (1/2P) restriction from 8:00am – 6:00pm Mon – Sat would be more appropriate for these streets. During the surveys all of these streets demonstrated a peak occupancy of less than 75% and average occupancies of less than 60%. In accordance with the 'Category Matrix' 1/2P is not seen as an appropriate restriction for residential dominated streets with an average occupancy of less than 85%. Instead, the 'Category Matrix' proposes that 1/2P restrictions should be used in areas with high levels of occupancy and commercial activity. On this basis it is recommended that a 1/2P restriction not be implemented on Alma, Burt, Forrest and Wasley Streets.

Seven submitters expressed that the 2P restrictions were too short and felt that these restrictions had limited rigour and would not allow adequate time for visitors to use the on street parking. These submitters suggested that a three or four hour parking restriction may be more appropriate. The surveys undertaken demonstrated that the majority of streets displayed peak occupancies of less than 85%, particularly outside of the core commercial area of the town centre. The surveys also showed that many of the streets displayed average occupancies of less than 50%. The 'Category Matrix' demonstrates that for streets with average occupancy of 45 – 85% two or three hour restrictions are appropriate. Given the surveys showed relatively low peak and average occupancy it is recommended that all of the streets proposed as 2P be modified to three hour parking (3P) restrictions from 8:00am – 6:00pm Mon – Sat, which can be seen in **Attachment 6**.

Many submitters explained that the majority of long stay parking on streets including Chelmsford Road, Marmion Street, Alma Road and Alfonso Street, particularly further from the town centre, were those of residents and there was minimal issue with commuters. These parking restriction were proposed as part of a holistic parking strategy for North Perth to ensure that the parking issues that occur close to the town centre are not simply shifted down the street to these areas. Residents with parking restrictions on their streets will be eligible for interchangeable parking permits in accordance with the City's recently amended Policy No. 3.9.3 – Parking Permits. Given the above it is recommended that three hour parking restrictions be implemented in these streets to ensure the existing long stay parking problem is not simply shift to areas without restrictions.

Norfolk Street

Several submitters raised concern with there being no parking restriction proposed for Norfolk Street. The submitters explained that Norfolk Street was dangerously busy and felt that with the surrounding restrictions the all-day parkers would be relocated to Norfolk Street. The submitters expressed that the 2P Mon – Fri, 8:00am – 6:00pm restriction at the southern end of Norfolk Street should be extended to include the entire length.

The surveys undertaken did not record data for Norfolk Street as it was nominated as the eastern boundary and deemed to be outside of the survey area. Norfolk Street is proposed to remain unrestricted given its distance from the town centre, distance from bus routes and the lack of available data. Following the implementation of this proposal periodic monitoring of car parking surrounding the identified survey area will be undertaken to ensure that the parking restrictions function correctly and do not create issues in surrounding streets.

Glebe Street

During the advertising period only two submissions were received for Glebe Street with both submissions objecting to the one hour parking (1P) restriction proposed. One submitter explained that North Perth was divided by clearly defined commercial and residential areas and introducing time restricted parking would allow commercial users to park in neighbouring residential areas. The same submitter also raised concern with the increase of traffic and loss of surveillance that is associated with a high turnover of parking bays. The submitter explained that the cars parked on Glebe Street belonged to residents or long term staff of North Perth Plaza and provided a level of surveillance for houses in the area.

The parking surveys showed that Glebe Street had the highest average occupancy of 82% and recorded a peak occupancy of 100% several times over the survey period. Glebe Street is located in the centre of North Perth with commercial land uses on its eastern side and predominately residential properties on the west. Both the occupancy and location of Glebe Street in such close proximity to the commercial core of the town centre supports short term parking restrictions. The short term parking restrictions will increase the turnover of vehicles parking on Glebe Street which is considered to increase the level of passive surveillance and security on Glebe Street. Given its location, mixed use nature and high occupancy rates it is recommended that the proposed 1P restriction be implemented. This accords with the proposed 'Category Matrix' and will assist the effectiveness and efficiency of parking in the town centre.

Woodville Street

The advertised parking restrictions did not make the proposal for the 90 degree bays located in the western verge of Woodville Street clear. The street itself was shown as one hour parking (1P), however these bays were not specifically referenced.

One submitter raised concern that a lack of restrictions for these 90 degree bays would allow all day staff parking for surrounding businesses, which would not allow the customers of the surrounding businesses access to bays located within close proximity.

Street Width and Parking Location

Through the public comment period submitters raised concerns regarding the width of streets and the ability for safe traffic flow along streets with cars parked on either side. Two submitters explained the need for 'no stopping' zones on the corners of streets to ensure that parked cars remain a safe distance from an intersection. No stopping on street corners is guided by Australian Standards and will be adhered to as part of the implementation of this proposal.

Submitters also recommended that parking be restricted to one side of the street for Daphne, Ethel, Forrest and Vine Streets, as they are considered too narrow to support cars parked on both sides of the street and still allow traffic to move safely.

Daphne Street

'No stopping' for Daphne Street was advertised as part of this proposal, however it was not designated which side of the street. One submitter explained that the western side of the street should contain the 'no stopping' parking restriction. It is agreed that 'no stopping' should be introduced on the western side due to the greater number of crossovers on the western side and available space for parking on the eastern side.

During the survey period Daphne Street demonstrated a peak occupancy of 71%, which is considered relatively high. Daphne Street is also located close to the town centre and may be used as a spill over street for town centre users. With its proximity to the town centre, occupancy rate and its narrow width of six metres it is recommended that parking be restricted to one side of the street.

Ethel Street

One submitter explained that Ethel Street was not wide enough to support cars being parked on both sides and still allow traffic to safely pass through. During the surveys Ethel Street demonstrated a peak occupancy of 100%, however this was only recorded once. Occupancy for the remainder of the surveys was low with the average occupancy being only 16%. Ethel Street was measured to be approximately 6 metres in width which does not support cars parked on both sides of the street and traffic to travel safely. However, given the very low occupancy shown in the surveys it is considered that parking can be self-regulated along this street and it is not recommended that parking be restricted to one side of the street. The City will continue to monitor the parking demand along Ethel Street and can reconsider implementing 'no parking' on one side if issues arise.

Forrest Street

During the advertising period several submitters raised concern with the width of Forrest Street and felt that parking needed to be restricted to one side of the street. The surveys undertaken identified a peak occupancy of 47% for Forrest Street, which is considered to be relatively low. However, Forrest Street currently contains a one hour parking restriction between Fitzgerald Street and Norfolk Street. The current one hour parking restriction and the availability of free unrestricted parking in surrounding areas may currently discourage people from parking on Forrest Street, which is likely to change with the implementation of these broader parking restrictions. Forrest Street is approximately six metres in width which will not support two cars to be parked on both sides of the street and allow safe traffic flow. It is therefore recommended that parking be restricted to one side of the street within the yellow marked area as seen in **Attachment 6**.

It is recommended that 'no stopping' be introduced on the northern side of Forrest Street, given this side contains more crossovers and therefore less area available for car parking. Implementing 'no stopping' on the northern side of the street is intended to increase the safety for residents accessing their driveways and allow traffic to travel safely along Forrest Street.

Vine Street

One submitter expressed concern with the section of Vine Street between Albert and Angove being too narrow to support parking on both sides. During the surveys Vine Street demonstrated a peak occupancy of 52% and has been identified as approximately six metres in width, which is not wide enough to support parking on both sides. The section of Vine Street between Albert and Angove Streets currently contains marked bays on one side and 'no stopping' on the other side, given the narrow width and high demand for parking on that portion of the street.

The width, occupancy and proximity to Charles and Angove Streets supports restricting parking to only one side on Vine Street between Albert and Angove Streets. Further investigation identified that the western side of this section of Vine Street contained the most number of crossovers and the least amount of room for parking. On this basis, it is recommended that 'no stopping' be applied to the western side of Vine Street between Albert and Angove Streets.

Woodville Street

'No stopping' for Woodville Street between Angove and View Streets was advertised as part of this proposal, however it was not designated which side of the street. Woodville Street is narrow being only six metres in width and this section of Woodville Street demonstrated a peak occupancy of 99% during the survey period. It is recommended that the 'no stopping' be introduced to the western side of Woodville Street given there is already some portions of 'no stopping' on this side.

Enforcement

The City received eight submissions relating to parking enforcement in which submitters expressed the importance of enforcing the proposed restrictions. One submitter expressed concern over the lack of information in this proposal surrounding increased enforcement.

The City's Rangers are currently reviewing the parking enforcement system to better manage the effectiveness of parking restrictions within the City. A new system is currently being finalised which will include dedicated Parking Service Officers.

Paid parking and 1P or less parking restrictions within the commercial areas of the town centre will allow the City to more effectively manage and encourage compliance with parking restrictions, however will require the highest level of enforcement.

Currently the City's Rangers have a wide variety of Local Law enforcement responsibilities, which does not allow them to focus on parking enforcement. Parking Services Officers will focus directly on parking enforcement, parking management and business/resident education. This will enable the City's Rangers to support effective implementation of the proposed parking restrictions and will enable continued monitoring of the proposed parking restrictions and potential flow on issues in surrounding areas.

The proposed changes to parking restrictions in the North Perth Town Centre are intended to provide a holistic approach for clarity and consistency on all streets and publically owned car parks. The restrictions proposed are intended to spread the impact of on-street parking; discourage commuter parking; increase accessibility of on-street parking for residents during the peak periods; and encourage high turnover of parking close to commercial activity. No changes are proposed to existing Transperth bus zones, no stopping, ACROD, loading and motorcycle bays.

It is intended that application information for resident parking permits will be included with a letter informing all households of the final adoption of the proposed parking restrictions, which will be done concurrently with a notice being placed within the local paper and City's social media pages.

The amendment to the City's Schedule of Fees and Charges 2016/2017 will come into effect upon the date specified in the public notice informing of the Councils adoption of the proposal.

The Water Corporation mains replacement program is expected to be undertaken in North Perth between March and August 2017. Works on Angove Street are expected to begin in May and run until August, whilst works on Albert and Woodville Street are expected to run between March and May. As a result of works on Angove, Albert and Woodville Streets revised parking restriction signs are unable to be installed, this is expected to cause a delay in the implementation of parking restrictions on these streets. As parking will not be available in these areas during the works this is not seen as a major issue and the remaining restrictions will be implemented prior to the completion of these works.

It is recommended that Council adopts the revised draft parking restrictions included in **Attachment 6**, adopts the 'Category Matrix' developed to guide further parking restrictions in the City's town centres and included as **Attachment 3**, and adopts the amendment to the City's Schedule of Fees and Charges 2016/2017 for the Wasley and View Street car parks, included as **Attachment 7**.

9.2 TECHNICAL SERVICES

9.2.1 Proposed Parking Restrictions in Cantle Street, Highgate/East Perth, between Lord Street and West Parade

Ward:	North	Date:	16 February 2017
Precinct:	Precinct 15 - Banks	File Ref:	SC727, SC1201
Attachments:	1 - Consultation Summary 2 - Plan No 3414-PP-01		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset & Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

1. **NOTES** the comments received regarding the implementation of parking restrictions on the southern side of Cantle Street, Highgate/East Perth, between Lord Street and West Parade, as shown in Attachment 1;
2. **APPROVES** the introduction of 2P parking restrictions 8am to 5.30pm Monday to Friday, on the southern side of Cantle Street, between Lord Street and West Parade, to match the existing restrictions on the northern side of the street, as shown on attached Plan No 3414-PP-01 (Attachment 2); and
3. **ADVISES** the respondents of its decision.

PURPOSE OF REPORT:

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

BACKGROUND:

A request was received from a Cantle Street resident seeking to introduce parking restrictions on the southern side of the street. It was requested the parking match the northern side of Cantle Street, to deter all day commuter and TAFE student parking as currently occurs.

DETAILS:

Cantle Street, between Lord Street and West Parade, comprises an 8.0m wide carriageway. Currently there is a no parking restriction on the southern side of the street while the northern side has a 2P 8.00am to 5.30pm Monday to Friday restriction.

Following the request, a parking demand survey was undertaken by the City's officers over four working days with an average take-up or occupancy rate of 78%. As would be expected the southern side was fully occupied, given there are no restrictions, while there was some parking generally available on the restricted northern side.

The residents on the southern side of Cantle Street are seeking to have the same level of amenity as those on the northern side.

CONSULTATION/ADVERTISING:

In January 2017 residents were consulted regarding a proposal to implement parking restrictions, along the existing unrestricted southern side of Cantle Street as shown on Plan No 3414-PP-01 (**Attachment 2**).

A total of 30 consultation packs were distributed to potentially affected residents, requesting their comments-

At the close of consultation on 27 January 2017 four responses were received with all respondents in favour of the proposal.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Low: 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:

"Natural and Built Environment

- 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:

The cost to Council to install restrictions as outlined on Plan No 3414-PP-01 (**Attachment 2**) is approximately \$400.

COMMENTS:

Plan No 3414-PP-02 at **Attachment 2** shows the existing on road parking restrictions on the northern side of Cantle Street and the proposed restrictions on the southern side of the street. In addition Cantle Street falls within the nib Stadium exclusion zone inclusive of the southern side.

While the Administration supports the proposal for the introduction of time restrictions on the southern side of Cantle Street, it will result in the displacement of a combination of commuter and student parking. Commuters are gradually being forced to park further out, or into the appropriate fee paying car parks, such as the PTA Travel Centre. In respect of the TAFE students there are other locations within the vicinity of the Mt Lawley Campus, such as Harold Street, with longer restriction periods (3P), which generally caters for standard lecture periods, while the campus is also well served by public transport.

9.2.2 Tender No 528/16 Pavement Profiling

Ward:	Both	Date:	16 February 2017
Precinct:	All	File Ref:	SC2850
Attachments:	Confidential Attachment - Pricing Schedule		
Tabled Items:	Nil		
Reporting Officer:	C Economo, Manager Engineering Operations		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council ACCEPTS Tender No 528/16 from WA Profiling for the supply of pavement profiling services for a period of three years, commencing in March 2017, in accordance with the tender submissions and conditions of tender.

PURPOSE OF REPORT:

To consider awarding Tender No 528/16 for pavement profiling services for the City's Engineering Operations.

BACKGROUND:

Pavement profiling is an important component of the City's rehabilitation/road resurfacing Capital works.

In most cases existing road levels determine whether profiling is required. An entire road may require cutting/profiling or alternatively, the only requirement may be blending into the existing levels at junction points and service pits. Roads cannot be overlaid unless this component of works is undertaken first.

These works can affect the quality of the asphalt works and can also hold up the asphalt overlay works if they are not undertaken efficiently and effectively.

In the past Council awarded the tender for a period of three years, with the recently expired tender for pavement profiling awarded to a panel tender comprising West Coast Profilers, WA Profiling and Downer EDI Works.

Downer EDI decided to wind up their profiling operations leaving only two major players in the market place. Both West Coast Profilers and W.A. Profiling have been equally sharing the City's previous tendered works and both have performed well in providing this service.

DETAILS:

Tender No 528/16 for pavement profiling services for three years was advertised on 9 November 2016 and closed on 25 November 2016.

Contract Type	Lump sum contract
Contract Term:	Three years
Commencement Date:	March 2017
Expiry Date:	March 2020

Tenders Received:

The tenders were received from the following registered companies:

- West Coast Profiling Pty Ltd
- WA Profiling

Tender Assessment:

The tenders were assessed by a Tender Evaluation Panel consisting of Finance Accounting Officer, Depot Purchasing Officer, Supervisor Construction & Maintenance and Manager Engineering Operations. Each tender was assessed using the selection criteria below in accordance with the tender documentation.

CRITERIA	WEIGHTING
Past experience in provision of required services and provide three references	45%
Contract Price	35%
Organisational structure/financial capacity/resources	10%
Compliance with tender specification and Health/Safety requirements	10%
Total	100%

Tender Evaluation Ranking:

Scores were allocated accordingly by the Tender Evaluation Panel for each submission as noted above and the table exhibited in the **Confidential Attachment** indicates the prices submitted.

Selection Criteria	Weighting	WA Profiling	West Coast Profiling Pty Ltd
Past experience in provision of required services and provide 3 references	45%	44.50	43.00
Contract Price	35%	35.00	32.60
Organisational structure/financial capacity/resources	10%	10.00	10.00
Compliance with tender specification and Health/Safety requirements	10%	10.00	10.00
Total	100%	99.50	95.60
Ranking		1st	2nd

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY

The tender was assessed in accordance with the City's Policy No. 1.2.2 – Code of Tendering and Policy No. 1.2.3 – Purchasing.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

- 1.1 *Improve and maintain the natural and built environment and infrastructure.*
- 1.1.5: *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment."*

SUSTAINABILITY IMPLICATIONS:

Existing asphalt, profiled from the road, is often reused as road base for the construction of roads, right of ways and bicycle paths thus obviating need to purchase limestone. Not only is the profiled material a good sustainable option, it also saves on construction costs due to the workability and compaction characteristics of the product.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of works relating to this tender can vary depending on the scope of works required but is above \$750,000 over the term of the tender and is charged to the respective capital works, maintenance budgets. In 2016/17 profiling costs were in the order of approximately \$250,000.

The tender evaluation panel assessed the prices submitted based on two scenarios, large weekend job and a small job under 1,000m² on an average week day.

All factors required to undertake the work for both scenarios were assessed based on the tender prices submitted and for both scenarios WA Profiling were approximately 5% cheaper.

Over the term of the tender based on the prices submitted by WA profiling this could relate to overall savings of approximately \$40,000.

COMMENTS:

The companies who submitted a tender both have previously held contracts with the City as a panel and the Tender Evaluation Panel considered that the only item separating the two tenderers was that WA Profiling's price was more competitive, and hence scored the highest.

The Terms and Conditions of the Request for Tender section 1.2.8 - Lodgement of Tenders item (d) states (in part): *"The Tenderer agrees that the Tender will remain open for acceptance for a maximum period of 90 days..."*, clarification was sought from the tenderers regarding agreeing to hold their submitted tender price and both tenders indicated that they were happy to maintain the submitted pricing.

WA profiling further requested that if the City were to provide notice of 30 days, they would be able to guarantee the provision of the service as requested under section 2.1.7 of the Tender which specifies seven days from an order being placed.

WA profiling further advised that situation when less than 30 days' notice is provided, they would provide their best endeavours to provide the scheduled service as required.

Section 2.1.7 of the tender *Responsibilities and Obligations of the Contractor* states, that *'If the Contractor fails or neglects to undertake the works within 7 days of an order being placed, the City shall have its discretion to obtain another contractor to undertake the works. Any difference (if any) in cost to the tender shall be borne by the Contractor.'*

Once Council has adopted the annual budget and the asphalt program has been developed, all projects are programmed well in advance. The only time works would be required in seven days would be for an urgent repair or an unscheduled event. These events would be rare albeit the seven days is specified in section 2.1.7.

It is recommended that the Council approves Tender No 528/16 from W.A. Profiling for the supply of Pavement Profiling services for the next three years being mindful of section 2.1.7 of the tender.

9.2.3 Tender No 527/16 – Construction of Concrete Crossovers and Cast In-situ Concrete Footpaths

Ward:	Both	Date:	16 February 2017
Precinct:	All	File Ref:	SC2849
Attachments:	Confidential Attachment - Pricing Schedule		
Tabled Items:	Nil		
Reporting Officer:	C Economo, Manager Engineering Operations		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council **ACCEPTS** Tender No 527/16 from Cobblestone Concrete for the construction of concrete crossovers and cast in-situ concrete paths for a period of three years, commencing in March 2017, in accordance with the tender submissions and conditions of tender.

PURPOSE OF REPORT:

To consider awarding Tender No 527/16 for the construction of concrete crossovers and cast in-situ concrete paths for the City's Construction and Maintenance Operations.

BACKGROUND:

The City has undertaken, and continues to undertake, many projects that require the construction of concrete footpaths and crossovers.

Whilst the long term program to upgrade footpaths from slabs to concrete is drawing to an end, with the majority of the City's paths now upgraded, there is still a substantial quantity of works being generated as a result of new developments, ongoing maintenance requirements, parks infrastructure and other works.

The tender for construction of concrete crossovers and footpaths has historically been for a period of three years and the recently expired contract was held by Nextside Pty Ltd.

DETAILS:

Tender 527/16 for the construction of concrete crossovers and cast in-situ concrete paths was advertised on 9 November 2016 and closed on 25 November 2016.

Contract Type	Lump Sum Contract
Contract Term:	Three years
Commencement Date:	March 2017
Expiry Date:	March 2020

Tenders Received:

The tenders were received from the following registered companies:

- Dowsing Group
- Axiis Contracting
- Remote Civils Australia Pty Ltd
- Cobblestone Concrete Pty Ltd
- Nextside Pty Ltd

Tender Assessment:

The Tender Evaluation Panel consisted of the Finance Accounting Officer, Depot Purchasing Officer, Supervisor Construction & Maintenance and Manager Engineering Operations.

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

CRITERIA	WEIGHTING
Past experience in provision of required services and provide three references	45%
Contract Price	35%
Organisational structure/ financial capacity/resources	10%
Compliance with tender specification and Health/Safety requirements	10%
Total	100%

Tender Evaluation Ranking:

Scores were allocated accordingly by the Tender Evaluation Panel for each Selection Criteria as noted above and the table exhibited in the **Confidential Attachment** indicates the prices submitted.

Selection Criteria	Weighting	Cobblestone Concrete Pty Ltd	Dowsing Group	Nextside Pty Ltd	Remote Civils Australia Pty Ltd	Axilis Contracting
Past experience in provision of required services and provide three references	45%	44.25	45.00	44.25	42.25	40.50
Contract Price	35%	35.00	28.49	28.99	30.53	23.81
Organisational structure/ financial capacity/resources	10%	8.50	10.00	9.50	9.00	10.00
Compliance with tender specification and Health/Safety requirements	10%	8.75	10.00	10.00	8.25	10.00
Total	100%	96.50	93.49	92.74	90.03	84.31
Ranking		1st	2nd	3rd	4th	5th

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY

The tender was assessed in accordance with the City's Policy No. 1.2.2 – Code of Tendering and Policy No. 1.2.3 – Purchasing.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Concrete slabs are recycled to create road base that the City uses, in part, for construction of bicycle paths with reserves.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of works relating to this tender is approximately \$400,000 annually and it is charged to the respective Capital, maintenance works and approved budgets.

The Tender Evaluation Panel assessed the prices submitted based on the construction of cast in-situ concrete paths which would be the main works associated with the Tender.

All factors required to undertake the works were assessed based on the tender prices submitted and it was determined that over the term of the Tender based on the prices submitted by Cobblestone Concrete Pty Ltd this could relate to overall savings of approximately \$180,000 when compared with the highest price submitted and approximately \$45,000 when compared with the second lowest price submitted.

COMMENTS:

After a detailed analysis of the Tenders, it was decided that all of the Tenderers could undertake the designated works requested in this tender however, the Tender Evaluation Panel assessed Cobblestone Concrete Pty Ltd as being the preferred tenderer to undertake the works for the City for the next three years.

The selection was based on the following reasons:

- Compliance with tender specification
- Lowest cost per square metre for installing cast-insitu concrete paths subsequently the City can maximise the amount of kilometres of concrete paths laid.
- Past experience working within the City and having a good understanding of specifications and ratepayer requirements.

With regards to compliance with Health/Safety requirements, while Cobblestone Concrete Pty Ltd scored 8.75 out of 10, i.e. the average score provided by the assessment panel, three of the four panel members scored a nine with one of the members scoring a seven, which had the effect of averaging the score to 8.75. The documentation provided by Cobblestone Concrete Pty Ltd, as part of the Tender, provided detailed information on proven OH&S practices and it is considered they would be able to undertake all the requirements of the Tender in a safe manner.

It is therefore recommended that Council approves Tender No 527/16 from Cobblestone Concrete Pty Ltd for the construction of concrete crossovers and cast in-situ paths for the City of Vincent for the next three years.

9.2.4 Tender No 523/16 – Supply and Delivery of One Road Sweeper

Ward:	Both	Date:	16 February 2017
Precinct:	All	File Ref:	SC2800
Attachments:	Confidential Attachment - Pricing Schedule		
Tabled Items:	Nil		
Reporting Officer:	C Economo, Manager Engineering Operations		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

- ACCEPTS Tender No 523/16 from Bucher Municipal Pty Ltd for the supply and delivery of one road sweeper for the contract price of \$326,000 in accordance with the tender submissions and conditions of tender; and**
- NOTES the sale of the City's existing road sweeper will be undertaken in accordance with Section 3.58 of the *Local Government Act 1995*.**

PURPOSE OF REPORT:

To consider awarding Tender No 523/16 for the supply and delivery of one road sweeper for the City's Waste Management & Street Cleaning Operations.

BACKGROUND:

The City Waste and Cleaning Operations Unit operates two road sweepers which are predominantly used for the sweeping of roads, on an ongoing basis, and the cleaning and maintenance of the City's drainage gully's and inspection chambers. One of the sweepers is used as a backup when the demand is high i.e. prior to and during storm events or when the other sweeper requires repairs and maintenance.

The road sweeper is an integral part of Engineering Operations plant and equipment. Cleaning operations commence at 5.30 am seven days per week and every street in the City is swept at least four times per year dependent on the number of other requests received.

Road sweepers generally have a useful life of approximately seven years and the road sweeper, which is the subject of this report, has been listed for replacement as part of the long-term major plant replacement program for 2016/17 as it is now over 10 years old.

DETAILS:

Tender No 523/16 for the supply and delivery of one road sweeper was advertised on 5 October 2016 in the West Australian and closed on 21 October 2016.

Contract Type	Lump sum contract
Contract Term:	Not applicable – The duration of the fabrication works for the sweeper/suction combination will be approximately 4-5 months.
Commencement Date:	Not applicable – The fabrication works for the sweeper will commence once the order is placed.
Expiry Date:	Not applicable – The fabrication works for the sweeper to be completed and the truck (complete) delivered once council approves the tender.

Tenders Received:

The tenders were received from the following registered companies:

- SweepVac
- Bucher Municipal
- Rosmech
- Rosmech alternative 1*
- Rosmech alternative 2*

Non-Conforming Tenders

- Rosmech alternative 1* and 2* due to the truck not being large enough for street and drainage cleaning operations as specified in the tender.
- Drainflow and Autosweep – Purchase of trade- in only.

Tender Assessment:

Each conforming tender was assessed, using the selection criteria below, in accordance with the tender documentation, by a Tender Evaluation Panel comprising the Financial Accounting Officer, Supervisor Waste Management / Street Cleaning, Depot Purchasing Officer and Manager Engineering Operations and each conforming tender was assessed.

CRITERIA	WEIGHTING
Mandatory product features	40%
Special facilities	20%
Price (tender)	20%
Operators ergonomics	5%
Life cycle costs	5%
Delivery	5%
Warranty	5%
Total	100%

Tender Evaluation Ranking:

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

Selection Criteria	Weighting	Bucher	SweepVac	Rosmech
Mandatory product features	40%	39.00	38.50	28.20
Special facilities	20%	19.30	16.80	15.80
Price (tender)	20%	18.80	20.00	20.00
Operators ergonomics	5%	5.00	5.00	3.80
Life cycle costs	5%	5.00	4.50	4.80
Warranty	5%	5.00	3.30	3.00
Delivery	5%	5.00	5.00	5.00
Total	100%	97.10	93.10	80.60
Ranking		1st	2 nd	3 rd

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY

The tender was assessed in accordance with the City's Policy No. 1.2.2 – Code of Tendering and Policy No. 1.2.3 – Purchasing.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Keeping the road and drainage network clean and clear to improve athletics and minimise flooding.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$400,000 has been allocated in the 2016/17 budget for the replacement of the existing road sweeper utilised by Engineering Waste Management and Street Cleaning Operations. The preferred tenderer submitted a price of \$326,000 but did not offer a trade-in for the existing sweeper.

In view of this it will be necessary for the existing sweeper to be sold in accordance with the requirements of Section 3.58 of the *Local Government Act 1995*.

COMMENTS:

On assessing the tenders the submissions received, the 'Alternative 1 and Alternative 2' submitted by Rosmech, were deemed to be non-conforming due to several key specification requirements not being provided, including the size of the proposed truck, and were not assessed any further. The specification requested the supply of a 15 tonne truck to ensure maximum capacity for sweeping and cleaning of the drainage system.

The third option by Rosmech, whilst conforming, provided a suction hose, for cleaning drainage, which was smaller than the product to be provided by both Bucher and Sweeper Vac.

The submissions by both Bucher and Sweep Vac were very competitive and both could provide the required level of service requested in the tender, however following a detailed assessment the Tender Evaluation Panel considered that the Bucher Municipal sweeper offered the best value for money in compliance with the specification.

Bucher also has more staff support for onsite repairs, if required in an emergency, as the City is totally reliant on external mechanical support.

The recommended Bucher VT Twin Engine model centre broom vacuum type sweeper is a tried and true heavy duty sweeper with a robust design.

The Bucher unit has been developed, tested and improved over many years and has a proven history to meet metropolitan, regional, mining and industry sweeping requirements.

The units have gained a reputation for ease of safe, efficient and reliable operation while being of heavy duty construction and with lower whole of life costs that provide for extended longevity. A dozen local governments in Western Australia, Main Roads WA and a number of mining companies own and operate these units.

The recommended tenderer fully conformed with all the required product features requested by the City to undertake the required works. In addition they have a large number of staff capable of undertaking servicing and repairs including six field staff. Spare parts are readily available and they have a large factory located in close proximity to the City.

Reference checks indicated response times for breakdowns are very good and operator comfort / ergonomics is to a very high standard as requested in the tender specification. In addition the life cycle cost information submitted was used to adequately assess and compare this with the other submissions received and based on the information provided, the average ranking for Life Cycle Costing was the highest of the three submissions assessed.

The City currently has two of Bucher's road sweepers which have performed well with regards to providing best reliability and service provision for the City's ratepayers.

It is therefore recommended that Council approves Tender No 523/16 from Bucher Municipal for the supply and delivery of one road sweeper and the sale of the old sweeper to Drainflow.

9.2.5 Tender No 524/16 – Supply and Delivery of One 22/23m³ Side Loading Automatic Bin Lifter Refuse Truck

Ward:	Both	Date:	16 February 2017
Precinct:	All	File Ref:	SC2801
Attachments:	Confidential Attachment - Pricing Schedule		
Tabled Items:	Nil		
Reporting Officer:	C Economo, Manager Engineering Operations		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council

- ACCEPTS** Tender No 524/16 from Truck Centre for the supply and delivery of one 22/23m³ side loading automatic bin lifter refuse truck with a Volvo chassis and a Bucher Municipal compactor unit, for the contract price of \$362,500 in accordance with the tender submissions and conditions of tender; and
- NOTES** the sale of the City’s existing side loading automatic bin lifter refuse truck will be undertaken in accordance with Section 3.58 of the *Local Government Act 1995*.

PURPOSE OF REPORT:

To consider awarding Tender No 524/16 for the supply and delivery of one 22/23m³ side loading automatic bin lifter refuse truck for the City’s Waste Management fleet.

BACKGROUND:

The City’s side arm rubbish truck compactors have a useful life of approximately five to seven years. The existing rubbish truck is listed for replacement as part of the long-term major plant replacement program for 2016/17. It has been used for the City’s Waste Collection Operations over this period.

Rubbish collection vehicles work extremely hard over the duration being a five day per week 52 weeks per year operation, and if not replaced at the recommended time frames, may result in expensive repairs to keep the vehicle/s on the road.

The side arm compactor unit is predominantly used to collect domestic 240 litre Mobile garbage Bins within the City as required. The collected waste is disposed of at the Mindarie Regional Council Neerabup Resource Recovery Facility (RRF), where general household waste is converted to compost with a residual component of the waste going to landfill.

DETAILS:

Tender No 524/16 for the supply and delivery of one 22/23m³ side loading automatic bin lifter refuse truck was advertised on 5 October 2016 and closed on 21 October 2016.

Contract Type	Lump sum contract
Contract Term:	Not applicable – The duration of the fabrication works for the compactor component will be approximately 4-5 months.
Commencement Date:	Not applicable – The fabrication works for the compactor unit will commence once the order is placed with the successful tenderer.
Expiry Date:	Not applicable – The truck is expected to be completed and delivered within approximately 4-5 months of the order being placed.

Tenders Received:

The tenders were received from the following registered companies:

- AV Truck Services Pty Ltd
- Daimler Trucks Perth; and
- Truck Centre WA Pty Ltd

Tender Assessment:

The tenders were assessed by a Tender Evaluation Panel consisting of the Financial Accounting Officer, Supervisor Waste Management/Street Cleaning, Depot Purchasing Officer and Manager Engineering Operations.

CRITERIA	WEIGHTING
Product features	40%
Special facilities	20%
Price (tender)	20%
Life cycle costs	5%
Operators ergonomics	5%
Warranty	5%
Delivery	5%
Total	100%

Tender Evaluation Ranking:

Scores were allocated accordingly by the Tender Evaluation Panel for each selection criteria as noted above and the table exhibited in the **Confidential Attachment** indicates the prices submitted.

Selection Criteria	Weighting	Truck Centre WA Pty Ltd	AV Truck Services Pty Ltd	Daimler Trucks Perth
Mandatory product features	40%	40.00	40.00	33.80
Special facilities	20%	20.00	18.00	18.00
Price (tender)	20%	20.00	19.00	18.70
Life cycle costs	5%	4.80	4.75	3.00
Operators ergonomics	5%	5.00	5.00	5.00
Warranty	5%	5.00	3.10	4.30
Delivery	5%	4.9	4.00	5.00
Total	100%	99.70	93.85	87.80
Ranking		1st	2nd	3rd

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY

The tender was assessed in accordance with the City's Policy No. 1.2.2 – Code of Tendering and Policy No. 1.2.3 – Purchasing.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$410,000 was allocated in the 2016/17 Capital budget for the replacement of the existing side arm rubbish truck utilised by Engineering Operations.

The preferred tenderer submitted a price of \$362,500 but did not offer a trade-in for the City's current vehicle. In last year's budget and tender, the City's Engineering Operations sold a side arm rubbish truck at auction for around \$30,000. Therefore the sale of the City's existing side loading automatic bin lifter refuse truck will be undertaken in accordance with Section 3.58 of the *Local Government Act 1995*.

COMMENTS:

Following the assessment, further clarification was sought as both Daimler and AV Trucks did not submit information in the tender regarding 'life cycle costs'. The Tender Evaluation Panel assessed both submissions and the subsequent scores were updated to reflect the information provided. AV Trucks did not submit a delivery date in the tender but they did state a five month delivery date on placement of an order. This score was also revised in the weighting criteria above.

The submissions by all the Tenderers, were very competitive and all tenderers could provide the required level of service requested, however following a detailed assessment it was considered that the Truck Centre's submission (Volvo chassis with a Bucher Municipal compactor) provided the best value for money.

The Truck Centre's submission was the most compliant with tender specifications and they will provide a "Euro 6" vehicle which is more environmentally friendly with the least gas emissions.

The City currently has two Volvo's in its waste fleet and they have both performed exceptionally well with regards to providing the best reliability, service provision and at a very low Life Cycle cost.

The proposed Bucher Municipal side arm compactor unit also complied with all parts of the tender specification and the evaluation panel considered that the combination of a Volvo chassis with a Bucher Municipal compactor, in terms of operation and servicing, would provide the best value for money to the City. The City's existing waste fleet comprises Bucher compactor units providing good response times for repairs on site.

The value of what is being recommended has been based on some of the following factors:

- Extended warranty provided at no extra cost;
 - 24/7 servicing available;
 - Quick bin lifter cycle time;
-

- Various higher level inclusions in build i.e. constructed from single sheet rolled hard grade steel
- Full OH&S compliance, numerous advanced safety features included, i.e. bin lifter arm with innovative grab knuckle design for a narrow stowed width with up to 180kg capacity if required;
- Volvo optimised service plan provided;
- Euro 6 standard - particle emissions reduced by 50% and NOx by 80% compared with Euro 5;
- Lower fuel consumption with the help of electronic engine control for precise fuel injection and efficient combustion;
- Low noise levels due to small amount of fuel being injected reducing ignition delay thus lower noise created during combustion sequence;
- Longer service life – oil change at 60,000km intervals; and
- Proven reliability from existing similar products in the current waste fleet.

It is therefore recommended that Council approves Tender No 524/16 from Truck Centre WA Pty Ltd for the supply and delivery of one 22/23m³ side loading automatic bin lifter refuse truck with a Volvo FE 320 E6 with a Bucher Municipal compactor unit.

**9.2.6 LATE ITEM: Proposed Ring Criterium Series Encore Event 9 April 2017
– Leederville**

Ward:	South	Date:	1 March 2017
Precinct:	Precinct 4 – Oxford Centre	File Ref:	SC1475
Attachments:	Ring Finale 'Encore' Proposal - 9 April 2017		
Tabled Items:	Nil		
Reporting Officer:	F Sauzier, TravelSmart Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

1. **NOTES that;**
 - 1.1 **CycleSport Western Australia have approached the City to seek permission to stage an Encore Event of the 'Ring Criterium Series' (a Road Bike Race Series), in the Leederville Town Centre on Sunday 9 April, 2017;**
 - 1.2 **the Ring Criterium Series is coordinated by CycleSport Western Australia under the umbrella of WestCycle, attracting between 350-500 riders; and**
 - 1.3 **CycleSport Western Australia have advised that they will pay all costs associated with staging the event and preparing a Traffic Management Plan, for proposed Road Bike Race route, as shown within the report; and**
2. **APPROVES of the City hosting the Ring Criterium Series Encore Event, proposed to be held on Sunday afternoon, 9 April 2017 subject to the applicant;**
 - 2.1 **making application for an Order for a Road Closure in accordance with the Road Traffic Act 1974;**
 - 2.2 **placing a notice of road closure in "The West Australian" on Saturday 8 April 2017;**
 - 2.3 **engaging an accredited Traffic Management Company to prepare and implement Traffic Management Plan to the satisfaction and approval of of the City;**
 - 2.3 **advertising the event, including the road closures, in the local newspapers in the edition prior to the race;**
 - 2.4 **undertaking a letter drop to all the affected residents and businesses within the circuit route and adjoining streets affected by the road closures at least two weeks prior to the event, advising of the road closures and parking restrictions and providing the event coordinators and the City's after hours contact details; and**
 - 2.5 **liaising with Leederville Connect and Mount Hawthorn Hub to ensure community participation and activation.**
4. **AUTHORISES the Chief Executive Officer to negotiate, with CycleSport Western Australia, the terms and conditions of approval for the event; and**

5. ADVISES the businesses of Leederville Town Centre of its decision.

PURPOSE OF REPORT:

To consider the City hosting the Ring Criterium Encore Event of the CycleSport Western Australia Criterium Cycling Series in Leederville, on Sunday afternoon, 9 April 2017.

BACKGROUND:

Criterium Racing:

This is considered the most exciting form of road racing in cycling competition and involves high speeds around a tight and intimate circuit, ensuring that the spectators are very close to the action.

The City has hosted a leg of the Perth Criterium's Cycling Series over 17 years between 1995 and 2012. These events were held on a Monday or Tuesday evening during those years, with between 4,000 – 5, 000 spectators in attendance, making it one of the most successful trading evenings of the year for many businesses in the Leederville town centre.

WestCycle:

The Criterium Series was resurrected in 2016 by WestCycle, the peak cycling body in Western Australia, with their subsidiary Cycle Sport Western Australia running all the state wide racing series.

WestCycle's stated aim is raising the profile of bike riding in Western Australia. It works in partnership with the Department of Sport and Recreation and has created the Ring 'Summer Series Criterium', which is a series of twelve road race events occurring on consecutive Sundays.

The current series commenced in November 2016, with the weekly races having been held at a variety of locations including Bentley; Rockingham; Wangara; Pinjarra and Midland. The final in the current series is due to be held in Pinjarra on Sunday 26 March 2017.

DETAILS:

February 2017:

Administration was approached by CycleSport Western Australia and its umbrella organisation WestCycle, to consider hosting the final Race Series of the Ring Criterium Series on Sunday 26 March, taking advantage of the City's already planned Car Free Sunday program in the Leederville Town Centre.

Unfortunately, due to cast Iron water main replacement works being undertaken by the Water Corporation, the circuit was not deemed appropriate and it was decided that a better outcome, for both riders and spectators, would be achieved by rescheduling the proposed Vincent event.

Note: The 'current' series of twelve race events commenced in November 2016 and is due to close on Sunday 26 March, 2017. The event in Vincent will be an encore event.

CycleSport Western Australia have now proposed a series of races to be held on Sunday 9 April, which will allow for a broad series of races for both professional and non-professional riders.

CONSULTATION/ADVERTISING:

CycleSport Western Australia will promote the event to its current members and its extensive database and have a sponsorship program in place with Radio 6PR to support the series. They request that the City also market the event through its electronic media channels. The City is to distribute an Information Bulletin to business owners and affected householders.

LEGAL/POLICY:

The City is responsible to ensure that road closures for events on roads undertaken within its boundaries are in accordance with the relevant Australian Standards and Main Roads Western Australia Code of Practice for Events on Roads. In this instance, CycleSport Western Australia is coordinating the Traffic Management Plan, which needs to be approved by the City.

RISK MANAGEMENT IMPLICATIONS:

LOW: As long as due process is followed the risk to the participants and spectators should be low.

STRATEGIC IMPLICATIONS:

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

"Community Development and Wellbeing

3.1: Enhance and Promote Community Development and Wellbeing

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

SUSTAINABILITY IMPLICATIONS:

The Leederville event, by showcasing a diverse range of cycling, promotes the benefits of exercise, healthy choices and alternative transport.

FINANCIAL/BUDGET IMPLICATIONS:

CycleSport Western Australia is funding the staging of this event through registrations and corporate sponsorship, but have expressed an interest in the City supporting the event due to the high cost of traffic management. As the event falls within the aims of the City's Active Transport grants, CycleSport Western Australia will be encouraged to apply for the City's Active Transport Community Grant, which provides a maximum of \$2,500 for community events that promote and encourage active transport.

COMMENTS:

The Criterium Cycling series has been a great success in Leederville, when held in previous years, between 1995 and 2012. CycleSport Western Australia under the WestCycle umbrella, have relaunched the series and have proposed an 'Encore Event' on Sunday 9 April 2017, to take place on Oxford Street between Newcastle and Melrose streets in Leederville. It is recommended that the Council approve the proposal and authorises the Chief Executive Officer to negotiate the appropriate Terms and Conditions on behalf of the City.

9.3 CORPORATE SERVICES

9.3.1 Investment Report as at 31 January 2017

Ward:	Both	Date:	17 February 2017
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		

RECOMMENDATION:

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

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

Total funds held for the period ended 31 January 2017 including on call in the City's operating account were \$34,645,041 as compared to \$30,282,430 for the period ended 31 January 2016.

Total Investments for the period ended 31 January 2017 were \$33,201,749 as compared to \$31,165,443 for the period ended 31 December 2016 and \$29,229,172 for the period ended 31 January 2016 respectively.

Investment comparison table:

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

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

	Original Budget	Budget YTD	Actual YTD	% of FY Budget
Municipal	\$390,000	\$263,000	\$304,267	78.02%
Reserve	\$206,000	\$107,000	\$114,377	55.52%
Leederville Gardens Inc Surplus Trust*	\$0	\$0	\$77,548	0.00%
Total	\$596,000	\$370,000	\$496,192	83.25%

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

City of Vincent Investment Report Grouping*	Long Term Rating (Standard & Poor's) or Equivalent	Short Term Rating (Standard & Poor's) or Equivalent	Direct Investments Maximum % with any one institution		Managed Funds Maximum % with any one institution		Maximum % of Total Portfolio	
			Policy	Actual	Policy	Actual	Policy	Actual
	AAA Category	A1+	30%	Nil	45%	Nil	100%	Nil
Group A	AA Category	A1+	30%	30.3%	30%	Nil	90%	44.2%
Group B	A Category	A1	20%	19.0%	30%	Nil	80%	45.9%
Group C	BBB Category	A2	10%	9.9%	n/a	Nil	20%	9.9%

*As per subtotals on **Attachment 1**

RISK MANAGEMENT IMPLICATIONS:

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

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

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

STRATEGIC IMPLICATIONS:

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

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not Applicable

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

The funds invested have increased from the previous period due to the excess funds available after revenue received from rates instalment that was due during this month.

The City has obtained a weighted average interest rate of 2.76% for current investments including the operating account, and 2.82% excluding the operating account respectively. The Reserve Bank 90 days Accepted Bill rate for January 2017 is 1.78%.

As at 31 January 2017, the City's total investment earnings exceed the year to date budget estimate by \$126,192 (34.11%). However, of this, \$77,548 was earned by the Leederville Gardens Inc Surplus Trust and funds in this trust are restricted. Investment earnings from this trust were excluded from the 2016-17 budget calculations. Excluding this Trust income, the balance of the investment revenue is exceeding year to date budget by 13%.

In response to the August 2016 amendment to the City's Investment Policy that provided for preference "to be given to investments with institutions that have been assessed as to have a higher rating of demonstrated social and environmental responsibility, providing that doing so will secure a rate of return that is at least equal to alternatives offered by other institutions", administration has actively sought investment offerings from relevant institutions. As a result, 56.0% of the City's investments were held in non-fossil fuel lending institutions at 31 January 2017.

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

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

9.3.2 Authorisation of Expenditure for the Period 24 January 2017 to 14 February 2017

Ward:	Both	Date:	17 February 2017
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:	O Dedic, Accounts Payable Officer; G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council RECEIVES the list of accounts paid under Delegated Authority for the period 24 January 2017 to 14 February 2017 as detailed in Attachment 1, 2 and 3 as summarised below:

Cheque numbers 80786 - 80832	\$70,778.95
EFT Documents 2040 - 2050	\$1,497,025.27
Cancelled EFT	-\$18,559.85
Payroll	\$1,114,274.19

Direct Debits

- **Lease Fees** \$5,631.98
- **Loan Repayment** \$147,107.19
- **Bank Fees and Charges** \$18,727.78
- **Credit Cards** \$2,032.00
- **Total Direct Debit**

Total Accounts Paid	\$184,936.99
	\$2,837,017.51

PURPOSE OF REPORT:

To present to Council the expenditure and list of accounts paid for the period 24 January 2017 to 14 February 2017.

BACKGROUND:

Council has delegated to the Chief Executive Officer (Delegation No. 1.14) the exercise of its power to make payments from the City's Municipal and Trust funds. In accordance with *Regulation 13(1) of the Local Government (Financial Management) Regulations 1996* a list of accounts paid by the Chief Executive Officer is to be provided to Council, where such delegation is made.

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

DETAILS:

The Schedule of Accounts paid, covers the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account (Attachment 1 and 2)		
Cheques	80786 - 80832	\$70,778.95
EFT Payments	2040 - 2050	\$1,497,065.27
Cancelled EFT	2044	-\$18,599.85
Sub Total		\$1,549,244.37
Transfer of Payroll by EFT		
	24/01/17	\$557,040.67
	07/02/17	\$557,233.52
	February 2017	\$1,114,274.19
Corporate Credit Cards (Attachment 3)		\$2,032.00
Bank Charges and Other Direct Debits		
Lease Fees		\$5,631.98
Loan Repayment		\$147,107.19
Bank Charges – CBA		\$18,727.78
Total Bank Charges and Other Direct Debits (Sub Total)		\$171,466.95
Less GST effect on Advance Account		0.00
Total Payments		\$2,837,017.51

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 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 subregulation (1) or (2) is to be —*
- *presented to Council at the next ordinary meeting of Council after the list is prepared; and*
 - *recorded in the minutes of that meeting.*

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

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.

COMMENT:

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

9.3.3 Financial Statements as at 31 January 2017

Ward:	Both	Date:	17 February 2017
Precinct:	All	File Ref:	SC357
Attachments:	1 – Financial Reports		
Reporting Officers:	S Teoh, Accounting Officer G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

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

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

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

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

DETAILS:

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

Note	Description	Page
1.	Statement of Financial Activity by Programme Report and Graph	1-3
2.	Statement of Comprehensive Income by Nature and Type Report	4
3.	Net Current Funding Position	5
4.	Summary of Income and Expenditure by Service Areas	6-70
5.	Capital Expenditure and Funding and Capital Works Schedule	71-86
6.	Cash Backed Reserves	87
7.	Rating Information and Graph	88-89
8.	Debtor Report	90
9.	Beatty Park Leisure Centre Financial Position	91

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

Summary of Financial Activity By Programme as at 31 January 2017

	Revised Budget	YTD Budget	YTD Actual	Variance	Variance
	2016/17	Jan-17	Jan-17	Jan-17	Jan-17
	\$	\$	\$	\$	%
REVENUE	27,598,908	16,049,396	14,915,610	(1,133,786)	-7%
EXPENDITURE	(56,361,295)	(32,945,119)	(30,311,734)	2,633,385	-8%
Add Deferred Rates Adjustment	0	0	49,772	49,772	0%
Add Back Depreciation	10,087,180	5,884,102	5,659,584	(224,518)	-4%
(Profit)/Loss on Asset Disposals	(1,020,686)	(102,720)	(473,682)	(370,962)	361%
	9,066,494	5,781,382	5,235,674	(545,708)	-9%
"Percent for Art" and "Cash in Lieu" Funds Adjustment	1,544,740	0	0	0	0%
NET OPERATING EXCLUDING RATES	(18,151,153)	(11,114,341)	(10,160,450)	953,891	-9%
CAPITAL REVENUE					
Proceeds from Disposal of assets	1,450,166	503,500	601,155	97,655	19%
Transfers from Reserves	1,235,807	689,956	316,513	(373,443)	-54%
	2,685,973	1,193,456	917,668	(275,788)	-23%
Capital Expenditure	(13,610,947)	(7,184,700)	(4,900,368)	2,284,332	-32%
Repayments Loan Capital	(818,840)	(468,869)	(468,869)	(0)	0%
Transfers to Reserves	(5,337,045)	(3,224,160)	(2,012,301)	1,211,859	-38%
	(19,766,832)	(10,877,729)	(7,381,539)	3,496,190	-32%
NET CAPITAL	(17,080,859)	(9,684,273)	(6,463,871)	3,220,402	-33%
TOTAL NET OPERATING AND CAPITAL	(35,232,012)	(20,798,614)	(16,624,321)	4,174,292	-20%
Rates	31,075,530	30,825,530	31,154,960	329,430	1%
Opening Funding Surplus	4,259,422	4,259,422	4,251,223	(8,198)	0%
CLOSING SURPLUS/(DEFICIT)	102,940	14,286,338	18,781,863	4,495,524	31%

Comments on Summary of Financial Activity by Programme:

Operating Revenue

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

Revenue by programme is showing a negative variance of 7% (\$1,1m). This is due to reduced revenue in Transport \$736k, Recreation and Culture \$695k (of which \$358k relates to lower Beatty Park revenue), Community Amenity \$134k, Economic Services \$58k, and Education and Welfare \$27k.

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

Operating Expenditure

Expenditure by programme is showing a favourable variance of 8% (\$2.6m). This is due to lower expenditure in Community Amenities \$799k, Recreation and Culture \$748k (of which \$351k relates to Beatty Park Leisure Centre expenditure), Transport \$351k, Governance \$225k, Other Property and Services \$128k, and Law, Order, Public Safety \$124k.

Transfer from Reserves

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

Capital Expenditure

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

Transfer to Reserves

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

Opening Funding Surplus/(Deficit)

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

Closing Surplus/(Deficit)

There is currently a surplus of \$18,781,863, compared to year to date budget surplus of \$14,286,338. This is substantially attributed to the positive variance in operating expenditure and the current level of Capital Expenditure.

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

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

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

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

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

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

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

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

The net current funding position as at 31 January 2017 is \$18,781,860.

4. Summary of Income and Expenditure by Service Areas (Note 4 Page 6 – 70)

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

5. Capital Expenditure and Funding Summary (Note 5 Page 71 - 86)

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

	Original Budget	Revised Budget	YTD Budget	YTD Actual	Budget Remaining
	\$	\$	\$	\$	%
Land and Buildings	1,597,398	1,613,374	983,374	884,968	45%
Infrastructure Assets	7,890,081	7,446,414	4,063,196	2,762,737	63%
Plant and Equipment	3,537,050	3,817,489	1,483,459	1,053,680	72%
Furniture and Equipment	737,070	733,670	654,670	198,984	73%
Total	13,761,599	13,610,947	7,184,699	4,900,368	64%

	Original Budget	Revised Budget	YTD Budget	YTD Actual	Budget Remaining
	\$	\$	\$	\$	%
Own Source Funding - Municipal	9,389,210	9,229,269	5,455,043	3,094,570	66%
Cash Backed Reserves	1,287,534	1,213,321	85,000	316,513	74%
Capital Grant and Contribution	2,551,355	2,634,857	1,549,656	1,312,202	50%
Other (Disposals/Trade In)	533,500	533,500	95,000	177,084	67%
Total	13,761,599	13,610,947	7,184,699	4,900,368	64%

Note: Detailed analysis are included on page 71 – 86 of Attachment 1.

6. Cash Backed Reserves (Note 6 Page 87)

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 January 2017 is \$7,917,203.

7. Rating Information (Note 7 Page 88 - 89)

The notices for rates and charges levied for 2016/17 were issued on 08 August 2016.

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

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

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

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

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

The Rates debtors balance as at 31 January is \$4,723,548 (this includes deferred rates of \$105,250). This represents 14.74% of the collectable income compared to 13.73% at the same time last year. It should be noted that the rates notices were issued on 8th August 2016, which is three weeks later than the previous year due to the delayed budget adoption.

8. Receivables (Note 8 Page 90)

Receivables of \$3,848,300 are outstanding at the end of January 2017, of which \$2,764,761 has been outstanding over 90 days. This is comprised of:

- \$2,033,727 (73.6%) relates to unpaid infringements (plus costs) over 90 days. Infringements that remain unpaid for more than two months are sent to Fines Enforcement Registry (FER), who then collect the outstanding balance and return the funds to the City for a fee.
- \$388,407 (14.0%) relates to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangements for more than one year.
- \$180,731 (12.4%) relates to Other Receivables, including recoverable works and property.

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

9. Beatty Park Leisure Centre – Financial Position Report (Note 9 Page 91)

As at 31 January 2017 the operating deficit for the Centre was \$329,749 in comparison to the year to date budgeted deficit of \$322,677.

The cash position showed a current cash deficit of \$105,504 in comparison to year to date budget estimate of a cash deficit of \$23,312.

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

10. Explanation of Material Variances

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

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

The net operating result is reflecting favourably compared to the year to date Budget, however it is anticipated this will progressively come in line with the budget. Administration has undertaken a review of the Budget (Mid-Year Budget Review) which is listed separately on the agenda and is recommending some adjustments to the Capital Works Budget to reflect revised circumstances.

9.3.4 Review of Policy 4.1.10 – Execution of Documents

Ward:	Both	Date:	17 February 2017
Precinct:	All	File Ref:	SC2639
Attachments:	1 – Amended Policy 4.1.10 – Execution of Documents (clean) 2 – Amended Policy 4.1.10 – marked up version		
Tabled Items:	Nil.		
Reporting Officer:	M Bancroft, Property Leasing Officer T Evans, Manager Governance and Risk		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council ADOPTS the amended Policy 4.1.10 – Execution of Documents, as shown in Attachment 1, and agrees that public advertising and community consultation is not required due to the minor and administrative nature of the amendments.

PURPOSE OF REPORT:

To consider amending *Policy 4.1.10 – Execution of Documents*.

BACKGROUND:

Section 9.49A of the *Local Government Act 1995* governs the execution of documents by local governments, particularly when the common seal is required to be affixed and who can witness the affixation of the common seal. Council Policy 4.1.10 (attached with proposed changes marked up in **Attachment 2**) currently provides for the execution of documents in a consistent and transparent manner, providing for the following categories of document:

- Category 1(A) documents require a specific resolution of Council to sell, lease or enter into an agreement as well as an authority to affix the common seal.
- Category 1(B) documents are those of a general form or category and which may be subject to time constraints for execution. These documents are to be sealed as part of a “class of documents” authorised by Council to be executed under the common seal without a specific Council resolution to affix the common seal.
- Category 2 documents do not require the common seal to be affixed.

The Policy was last reviewed at the Ordinary Meeting of Council of 8 December 2015 (Item 9.5.5) and is due for periodic review in February 2018. Administration proposes that it requires minor amendment prior to this date to clarify the execution process of several lease and licence related documents. The clarification of the execution process of these documents should also streamline and expedite the process of negotiating, approving and arranging execution of lease and licence documents.

Administration notes that the execution process for documents is separate from the decision making process, and that Policy 4.1.10 only addresses the execution (signing) process.

DETAILS:

The proposed amendments to Policy 4.1.10 are as follows:

1. Adding '*Licence documents*' to the list of Category 1(A) Documents, which means in order for licence documents to be validly executed a specific resolution of Council authorising the common seal to be affixed is required. Policy 4.1.10 currently does not refer to licences, which grant the licensee a contractual right to use a building or area on an ongoing basis. Further clarity in the Policy is required to ensure the process by which the City grants and executes a licence is transparent and consistent. Therefore licences, once approved by Council, are proposed to be executed in accordance with sections 9.49A(1)(a) and 9.49A(3) of the *Local Government Act 1995* (common seal affixed in presence of Director Corporate Services and Mayor).
2. Adding 'Sub Lease' to the list of Category 1(B) Documents. A sub lease is the lease of a portion of the premises for a term less than the term of the lease, by the lessee, to a third party. A sub lease is a type of document which requires the common seal to be fixed in order for it to be validly executed. A 1(B) class of document is proposed, that is a document authorised by Council to be executed under the common seal without a specific Council resolution to affix the seal as the approval process for the sub-lease will depend on the following circumstances:
 - If the lease expressly provides that a sub lease is not permitted (or does not refer to the lessee having the right to sub lease), then the decision as to whether to approve a sub lease does not form part of the administration of the lease and therefore does not fall within the scope of the City Administration's or CEO's function. In these instances, Council would be required to consider whether a sub lease should be granted.
 - Many leases provide that sub leasing is permitted subject to the lessor's (City's) consent, with the lease setting out the conditions by which the lessor can withhold consent to a proposed sub lease (usually the City can not unreasonably withhold consent to a sub lease). A sub lease does not fall within the scope of a disposition, as defined in section 3.58 of the *Local Government Act 1995*, as granting a sub lease is exercising a right contained within the lease and therefore is not granting a new proprietary interest in land, which actually occurred when the lease was granted. Therefore, considering whether to provide consent to the proposed sub lease is within the scope of administering the lease and the decision of whether to approve a sub lease, provided the sub lease is consistent with the terms of the lease, is one which Administration has the authority to make.

In both circumstances, the sub lease would be required to be executed in accordance with sections 9.49A(1)(a) and 9.49A(3) of the *Local Government Act 1995* (common seal affixed in presence of Director Corporate Services and Mayor) .

3. Adding '*Minor variation of lease provided it does not alter the substantive terms of the lease approved by Council*' to the list of category 1(B) Documents. At present all Variation of Leases require Council's approval as they fall within the scope of a Category 1(A) Document. In the case of a variation which does not alter the substantive content of the lease it is proposed that it would be appropriate for Administration (Director Corporate Services acting with delegated authority) to approve. Examples of minor variations are changes to the party's name (company name changes) or changes to the process for recouping variable outgoings. In both these examples the substantive provisions of the lease do not change and therefore it is not necessary for Council to reconsider the lease. As approving a minor variation to a lease is a decision which Administration can make, the Deed of Variation can be executed as a category 1(B) Document (common seal affixed in presence of Director Corporate Services and Mayor).

4. Adding 'Regular hire arrangements' to the list of Category 3 Documents. Regular hire arrangements (including regular bookings arranged through the City's Bookings Officer) are currently not included in Policy 4.1.10. In the interests of clarifying the execution process and also the authority for making the decision they should be included. As the City is granting a party a contractual right to use a premises on an ongoing basis, it would be appropriate for 'regular hire arrangement' to be included in the list of Category 3 Documents. The decision to approve a regular hire arrangement can be made by administration as it falls within the scope of the normal management of the City's facilities. A regular hire arrangement can be executed by either the Director Corporate Services, Director Community Engagement or City officer with the delegated authority. Therefore regular hire arrangements would be executed in accordance with section 9.49A(1)(b) of the Local Government Act 1995 (common seal not required to be affixed).

CONSULTATION/ADVERTISING:

Policy No. 4.1.5 Community Consultation in Appendix 2 of the Guidelines (Item 10), states that community consultation is required for new policies, or significant amendments to existing policies. Administration has assessed the current proposed amendments to Policy 4.1.10 and believes that they are not significant amendments and therefore community consultation is not required.

LEGAL/POLICY:

Section 9.49A of the *Local Government Act 1995* governs the execution of documents by local governments, particularly when the common seal is required to be affixed and who can witness the affixation of the common seal.

Subsection (1) provides that:

"A document is duly executed by a local government if –

- (a) the common seal of the local government is affixed to it in accordance with subsections (2) or (3); or*
- (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so."*

Subsection (3) provides that:

"The common seal of the local government is to be affixed to a document in the presence of –

- (a) the mayor or president; and*
- (b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed."*

Subsection (4) provides that:

"A local government may, by resolution, authorise the chief executive officer, or another employee or an agent of the local government to sign documents on behalf of the local government, either generally to subject to conditions or restrictions specified in the authorisation."

RISK MANAGEMENT IMPLICATIONS:

- Low The amendments are designed to clarify existing responsibilities and streamline the execution process and therefore they should reduce any potential risk to the City associated with the execution of lease and licence documents.
-

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The review of Policy 4.1.10 has revealed that the Policy is silent in respect to several important documents associated with lease management, particularly licences, sub leases and minor variations of leases. The requested amendments will ensure a proper process is followed in arranging execution of these documents, and will also inform how the separate process of negotiating and approving these documents is carried out.

9.3.5 Review of City of Vincent Local Laws under Section 3.16 of the Local Government Act 1995

Ward:	-	Date:	17 February 2017
Precinct:	-	File Ref:	SC2688
Attachments:	1 – Summary of Public Submissions		
Tabled Items:	-		
Reporting Officer:	Tim Evans, Manager Governance and Risk		
Responsible Officer:	John Paton, Director Corporate Services		

RECOMMENDATION:

That Council:

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

Local Law	Reason
Dogs Local Law 2007	To update the prescribed forms following the introduction to the <i>Dog Regulations 2013</i> ; and To consider maintaining a list of dog exercise areas externally to the Dogs Local Law.
Fencing Local Law 2008	To make minor amendments to ensure alignment with the City's Built Form Policy and Town Planning Scheme 2.
Local Government Property Local Law 2008	To address concerns that construction activity on private property is damaging or obstructing access to footpaths thoroughfares and other public places; and To increase the City's powers to deal effectively with for-profit groups that use public spaces without agreement.
Parking and Parking Facilities Local Law 2007	To remove schedule 6; and To consider imposing increased penalties.
Standing Orders Local Law 2008	To consider a number of minor amendments to support the smooth running of Council Meetings.
Trading in Public Places Local Law 2008	To satisfy action 7.2 of the City's Corporate Business Plan 2016/17 – 2019/20.
Health Local Law 2004	To consider the easing of provisions relating to restrictions on keeping poultry.

; and

- REQUESTS Administration to prepare a report for Council to consider the introduction of a limited local law which imposes obligations on an owner to cut and remove branches overhanging a neighbour's property or to ensure a tree does not interfere with a person's use or enjoyment of their land, to be presented to Council in the 2017/18 financial year.

PURPOSE OF REPORT:

To consider the outcome of a review of the City's local laws in accordance with section 3.16 of the *Local Government Act 1995* (the Act).

BACKGROUND:

At its Ordinary Council Meeting on 20 September 2016 (item 9.3.6), Council resolved:

“That Council:

1. *In accordance with section 3.16 of the Local Government Act 1995, AUTHORISES Administration to provide State-wide and local public notice stating that:*
 - a) *the City proposes to review the following local laws:*
 - i) *Dogs Local Law 2007;*
 - ii) *Fencing Local Law 2008;*
 - iii) *Health Local Law 2004;*
 - iv) *Local Government Property Local Law 2008;*
 - v) *Parking and Parking Facilities Local Law 2007;*
 - vi) *Standing Orders Local Law 2008;*
 - vii) *Trading in Public Places Local Law 2008; and*
 - b) *submissions about the local laws are invited for a period of 6 weeks;*
and
2. *NOTES that the results of the above advertising will be presented to Council for consideration of any submissions received.”*

Accordingly, a public notice was placed in the West Australian newspaper on 05 October 2016 and notices were also displayed in the Voice and Guardian Express newspapers. In addition, notices were displayed at the City’s offices and at the City’s public library and a web page along with a discussion paper was set up on the City’s website.

The submission period commenced on 05 October 2016 and closed on 22 November 2016, and a summary of public submissions has been included as **Attachment 1**. In addition to the public submissions, internal working groups were convened to undertake an internal review of the local laws to ensure that they remain efficient and effective.

This report details the outcome of the local law review and makes recommendations as to whether each of the local laws should be amended, repealed or remain unchanged.

DETAIL:

DOGS LOCAL LAW 2007

Most matters relating to dogs are dealt with by the *Dog Act 1976* which, among other things, sets out:

- That dogs must be microchipped and registered;
- Limitations as to number of dogs that may be kept;
- Provisions relating to dogs that are declared dangerous;
- Control of nuisance dogs; and
- Matters that a local government may deal with in a local law relating to dogs.

Since changes were made to the *Dog Act 1976* in 2012 and the *Dog Regulations 2013* were introduced, that state legislation now deals with some areas previously dealt with by local laws, which means that the only matters that a local government may now make local laws about are listed in section 51 of the *Dog Act 1976*:

“51. Local law making powers

- A local government may so make local laws —*
- (a) providing for the registration of dogs;*
 - (b) deleted]*

- (c) *specifying areas within which it shall be an offence (unless the excreta are removed) for any person liable for the control of a dog to permit that dog to excrete on any street or public place or on any land without the consent of the occupier;*
- (d) *requiring that in specified areas a portion of the premises where a dog is kept must be fenced in a manner capable of confining the dog;*
- (e) *providing for the establishment and maintenance of dog management facilities and other services and facilities necessary or expedient for the purposes of this Act;*
- (f) *providing for the detention, maintenance, care and release or disposal of dogs seized;*
- (g) *as to the destruction of dogs pursuant to the powers hereinbefore conferred;*
- [(h) *deleted*]
- (i) *providing for the licensing, regulating, construction, use, and inspection of approved kennel establishments.”*

Public Submissions

The City received two comments relating to the Dogs Local Law 2007.

The first advocated for dogs to be permitted to enter a public building such as a shop or business premises where the owner of that shop or business is amenable to it. Administration does not support such a change, primarily because it would increase the risk to the safety of both people and other dogs in close proximity to one another. Dog attacks and biting incidents are not uncommon and the close proximity of dogs, people and children in a confined space will only serve to increase the risk to safety which, in Administration's view, outweighs the amenity of dog owners. In addition, dog urine and excrement will increase the potential for health concerns.

The second comment related to the enforcement of the requirement for self-closing gates and also advocated for the local law to be made shorter where possible. The requirement for dog owners to have self-closing gates is enforced by Rangers when it comes to the City's attention, albeit there is no routine inspection program in place. In relation to the length of the local law, Administration will propose changes that would result in a shorter local law.

Administration Review

Perhaps the most significant change that the recent amendments to the *Dog Act 1976* has allowed is for local governments to specify a public place where dogs are prohibited and to specify dog exercise areas by means of council resolution. Previously, these areas had to form part of the local law itself to be of effect. Consequently, Administration is proposing that a list of public places where dogs are prohibited and a list of dog exercise areas that have been determined by Council be kept and maintained on the City's website. As a result, the parts of the Dogs Local Law 2007 that manage this currently would be removed.

In general, Administration believe that the current law is working efficiently and effectively, but have also identified a couple of, largely administrative, changes:

1. Updates to the prescribed forms following the introduction to the *Dog Regulations 2013*.
2. Remove section "2.2 – Attendance of pound keeper at pound" to enable the pound to be attended in a manner that best fits operational requirements.

Review Outcome

As a result of the review it is proposed that the City will:

- Amend the Dogs Local Law 2007

FENCING LOCAL LAW 2008

Most matters relating to dividing fencing are dealt with by the *Dividing Fences Act 1961* which, among other things, sets out:

- That owners are equally liable for the costs of erection and maintenance of a fence;
- A process to decide what fence is to be built if owners cannot agree;
- That a fence does not have to be built precisely on a boundary for it to be a dividing fence; and
- That a local government may prescribe what constitutes a 'sufficient fence' in relation to a dividing fence.

The main role for local government is therefore to prescribe what is considered to be a 'sufficient fence', the materials to be used and safety measures to be undertaken in relation to certain types of fencing.

The City's Fencing Local Law 2008 is largely based on the WALGA template local law, however aspects relating to rural fencing are not relevant within the City of Vincent and therefore do not exist in the City of Vincent local law.

Public Submissions

The City received one comment relating to the Fencing Local Law 2008. The submission advocated using diagrams as a means of reducing the length of the local law and to better express the requirements of the local law. It is noted that while diagrams are not permissible in local laws, the City's Built Form Policy does contain diagrams that help to explain preferred street fencing styles.

Administration Review

Administration have noted that there is an opportunity to align the allowable range for brick pier sizes for dividing fencing with those specified for street fencing in the recently endorsed Built Form Policy.

Inconsequential Amendments

It was noted that the term "non-sacrificial graffiti protection" was defined in the definitions section of the local law but was not further referenced within the local law. It is therefore proposed that this definition will be removed.

Review Outcome

As a result of the review it is proposed that the City will:

- Amend the Fencing Local Law 2008

HEALTH LOCAL LAW 2004

The Health Local Law 2004 controls such matters as the keeping of animals and poultry, the control of vermin and other nuisances, maintenance of houses, disposal of refuse, control of infectious diseases and licensing of certain premises. The *Health Act 1911* required a local authority to adopt its own local law to carry out the provisions of the Act within its own district.

The *Public Health Act 2016 (PHA)* is now law in Western Australia, however local laws that were developed under the *Health Act 1911* remain in force under transition arrangements that are in effect. The Department of Health (DoH) has set out a five phase implementation plan which includes working with the Local Government sector to consider the new regulatory framework and what it means for existing health local laws.

DoH and the Western Australian Local Government Association (WALGA) have established a working group that will draft a model Health Local Law under the PHA for industry adoption, with a view to replacing the existing local laws. This work is scheduled to be completed in the 2017/18 financial year.

Public Submissions

The City received two submissions relating to the Health Local Law 2004. One submission commented that the local law will be replaced by the PHA. However, as described in the section above, this is not the case and there will still be a role for a Health Local Law in some form.

A second submission highlighted the difficulties involved in collecting evidence of unacceptable noise. Administration agrees that the process for evidence collection is onerous, however noise is regulated by the State Government's *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*, not the City's local laws and therefore not within the City's ability to regulate.

At its Ordinary Council Meeting on Tuesday 18 October 2016, during Public Question Time and Receiving of Public Submissions, the City received a submission requesting that the current restrictions relating to the keeping of chickens and ducks be relaxed. Currently, poultry is prohibited from being kept within a "prohibited zone" that stretches for a significant portion of the City of Vincent area. Furthermore, poultry is to be kept at least 15 metres away from houses which often means that keeping poultry is only possible on a large block. These provisions were adopted in 2004 and attempt to strike a balance between a person's general right to keep poultry against the impact of noise, odours and vermin that are often associated with them on neighbouring properties. Administration intends to undertake consultation in relation to this issue and report back to Council in order for Council to develop an informed position on whether the current restrictions are still appropriate.

Administration Review

Administration has concluded that the current Health Local Law 2004 is working adequately, but notes that it will review the Health Local Law again in more detail once the new model local law has been developed which will complement the new regulatory framework.

Inconsequential Amendments

Nil.

Review Outcome

As a result of the review it is proposed that the City will:

- Amend the Health Local Law 2004.

LOCAL GOVERNMENT PROPERTY LOCAL LAW 2008

The objective of this local law is to provide for the regulation, control and management of activities and facilities on local government property, thoroughfares and public places within the district.

Public Submissions

Nil.

Administration Review

Following the City's decision to simplify the application process for outdoor eating areas, goods display and advertising, Administration is undertaking a major review of the Trading in Public Places Local Law 2008, which is discussed later in this report. As part of that review it is proposed that Part 6 of the Local Government Property Local Law 2008 will be moved across into the Trading in Public Places Local Law 2008.

Administration would like to amend the Local Government Property Local Law 2008 so that it better addresses the concerns of residents and pedestrians that construction activity associated with new developments on private property is damaging or obstructing access to footpaths thoroughfares and other public places.

Furthermore, Administration has some concerns that the City's rangers lack the means to deal effectively with for-profit groups that are using public spaces without agreement. Administration would like to increase these powers by means of a minor amendment.

Inconsequential Amendments

Clause 10.2(2) provides for the City to give an exemption to the prohibition of certain activities on Local Government land. However, Administration has noted that this clause can be interpreted such that it provides a blanket exemption for all activities rather than for a particular activity. Consequently, it is proposed to clarify clause 10.2(2) to remove any ambiguity.

Review Outcome

As a result of the review it is proposed that the City will:

- Amend the Local Government Property Local Law 2008

PARKING AND PARKING FACILITIES LOCAL LAW 2007

The objective of the Parking and Parking Facilities Local Law 2007 is to regulate the parking or standing of vehicles in specified thoroughfares and reserves under the care, control and management of the local government and to provide for the management and operation of parking facilities.

Public Submissions

The City received two submissions in relation to the Parking and Parking Facilities Local Law 2007. One submission relates to the perceived abuse of time limited car parks by workers causing parking shortages for shoppers and business patrons. A second submission relates to a lack of street parking being available for residents and their guests. In both cases, Administration considers that while these concerns are valid, they are concerns relating to compliance rather than to the local law itself. As such the comments have been put forward for consideration in the development of the City's transport strategy.

Administration Review

Administration has recently completed a review of the provisions of this local law in relation to the potential for storing items and parking vehicles on the verge following a motion on notice. The results of this review were reported to Council on 13 December 2016 and Council decided to make no changes to accommodate this, noting that the local law already gives the City some discretion in granting exemptions to prohibitions.

At its meeting of 9 February 2016, Council adopted, for the purpose of advertising, a minor amendment to the Parking and Parking Facilities Local Law 2007 in order to remove schedule 6 which specified the format of a parking permit. The intent of this amendment was to allow the City to change the style of the permits it issues. Despite its adoption, this amendment was not advertised and will be advertised as part of the other minor changes that are proposed through this review process.

Administration also considers that it may be appropriate to increase the penalties imposed under this local law to improve the City's ability to enforce it.

Inconsequential Amendments

It is proposed to amend the definition of "verge" in this local law so that it is the same definition as found within the Local Government Property Local Law 2008.

Review Outcome

As a result of the review it is proposed that the City will:

- Amend the Parking and Parking Facilities Local Law 2007

STANDING ORDERS LOCAL LAW 2008

The objective of this local law is to provide rules, procedures and guidelines to assist in the good conduct of meetings of the Council and the standards to be observed by persons attending such meetings. The law also prescribes how a person can make an effective petition to the local government and governs the use of the Common Seal.

Public Submissions

Nil.

Administration / Council Review

Administration has identified:

- Certain sections (e.g. sections 12 and 13) that are largely repetition of the Act and might be reduced or removed.
- A need for the standing orders to acknowledge the City's Council Briefing process.
- A need for some rearrangements of the local law structure to promote greater readability and fluency.
- Whether it is still necessary to require the stating of a person's full address at Public Question Time.

Given the unique nature of the Standing Orders Local Law 2008 in that it primarily impacts Council Members, Administration consulted with Council Members by email and also at a Council Workshop. Further consultation will occur prior to any amendments being proposed, including on some of the following points that were raised:

- That more power was needed to be able to deal with disruptive members of the gallery;
- A review of the provisions around the order of business;
- Relaxing of requirements relating to petitions (e.g. that they contain signatures) in order to facilitate online petitions.

Inconsequential Amendments

It is proposed to amend several of the definitions to better align with definitions in other legislation, such as amending the definition of "document" so that it matches the definition of "document" in the *Freedom of Information Act 1992*.

Review Outcome

As a result of the review it is proposed that the City will:

- Amend the Standing Orders Local Law 2008

TRADING IN PUBLIC PLACES LOCAL LAW 2008

The objective of this local law is to provide for the regulation, control and management of trading activities, outdoor eating facilities, stalls, displays of goods and items, and traders and entertainers in any street or public place within the district by establishing the requirements with which persons must comply in order to undertake those activities.

Public Submissions

The City received two submissions in relation to the Trading in Public Places Local Law 2008. One expressed general support for the City's recent initiatives to streamline the permit process relating to outdoor eating areas and display of goods. The other expressed concern that the easing of control measures might make it more difficult for the City to manage nuisance behaviour. These two submissions – in general – are expressing both sides of the trade-off between relaxation of the existing regulations and the need for adequate controls.

Administration Review

Item 7.2 of the City's Corporate Business Plan identifies the need to amend the Trading in Public Places Local Law 2008. This review has already commenced and includes an in-depth investigation of the current approvals process for public space permits and how this may be further streamlined.

Review Outcome

As a result of the review it is proposed that the City will:

- Amend the Trading in Public Places Local Law 2008

POTENTIAL FOR NEW LOCAL LAWS

Nuisance Trees and Overhanging Branches on Private Property

The City received three submissions supporting the consideration of a local law that imposes obligations on property owners to prevent trees on their land from adversely affecting their neighbours.

On 5 April 2016, Council considered a report (Item 9.2.8) relating to nuisance or dangerous trees located on private property and at that time decided:

“That Council:

1. *NOTES the legal advice received in relation to the investigation and consequences of introducing new powers for Council to become more involved in the management of nuisance and dangerous trees on private property (as contained in Confidential Appendix 1);*
 2. *DOES NOT PROCEED with the creation of a policy and/or local law for the management of nuisance and dangerous trees on private property, for the following reasons;*
 - 2.1 *a policy can only serve as a guide and cannot expand on the existing power already available to the City;*
-

- 2.2 *the Local Law would most probably be subject to disallowance by the Parliament as it is likely to consider, as a matter of public policy, whether it is appropriate for local governments to legislate in an area of law which is already subject to well-known common law principles;*
- 2.3 *in the unlikely event that a Local Law was approved, even in an amended form, Administration would need to consider whether it had the resources to deal with its enforcement and how sufficient evidence to prove an offence had been committed would be gathered; and*
- 2.4 *the creation of such a law would transfer the responsibility for solving a civil dispute between neighbours from the neighbours to the City; and*
3. *AUTHORISES the Mayor to write to the Minister for Local Government to request consideration for legislative reform to address issues with nuisance trees, as has occurred in some other states of Australia.”*

Notwithstanding the resolution to not proceed, it is noted that the Council report on the matter included the following:

“A limited Local Law may be possible which imposes obligations on an owner to cut and remove branches overhanging a neighbour’s property or to ensure a tree does not interfere with a person’s use or enjoyment of their land.”

As a result, Administration is recommending that a report to Council on the possibility of introducing a limited local law as described in the paragraph above be prepared and scheduled according to priorities in the 2017/18 financial year.

Penalty Units Local Law

Consideration was given as to whether a Penalty Units Local Law might be appropriate, which is an approach taken by some Local Governments. A Penalty Unit Local Law sets a dollar amount for a “penalty unit” (e.g. \$25 per penalty unit), while all other local laws would be amended to specify the penalty for an offence to be in penalty units instead of specific dollar amounts as they are currently.

The advantage of this approach is that in the event the Council wished to increase the penalties, potentially to keep pace with inflation, the amendment of the Penalty Units Local Law (e.g. to \$26 per penalty unit) would have the effect of amending the penalties for all offences. In the absence of a Penalty Units Local Law, each of the existing local laws would need to be amended and gazetted separately.

In assessing whether this approach was appropriate for the City of Vincent, Administration considered that there has been no need to broadly increase penalties in recent history. Furthermore, given that the City has only seven local laws, the administrative overhead of creating a new local law is probably greater than amending each local law in turn. Finally, the Penalty Units Local Law approach reduces independent consideration of penalties on a case-by-case basis as it would have the effect of unilaterally increasing all penalties which may not be appropriate. Consequently, it is not proposed that a Penalty Units Local Law be created at this time.

Cat Local Law

The *Cat Act 2011* has introduced the possibility for Local Governments to create a local law in much the same way that the *Dog Act 1976* does. In particular, section 79(3) of the *Cat Act 2011* provides that a Cat Local Law may be made as to one or more of the following —

- (a) the registration of cats;*
 - (b) removing and impounding cats;*
 - (c) keeping, transferring and disposing of cats kept at cat management facilities;*
 - (d) the humane destruction of cats;*
-

- (e) *cats creating a nuisance;*
- (f) *specifying places where cats are prohibited absolutely;*
- (g) *requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats;*
- (h) *limiting the number of cats that may be kept at premises, or premises of a particular type;*
- (i) *the establishment, maintenance, licensing, regulation, construction, use, record keeping and inspection of cat management facilities;*
- (j) *the regulation of approved cat breeders, including record keeping and inspection;*
- (k) *fees and charges payable in respect of any matter under this Act”*

Despite this provision, the *Cat Act 2011* and the associated Regulations deal with the majority of these issues and Administration considers that there would be little value in creating a Cat Local Law.

The Department of Local Government and Communities has developed a [guideline](#) on this matter which makes it clear that a Cat Local Law is likely to only be necessary if there are unique local circumstances that warrant provisions that are over and above the Act. Administration does not believe that this is the case within the City of Vincent. There were no submissions made in relation to a Cat Local Law.

REVIEW SUMMARY

The following table provides an overall summary of the outcomes of the local law review to date in relation to the City’s existing Local Laws:

Local Law	Outcome	Extent of amendments
Health Local Law 2004	Amend	Minor
Parking and Parking Facilities Local Law 2007	Amend	Minor
Dogs Local Law 2007	Amend	Minor
Trading in Public Places Local Law 2008.	Amend	Moderate
Local Government Property Local Law 2008	Amend	Moderate
Standing Orders Local Law 2008	Amend	Moderate
Fencing Local Law 2008	Amend	Minor

City of Vincent Name Change

The City’s currently gazetted local laws all refer to the “Town of Vincent” as opposed to the “City of Vincent” because they were gazetted prior to the City’s change of status to a City. Advice received from the Department of Local Government and Communities indicates that this in no way impacts on the validity of the local laws and furthermore that it was appropriate for the City to have replaced “Town of Vincent” with “City of Vincent” in the administrative versions of the local laws on the City’s website. However, as the City amends its local laws through this process, all references to “Town of Vincent” will be removed.

The Process of Amending a Local Law

In the event that Council adopt the recommendation to amend its local laws, for each local law that is to be amended, Administration will implement the following process:

- 1) Draft proposed amendments to the local laws to satisfy the outcomes of the review.
- 2) Seek Council Member input into the proposed amendments at a Council Workshop.
- 3) Present the proposed amendments to Council to formally commence the amendment process set out in s3.12 of the Act.
- 4) Invite public submissions on the proposed amendments.

- 5) Present any submissions back to Council for consideration as to whether to formally “make” the new law.
- 6) Publish the law in the Gazette and give a copy to the Minister of Local Government.
- 7) Give public notice of the new local law;

Notwithstanding the reasons for the local law amendments proposed in the recommendation, at any stage through the local law amendment process described above, the City can incorporate additional amendments that may arise or be of importance to Council Members or other stakeholders.

CONSULTATION/ADVERTISING:

The consultation process is prescribed in the Act and required the placing of local and state-wide public notices for a period of six weeks. Letters were also sent to local business group such as the City’s Town Teams and Precinct Groups and information on the review was provided to the City’s Business Advisory Group.

As detailed above and in **Attachment 1**, a total of eight submissions were received which are discussed in the Details section of this report.

Further extensive consultation will take place should Council decide to amend the City’s local laws.

LEGAL/POLICY:

Section 3.16 (2) – (4) of the Act sets out the process for reviewing the currency and suitability of gazetted local laws:

- “(2) The local government is to give Statewide public notice stating that —*
- (a) the local government proposes to review the local law; and*
 - (b) a copy of the local law may be inspected or obtained at any place specified in the notice; and*
 - (c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
- (2a) A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.*
- (3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) When its council has considered the report, the local government may determine whether or not it considers that the local law should be repealed or amended.”*

If Council decides to amend a local law after it has completed the review process stipulated under section 3.16, then it must initiate the formal local law amendment process prescribed by section 3.12 of the Act.

RISK MANAGEMENT IMPLICATIONS:

Low There are considered to be minimal risk involved in reviewing the City’s local laws.

STRATEGIC IMPLICATIONS:

Plan for the Future – Strategic Plan 2013 – 2023 – Strategic Objectives

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

There are nominal costs associated with placing advertisements calling for submissions as part of the review.

The second phase of the project will deal with any potential amendments to the local laws and may incur legal and consulting fees. An amount of \$50,000 has been budgeted for both phases of this project.

COMMENT:

Administration recognises that it represents good practice to undertake a full periodic review of all local laws in order to ensure that they remain current and appropriate to the community.

9.3.6 Council Meeting Web Streaming

Ward:	-	Date:	17 February 2017
Precinct:	-	File Ref:	FY3-04
Attachments:			
Tabled Items:	<p><u>1</u> – Amended Policy 4.2.4 – Council Meetings - Recording and Web Streaming – For adoption</p> <p><u>2</u> – Current Policy 4.2.4 – Council Meetings - Recording and Access to Recorded Information – Marked Up</p>		
Reporting Officer:	Tim Evans, Manager Governance and Risk		
Responsible Officer:	John Paton, Director Corporate Services		

RECOMMENDATION

That Council ADOPTS the amended Policy 4.2.4 – Council Meetings - Recording and Web Streaming, as shown on Attachment 1, noting the change in title, and agrees that public advertising and community consultation is not required.

PURPOSE OF REPORT:

To consider amending the City's Policy 4.2.4 – Council Meetings – Recording and Access to Recorded Information to allow live streaming of City of Vincent Council Meetings.

DETAILS:

Council's strategic priorities for 2016/17 included "Leading Local Government Transparency and Accountability", and one of the key actions designed to support this strategic priority is to establish live streaming of Council meetings over the web. In addition to demonstrating openness and transparency, one of the key aims of implementing live streaming Council Meetings is to increase the potential for the participation of the community in the Council Meeting process.

In order to implement live streaming, it is necessary to install video cameras and a streaming hardware unit that can receive, compress and broadcast the images to the web. It will also be necessary to engage a hosting service from which the videos can be viewed from.

The camera, hardware and installation costs are approximately \$15,000, while the cost for the hosting of live web streaming is approximately \$7000 initially and then \$390 per meeting.

Other Local Governments

Numerous other local governments currently stream their ordinary Council meetings either via audio only or audio and visual methods. These include Bunbury (WA), Greater Geraldton (WA), Mundaring (WA), Joondalup (WA), Gold Coast (Qld), Kingston (Vic), Wollongong (NSW), Bayside (Vic), Mid-western (NSW) and Eurobodalla (NSW). Feedback from these councils indicate that average viewing audience varies considerably. The average reported viewing of the streamed meeting is as follows; Joondalup 3 (population 150,000), Geraldton 25 (population 40,000) Bunbury 20 (population 35,000), Kingston 50 (population 150,000), Bayside 40 (population 100,000) Gold Coast reported figures between 100 and 500 per meeting (population 550,000).

Privacy

There are a number of privacy issues to consider when streaming council meetings. These primarily relate to the collection of people's personal information and the use or disclosure of that personal information. These aspects are covered by [Australian Privacy Principles](#) 3, 5 and 6. In short, any filming and broadcasting of members of the public could create issues for the City as the broadcast may contain people's personal information. It is therefore proposed that the cameras would be positioned so that the public gallery would not be shown. Further,

it is proposed that public question time and any deputations made to Council would also not be recorded.

It is also recommended that a notice be prominently displayed that informs members of the public that the proceedings will be recorded. Furthermore, it is also recommended that the presiding member also read a statement to this effect prior to the commencement of the meeting.

While the City of Vincent, as a Local Government entity is not covered by the [Privacy Act 1988](#), the City has committed, through its own policy, to adhering to that Act and the Australian Privacy Principles.

Record Keeping

Pursuant to the *State Records Act 2000*, the City is required to keep records in accordance with the *General Disposal Authority for Local Government Records* which is maintained by the State Records Office WA. As a result, the City is required to keep any recordings (audio or visual) for a period of one year after the minutes of the meeting are confirmed.

Current Practice

The City currently records and stores an audio recording and a low quality video recording of Council Meeting proceedings in order to verify particular points to be recorded in the minutes. Audio recordings are used to transcribe mayoral announcements and in-depth public questions as well as to check any issues raised with the minutes. Audio recordings are also currently available for members of the public to purchase at a cost of \$31, which covers the administrative time required to find, copy and reproduce a version of the requested meeting. The video recording is used by Administration primarily only to verify vote counts where there is a division.

Proposed Practice

For Administration's purposes, the audio recording is used to verify what was said at the meeting for the purposes of minute-taking. The new audio recording is expected to be of a better quality than at present and will continue to be available for public purchase. Administration rarely uses the current video recording, which has to-date been grainy, intermittent and unreliable. When it has been used, it has generally been to record the split of votes when there is a division. This requirement could also easily be met by the Presiding Member clearly announcing, at each vote, the Mover, Secunder and the Vote, along with all those for and against a motion. As a result, Administration has no significant need to keep the video recording and it is therefore proposed that the video will not be recorded and only used for live streaming. Administration believes this satisfies Council's strategic priority to live stream Council Meetings in a manner that is cost effective and further mitigates privacy risks discussed earlier in this paper.

Policy

In order to formalise the procedures and processes that will be put in place to facilitate the streaming of Council Meetings, Administration is proposing to revise *Policy 4.2.4 – Council Meetings – Recording and Access to Recorded Information* to incorporate provisions for web streaming such as which types of meetings are recorded, which sections of the meetings are recorded, the method of recording and the powers of the presiding member of the meeting in relation to web streaming at the meeting.

Attachment 1 shows the proposed, amended policy 4.2.4, which has been renamed to "*Policy 4.2.4 – Council Meetings – Recording and Web Streaming*" in order to better fit its expanded purpose. **Attachment 2** shows the current adopted "*Policy 4.2.4 – Council Meetings – Recording and Access to Recorded Information*" which shows the proposed changes in mark up.

While reviewing the policy it was noted it currently provides members of the public with the option to listen to an audio recording under the supervision of a staff member. Given that the use of playback software on computers is now commonplace and the public can request and play back an audio recording of the meeting, it is considered unnecessary to continue to offer a supervised listening service. There is no record of this service having been taken up for several years, consequently, it is proposed that this service will be removed from the Policy.

CONSULTATION/ADVERTISING:

No community consultation has taken place, however Administration has consulted with other local governments that are currently web streaming their Council Meetings.

As detailed in the report, notices at Council Meetings will inform attendees that live streaming is taking place.

LEGAL/POLICY:

The City of Vincent *Standing Orders Local Law 2008* sets out how the City's Council Meetings must operate.

Privacy Act 1988 sets out the Australian Privacy Principles for dealing with personal information.

Policy 4.2.4 is proposed to be amended to formalise the procedures around Council Meeting web streaming.

RISK MANAGEMENT IMPLICATIONS:

Low: There are potentially some additional legal risk, privacy risk and risks of technical issues associated with implementing web streaming. However, it is Administration's view that these are minor in nature.

A [paper published by McLeods](#) law firm highlighted that there may be increased legal risk to Council Members if they make remarks or comments that could be perceived as libellous or slanderous. The paper notes that local government Council Members do not enjoy the same absolute privilege that is enjoyed by members of parliament which protects them from any action in regard to deliberate or careless statements.

At any given Council Meeting, there is also a risk that technical issues may prevent the meeting from being streamed or recorded.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Administration has undertaken a Request for Quotation process for the provision of web streaming services and evaluated four responses. The preferred supplier has provided a quote for between \$3500 and \$7000 for implementation and then \$390 per meeting based on a minimum two-year term. This equates to a maximum of \$16380 over a two year term.

Quotes for the cameras and associated hardware have been received at approximately \$15,000. The exact amount will vary slightly depending on the requirements of the selected web streaming vendor.

Consequently, the estimated total cost of web streaming will be:

Item	Upfront	Per Meeting
Cameras and Hardware	\$15000	
Implementation of web streaming	\$7000	
Web streaming services		\$390

There is sufficient money in the 2016/17 budget for this initiative. In subsequent years, a budget of approximately \$5000 will be required.

The cameras and hardware will generally have a useful life of approximately 5 years at which time they will need to be replaced.

COMMENTS:

Following discussions with Council Members, Administration has determined that live streaming should only apply to Council Meetings rather than Council Briefings and other such meetings because it is the formal Council decision-making process that is most likely to be watched by members of the public.

The proposed solution has the ability in future to include meetings other than Council Meetings, and also to incorporate on-demand playback options. Bookmarking – the ability to link directly to meeting items in the video – is not available as a future option. In the event that this is a requirement in future, an alternative streaming service could be used that utilises the same cameras and hardware.

9.3.7 Mid-Year Review of the Annual Budget 2016/17

Ward:	Both	Date:	27 February 2017
Precinct:	All	File Ref:	SC245
Attachments:	1 – Mid-Year Budget Review – Statement of Comprehensive Income by Nature and Type 2 – Mid-Year Budget Review – Rate Setting Statement 3 – Supporting Schedule: Nature and Type Amendments 4 – Supporting Schedule: Operating Projects & Programs Amendments 5 – Supporting Schedule: Capital Expenditure Amendments 6 – Supporting Schedule: Reserve Schedule		
Tabled Items:	Nil		
Reporting Officers:	G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council:

1. **ADOPTS BY AN ABSOLUTE MAJORITY** the Mid-Year Budget Review of the Annual Budget for the 2016/17 financial year as detailed in the report and Attachments 1 – 6, in accordance with Regulation 33A of the *Local Government (Financial Management) Regulations 1996*; and
2. **NOTES** the Revised Budget provides for a forecast Closing Balance of \$578,847, an improvement of \$484,106.

PURPOSE OF REPORT:

To consider the Mid-Year Review of the Annual Budget for 2016/17.

BACKGROUND:

The *Local Government Act 1995* and Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires that a Local Government undertake a review of its annual budget for that year between 1 January and 31 March.

The budget review must then be submitted to the Department of Local Government and Communities (DLGC) within 30 days after Council has made its determination. The DLGC does not prescribe a format for the budget review, however the Regulations prescribe that the review must –

- (a) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
- (b) consider the local government’s financial position as at the date of the review; and
- (c) review the outcomes for the end of that financial year that are forecast in the budget.

Council is to consider the review and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.

DETAILS:

A detailed review has been undertaken based on the actual year to date income and expenditure to 31 December 2016, with projections made to forecast the likely end of financial year result compared to the current Budget.

Based on the input from across the organisation, various adjustments have been proposed. The Proposed Revised Budget 2016/17, which is inclusive of previously endorsed amendments by Council together with recommendations from the Mid-Year Review is detailed in the following attachments:

- Statement of Comprehensive Income by Nature and Type (**Attachment 1**); and
- Rate Setting Statement (**Attachment 2**).

For comparison purposes, in addition to the 'Proposed Revised Budget 2016/17' the above statements include the following data:

- Previous Year Actuals 2015/16: the actual income and expenditure for the previous financial year;
- Adopted Full Year Budget 2016/17: the original 2016/17 budget adopted by Council in July 2016;
- Current Full Year Budget 2016/17: the original budget, plus (and minus) amendments subsequently approved by Council;
- YTD Actuals at Dec 2016: actual income and expenditure recorded for the period 1 July 2016 to 31 December 2016; and
- Revised Budget Change 2016/17: the net difference between the Current Full Year Budget 2016/17 and the Proposed Revised Budget 2016/17.

The forecast Net Result from Operations, as detailed in **Attachment 1** is a surplus of - \$1.179 million, which is an improvement of \$0.164 million over the Current Budget. Similarly, the Net Result is being forecast as \$2.520 million, an improvement of \$0.207 million over the Current Budget.

The major factors in the improvement in the net operating result (revenue less expenditure) of \$0.164 million is a projected Revenue reduction from 'Contributions' and 'Fees and Charges', offset by Expenditure reductions in 'Materials & Contracts', 'Depreciation Expense' ('non-cash item') and 'Other Expenditure'. Details of operating budgets proposed to be revised are listed on **Attachment 3 – Supporting Schedule: Nature and Type Amendments**.

As a result of the review of the Capital Works Program, the Proposed Revised Capital Budget is projected to be \$13.27 million, which represents a reduction of \$0.34 million. The major influence in this reduction is the identification of projects that are being delivered under budget, particularly from the Plant Replacement Program. Full details of capital projects where the budget is being reviewed are listed on **Attachment 5 – Supporting Schedule: Capital Expenditure Amendments**.

Budgeted Transfers from Reserves is proposed to be reduced by \$35,100 linked to the reduction in capital works. Transfers to Reserves are forecast to reduce by \$0.225 million, which is directly linked to the reduction in Contribution income.

Surplus

As shown in the Rate Setting Statement (**Attachment 2**), the overall impact of all proposed Budget amendments on Municipal funds is a projected surplus as at 30 June 2017 of \$0.579 million, an increase of \$0.484 million on the Current Budget and \$0.579 million increase over the Adopted Budget. The Closing Balance represents the amount that is expected to be carried forward at the end of the current financial year into the next year as an opening balance.

Through the financial year, the forecast Closing Balance for 2016/17 has reflected the following progressive change:

Adopted Budget	\$0.0m
Carry forward adjustments (OMC 13/12/2016)	\$0.152m
Extraordinary Election expenditure approval (SMC 19/12/2016)	\$0.095m
Mid-Year Review	\$0.579m

CONSULTATION/ADVERTISING:

The Chief Executive Officer, Directors and Managers, as well as other Officers where required, have been consulted and involved in the detailed review.

LEGAL/POLICY:

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

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires:

- (1) *Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
 - (2A) *The review of an annual budget for a financial year must –*
 - (a) *consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) *consider the local government’s financial position as at the date of the review; and*
 - (c) *review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*
- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

RISK MANAGEMENT:

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

STRATEGIC IMPLICATIONS:

Plan for the Future Strategic Plan 2013-2023 - Key Result Area 4 – Leadership, Governance and Management:

- “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) *Adopt “best practice” to manage the financial resources and assets of the City.”*

FINANCIAL/BUDGET IMPLICATIONS:

The overall result of the Mid-Year Budget Review is a Proposed Revised Budget for 2016/17 reflecting a moderate improvement, with the forecast surplus Closing Balance increasing from \$0.095 million to \$0.579 million.

COMMENTS:

The Mid-Year Review of the Annual Budget was undertaken during January and February 2016 and based on data as at 31 December 2016. Overall, the performance has tracked relatively well to the Budget and is reflecting a moderate improvement.

Commentary on the Proposed Revised Budget 2016/17 arising from the Mid-Year Budget Review is summarised below. A detailed schedule of Operating Budget Amendments is included as **Attachment 3 – Supporting Schedule: Nature and Type Amendments**, which lists all amendments that propose a change to the budget greater than +/- 10% on items more than \$10,000 (consistent with Council's adopted monthly reporting variance).

Operating Revenue

As detailed below, which is extracted from the Statement of Comprehensive Income by Nature and Type (**Attachment 1**), operating revenue is expected to reduce by \$0.821 million to \$54.194 million, which represents a 1.5% reduction.

	Previous Year Actuals	Current Revised Budget	YTD Actuals at Dec 2016	Proposed Revised Budget	Change	% Change
	2015/16	2016/17	2016/17	2016/17	2016/17	
OPERATING REVENUE						
Rates	\$29,601,379	\$31,075,530	\$31,143,373	\$31,208,530	\$133,000	0.4%
Operating Grants, Subsidies and Contributions	\$966,658	\$1,643,565	\$691,703	\$1,431,535	(\$212,030)	-12.9%
Fees and Charges	\$19,285,579	\$19,937,890	\$9,551,245	\$19,157,720	(\$780,170)	-3.9%
Interest Earnings	\$1,106,722	\$864,460	\$576,320	\$936,200	\$71,740	8.3%
Other Revenue	\$1,503,561	\$1,493,420	\$640,674	\$1,460,360	(\$33,060)	-2.2%
	\$52,463,900	\$55,014,865	\$42,603,315	\$54,194,345	(\$820,520)	-1.5%

Rates

The full year forecast has increased Rates income by \$0.133 million (0.4%) to \$31,209 million. This is due to growth in the rate base during the year, resulting in increased interim rates being levied.

Operating Grants, Subsidies and Contributions

The forecast has been reduced by \$0.212 million (12.9%) due to a reduction in cash in lieu payments for Parking and Percent for Art. This is offset by a corresponding reduction in Transfers to Reserves.

Fees and Charges

The full year forecast has been revised down by \$0.780 million (3.9%), with the major areas contributing to the reduction being Car Parking and Beatty Park Leisure Centre.

Interest Earnings

This revenue is being revised up by \$0.72 million to \$0.936 million, due to more competitive interest rates being offered for investments, together with the portfolio balance.

Other Revenue

Other revenue is being revised down by \$0.33 million to \$1.460 million.

Operating Expenditure

As detailed below, operating expenditure is expected to reduce by \$0.984 million to \$55.373 million. This represents a 1.7% reduction.

	Previous Year Actuals	Current Revised Budget	YTD Actuals at Dec 2016	Proposed Revised Budget	Change	% Change
	2015/16	2016/17	2016/17	2016/17	2016/17	
OPERATING EXPENDITURE						
Employee Costs	(\$24,323,430)	(\$25,112,680)	(\$12,089,786)	(\$25,139,415)	(\$26,735)	0.1%
Materials and Contracts	(\$14,999,748)	(\$17,025,930)	(\$7,478,016)	(\$16,765,570)	\$260,360	-1.5%
Utilities Charges	(\$1,927,414)	(\$1,947,070)	(\$845,082)	(\$1,947,070)	\$0	0.0%
Interest Expenses	(\$1,093,320)	(\$1,048,240)	(\$474,614)	(\$1,048,240)	\$0	0.0%
Insurance Expenses	(\$923,484)	(\$908,370)	(\$437,073)	(\$908,370)	\$0	0.0%
Depreciation on Non-Current Assets	(\$10,089,839)	(\$10,087,180)	(\$4,857,113)	(\$9,833,560)	\$253,620	-2.5%
Other Expenditure	\$206,804	(\$227,795)	\$443,108	\$268,995	\$496,790	-218.1%
	(\$53,150,431)	(\$56,357,265)	(\$25,738,576)	(\$55,373,230)	\$984,035	-1.7%

Employee Costs

A minor increase of \$27,000 (0.1%), due mainly to recognition of non-billable wages. This is offset by an increase in recoveries in 'Other Expenditure', which pushes this line-item into a positive result. If the non-billable wages item is removed (as it has no impact on the bottom-line cash balance), the overall impact on employee costs is a reduction of \$0.383 million. This is mainly due to vacancies in staff positions and a reduction in demand for casual staff at Beatty Park due to reduced attendance levels.

Materials and Contracts

Overall, this expenditure area is being forecast to decrease by \$0.260 million to \$16.766 million.

Depreciation

A reduction of \$0.254 million to \$9.834 million (-2.5%), which is a direct outcome from the revaluation of plant, furniture and equipment assets at the end of the last financial year.

Other Expenses

This expense category which includes a range of expenditure types, including recoveries is forecast to be reduced by \$0.497 million. Of this, recoveries have increased to account for non-billable wages (in 'Employee Costs') by \$0.410 million. This adjustment does not impact the bottom-line cash balance.

Operating Summary

	Previous Year Actuals	Current Revised Budget	YTD Actuals at Dec 2016	Proposed Revised Budget	Change	% Change
	2015/16	2016/17	2016/17	2016/17	2016/17	
OPERATING SUMMARY						
Operating Revenue	\$52,463,900	\$55,014,865	\$42,603,315	\$54,194,345	(\$820,520)	-1.5%
Operating Expenditure	(\$53,150,431)	(\$56,357,265)	(\$25,738,576)	(\$55,373,230)	\$984,035	-1.7%
Net Operating Result	(\$686,531)	(\$1,342,400)	\$16,864,739	(\$1,178,885)	\$163,515	-12.2%

The change (improvement) in the net operating result (revenue less expenditure) is a reduction of net expenditure of \$0.163 million. As previously noted, a major factor in this change is the reduction in Depreciation of \$0.254 million, so operationally, there is a moderate demand for cash increase of \$0.090 million.

Proposed amendments to those budget items that were included in one of the Supporting Schedules in section 6 of the Adopted Budget have been recorded in **Attachment 4 – Supporting Schedule: Operating Projects and Programs – Listing of Amendments** for further information.

Capital

An important part of the Mid-Year Budget Review is an update of the status of all projects on the 2016/17 Capital Works Program. This review has identified a requirement for a number of adjustments to the project budgets, as detailed in **Attachment 5 - Supporting Schedule: Capital Project Amendments**.

The Proposed Revised Budget for the Capital Works Program, as detailed in Attachment 5 and summarised in the following table is projected to be \$13.27 million, which represents a reduction of \$0.34 million.

	Actual	Adopted Budget	Current Budget	YTD Actual to	Proposed Revised Budget	Budget Increase/ (Decrease)
	2015/16	2016/17	2016/17	31 Dec 16	2016/17	
CAPITAL EXPENDITURE						
Land and Buildings	\$1,782,335	\$1,597,398	\$1,613,374	\$821,943	\$1,595,624	(\$17,750)
Infrastructure Assets	\$5,595,750	\$7,890,081	\$7,446,414	\$2,376,648	\$7,407,868	(\$38,546)
Plant and Equipment	\$347,205	\$3,537,050	\$3,817,489	\$993,205	\$3,575,989	(\$241,500)
Furniture and Equipment	\$277,601	\$737,070	\$733,670	\$148,834	\$690,845	(\$42,825)
Total	\$8,002,892	\$13,761,599	\$13,610,947	\$4,340,631	\$13,270,326	(\$340,621)

As demonstrated in the above table, the most significant contributor to the overall reduction in the Capital Works Budget is a reduction in the funding required for the Plant Replacement Program arising from competitive pricing of tenders.

The proposed amendments result in a reduction in demand for Municipal funding of \$0.285 million as detailed below:

	Actual	Adopted Budget	Current Budget	YTD Actual to	Proposed Revised Budget	Budget Increase/ (Decrease)
	2015/16	2016/17	2016/17	31 Dec 16	2016/17	
CAPITAL FUNDING						
Municipal	\$5,055,098	\$9,389,210	\$9,229,269	\$2,661,628	\$8,944,048	(\$285,221)
Reserves	\$1,539,571	\$1,287,534	\$1,213,321	\$311,306	\$1,198,221	(\$15,100)
Grant	\$1,318,935	\$2,551,355	\$2,634,857	\$1,198,563	\$2,594,557	(\$40,300)
Contribution	\$89,287	\$533,500	\$533,500	\$169,134	\$533,500	\$0
Total	\$8,002,892	\$13,761,599	\$13,610,947	\$4,340,631	\$13,270,326	(\$340,621)

Transfers to and from Reserves

As a result of the overall proposed amendments to the budget, the transfers to and from Reserves have been adjusted. Full details are included in **Attachment 6 – Supporting Schedule: Reserves Schedule**, however in summary, relate to the following movements between Reserves and Municipal.

- **Transfer from Reserves down \$0.035m** – this is contributed by:
 - transfers from reserves (to Municipal) to fund capital projects is reduced by \$0.015m due to savings on those projects.
 - transfers from reserves (to Municipal) to operating projects is reduced by \$0.02m due to the timing of completion of the Leederville Oval Master Plan falling into 2017/18.
- **Transfer to Reserves down \$0.225m** – this is due to an estimated reduction in revenue from ‘Percent for Art’ and ‘Cash in lieu of Parking’ contributions

9.4 COMMUNITY ENGAGEMENT

9.4.1 Adoption of Policy No. 3.10.9 – Public Murals

Ward:	All	Date:	17 February 2017
Precinct:	All	File Ref:	SC2055
Attachments:	1 – Policy No. 3.10.9 – Public Murals 2 – Draft Revised Policy No. 3.10.9 – Public Murals		
Tabled Items:	Nil		
Reporting Officer:	A Curtin, A/Coordinator Arts & Creativity		
Responsible Officer:	M Quirk, Director Community Engagement		

RECOMMENDATION:

That Council **ADOPTS** the revised Policy No. 3.10.9 – Public Murals.

PURPOSE OF REPORT:

To authorise the adoption of revised Policy No. 3.10.9 – Public Murals following the recent completion of the community consultation period.

BACKGROUND:

The current Public Murals Policy (**Attachment 1**) was adopted by Council on 13 September 2011 and since that time had provided the basis for the approval and funding of murals throughout Vincent. Through this Policy, and Council's longstanding commitment to mural art and public art more generally, there are approximately 90 murals that have been funded and/or supported through the Public Murals Program.

Given the significant number of public mural art projects over the last five years and the key role they are now playing in activating our public places it was considered relevant to undertake a review of the existing Policy. The key purpose of this review was to identify and address any areas for improvement and to ensure that the Policy remains both contemporary and aligned with Council and community expectations.

Following review by Administration and preparation of a draft revised Policy the Council's Arts Advisory Group provided comment given their wide ranging arts experience and role in the assessment of mural art projects. The review outcomes and draft revised Policy was then considered at the Ordinary Meeting of Council held on 13 December 2016 and it was resolved:

"That Council:

1. *AUTHORISES the Chief Executive Officer to advertise the draft revised Policy No. 3.10.9 – Public Murals for public comment for a period of 21 days inviting written submissions in accordance with the City's Policy No. 4.1.5 – Community Consultation; and*
2. *NOTES that a further report will be submitted to Council at the conclusion of the public comment period in regard to any written submissions being received."*

DETAILS:

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

The draft revised Public Murals Policy (**Attachment 2**) was advertised from 15 January 2017 to 6 February 2017 through Public Notices in the Perth Voice and on the City's website with no submissions received.

CONSULTATION/ADVERTISING:

Consultation was undertaken in accordance with *Council Policy No. 4.1.5 – Community Consultation*.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Low: A range of amendments have been made to the draft revised Policy to better manage key areas of risk associated with Public Murals. This includes more clearly defined mural types, a more transparent approval process through the Arts Advisory Group, establishment of a standardised agreement with private property owners, and improved delineation of expectations and responsibilities regarding mural maintenance.

STRATEGIC IMPLICATIONS:

The revised Public Murals Policy aligns with the following objectives within the City's *Strategic Community Plan 2013-2023*:

- “1.1.4 *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.*
- 2.1.2 *Develop and promote partnerships and alliances with key stakeholders.*
- 3.1.1 *Celebrate, acknowledge and promote the City's cultural and social diversity.”*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

While this Policy review does not have any direct financial implications it should be noted that an amount of \$35,000 has been included within the 2016/17 budget for the City's Murals Program.

COMMENTS:

Public Murals have become a key feature within Town Centres and other public places throughout Vincent in recent years and a comprehensive review of Council's Public Murals Policy was necessary to ensure that these artworks remain contemporary and aligned with community expectations.

The revised Policy and associated Guidelines provides Council, Administration and the Arts Advisory Group with a much improved basis for supporting and delivering Public Mural projects. Importantly the revised Policy and Guidelines will also provide greater clarity for artists, businesses and residents seeking to deliver Public Mural projects. This will ensure that highly creative and diverse artworks continued to emerge within public spaces throughout the Vincent. Given that no submissions were received during the public comment period it is recommended that Council formally adopt the revised Policy no. 3.10.9 – Public Murals.

9.4.2 Proposed New Community Funding Policy

Ward:	Both	Date:	17 February 2017
Precinct:	All	File Ref:	SC393
Attachments:	Proposed New Policy: 1 – Policy No. 3.10.11 – Community Funding Current Policies: 2 – Policy No. 3.10.3 – Youth Development Grants 3 – Policy No. 3.10.4 – Provision of Assistance for Aged People and People with Disability 4 – Policy No 3.10.5 – Donations, Sponsorships and Waiving of Fees 5 – Policy No. 3.10.6 – Community and Welfare Grants 6 – Policy No. 3.10.8 – Festivals 7 – Policy No. 4.1.21 – Environmental Grants and Awards 8 – Policy No. 7.6.9 – Heritage Assistance Fund		
Tabled Items:	Nil		
Reporting Officer(s):	S Bennett, Community Development Officer K Schnitzerling, Manager Community Partnerships		
Responsible Officer:	M Quirk, Director Community Engagement		

RECOMMENDATION:

That Council;

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

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

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

PURPOSE OF REPORT:

To consider the proposed new Community Funding Policy (**Attachment 1**) for the purposes of public comment and subsequent adoption having regard to any written submissions received during this consultation period.

BACKGROUND:

The City regularly receives requests for funding support from a wide range of community groups, not-for-profit organisations, sport and recreation clubs, and individuals. There are currently seven separate Council Policies that guide the allocation of grants, sponsorship, donations and waiving of fees (**Attachments 2 – 8**).

These numerous policies overlap and on occasion provide conflicting information about eligibility and related processes which makes it difficult for the community to familiarise themselves with the funding opportunities on offer.

At the Council Member Workshop on 4 November 2015, it was identified that the current approach to community funding did not generate long-lasting impacts and that there was a need to streamline these funding programs. Subsequently, at the Ordinary Meeting of Council held on 17 November 2015, it was resolved that Administration review Policy No. 3.10.5 – Donations and Sponsorships and Waiving of Fees and Policy No. 3.10.6 – Community and Welfare Grants (**Attachments 4 and 5**). Administration has since taken the opportunity to review all seven separate Policies and a new, consolidated policy has now been prepared. The key findings from this review were presented at subsequent Council Member Workshops on 25 October 2016 and 14 February 2017.

DETAILS:

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

Key Policy Review Findings

Ineffective Policy Configuration

The large number of grant schemes administered through seven Council Policies makes it difficult for community groups and organisations, and even Administration, to be fully informed about the opportunities available. In addition, current policies contain specific guidelines and assessment criteria that no longer reflect Council priorities or Administration practices. Many of the policies also contain very detailed information that would be more appropriate within associated Guidelines and Application Forms. It is considered timely to revoke a number of Policies and consolidate them within an overarching 'Community Funding Policy' to streamline information and make it more easily accessible for community groups and organisations. This Policy would need to be supported by updated Guidelines, Eligibility Criteria and Application Forms and Acquittal Forms for each specific grant scheme.

Community Grants Effectiveness

Administration has not regularly evaluated the effectiveness of community grants to determine whether they have successfully achieved their intended purpose (i.e. reduce barriers, encourage target groups to undertake a desired course of action, incentivise behaviours) as determined by Council. The new Strategic Community Plan will provide the opportunity for existing community grants to be reassessed and realigned with resident expectations. It is then incumbent upon Administration to evaluate the effectiveness of these grants and inform Council of their effectiveness or ineffectiveness.

Community Funding Overlap

It is evident that a range of grant funding initiatives provided by external organisations, including Federal and State Government, now duplicate community grant schemes traditionally provided by Vincent. This provides the opportunity to discontinue some existing grant schemes, such as Emergency Assistance and Transport Assistance, and either reallocate these funds or consider the establishment of new grant schemes better aligned with current community needs. Any new grant schemes should address the specific needs of the local community rather than responding to broader issues that warrant a response by the Federal or State Government.

Additional Community Grant Schemes

Council currently provides a range of long-standing community grant schemes, and while there are now also a number of more recent initiatives such as the Town Team Grants and Collaborative Grants that respond to current community needs, the Strategic Community Plan may provide a clear indication of additional requirements. It is anticipated that this Plan, and associated community insights, will provide a strong basis for Council to consider more contemporary grants that align with community expectations. This may (or may not) include grant schemes focussed towards Culture and the Arts Development, Small Business Start-Up and Not-for-Profit Innovation Fund, Community Group Capital Grants, and Community Partnership Grants.

Specific Policy Review Outcomes

Policy No. 3.10.3 – Youth Development Grants

These grants of up to \$634 are available to young people within Vincent to assist applicants in achieving desired goals and provide them with opportunities to participate in the community through skills gained in their chosen area of interest. In 2015/16, an amount of \$5,000 was budgeted for these grants with \$3,786 awarded. While these grants are still regularly accessed by young people there is limited evidence that such developmental opportunities are increasing their participation in and contribution to the broader Vincent community. There is an opportunity to discontinue these grants subject to the Strategic Community Plan and/or Children & Young People Advisory Group informing future direction.

Policy No. 3.10.4 – Provision of Transport Assistance for Aged People and People with Disabilities

These grants of up to \$150 for individuals and \$200 for couples are available to assist with taxi transportation costs associated with attending a health professional. In 2015/16, an amount of \$7,500 was budgeted for this program with \$2,460 awarded. Assistance provided through the State Government Taxi Users Subsidy Scheme and St Johns Community Transport Service has substantially superseded the City's Transport Assistance Grants. There is an opportunity to discontinue these assistance grants although any such discontinuation should be delayed until future use of the Community Bus is determined by Council.

Policy No. 3.10.5 – Donations, Sponsorship and Waiving of Fees and Charges

This Policy covers a number of grants, donations and waiver categories. In 2015/16, an amount of \$17,000 was budgeted for these categories with \$10,491 awarded. In 2016/17, the budget was subsequently reduced to \$10,000.

Donations up to \$316 are available to incorporated organisations that deliver programs with a direct benefit to residents, however there is currently no strict basis for decision making. Waiving of Fees and Charges within the amounts allowed under delegated authority are assessed using a 'Community Benefit Matrix' that has been developed by Administration.

Sports Sponsorship between \$165 and \$850 is available to support residents selected for State, National or International sporting representation. Similar funding support is available through the Department of Sport and Recreation and Australian Sports Commission to help assist with competition fees and travelling costs, and therefore there is an opportunity to discontinue the City's sponsorship.

Cultural Seeding Sponsorship Grants up to \$1,248 are available to community organisations for projects and initiatives focussing on cultural development, artistic development, creativity in the public domain and creative industries. These grants are regularly accessed although Administration is increasingly approached by a range of community organisations and individuals seeking seeding or start-up assistance for activities that are not arts/culture focussed. Consideration may need to be given to the establishment of broader grants

focussed towards start-up and innovation given that highly engaged and creative community within Vincent, and demonstrated demand for such funding support.

Emergency Assistance funding up to \$252 is available on an ad-hoc basis for residents who are disadvantaged and/or in a crisis situation and have demonstrated that all other avenues for assistance have been exhausted. Again, similar funding for this purpose is available from the Federal Government through the Department of Human Services so there is an opportunity to discontinue this funding type. Special Assistance Welfare funding up to \$5,573 is available to undertake repairs or clean-up to prevent the serving of a Notice under Section 135 of the *Health Act 1911*.

Policy No. 3.10.6 – Community and Welfare Grants

Community Support Grants, formerly referred to as Community and Welfare Grants, of up to \$6,317 are available to not-for-profit organisations for programs that build a strong and resilient community as well as addressing key issues affecting residents. In 2015/16, an amount of \$15,500 was budgeted for these grants with \$6,630 awarded. In 2016/17, an amount of \$15,000 has been budgeted. Given the new direction of the Community Partnerships Team it is considered necessary to broaden the accessibility and criteria for these grants to include capacity building initiatives undertaken by local community groups. This will assist in dealing with current community group sustainability and lease obligation issues that are prevalent throughout Vincent. As previously mentioned, consideration may be given with this grant category to support community start-up and innovation projects that are regularly being presented to Administration.

Policy No. 3.10.8 – Festivals

Festivals and events sponsorship is made available once per annum for not-for-profit organisations. In 2015/16, an amount of \$359,000 was allocated for such sponsorship and in 2016/17 an amount of \$270,830 is allocated including \$65,830 value in-kind. This Policy provides guidelines including a basis for the allocation of funding and in-kind support although it also duplicates information provided within Policy No. 3.10.5. In 2016/17, an assessment matrix developed by Administration was utilised to assess submissions and make recommendations to Council based on the perceived community benefit. The Strategic Community Plan will provide valuable insights on community expectations in relation to community festivals and events which should inform the future direction of such funding.

Policy No. 4.1.21 – Environmental Grants & Awards

These grants are designed to assist and encourage schools and community groups to implement projects that meet the objectives of the City's Sustainable Environment Strategy. In 2015/16, an amount of \$15,000 was allocated for these grants and an amount of \$8,774 was allocated. In 2016/17, an amount of \$10,000 has been budgeted. Since the commencement of the Environmental Awards in 2007 only one (1) submission for an Award has been received which demonstrates limited community interest or demand, and therefore it is recommended that they be discontinued.

Policy No. 7.6.9 – Heritage Assistance Fund

A new Policy recently adopted by Council in April 2016 enables financial assistance to residents to undertake approved heritage conservation projects on places listed on the Municipal Heritage Inventory. In 2015/16, an amount of \$60,000 was allocated for such projects and an amount of \$34,335.75 was awarded although only one funding round was conducted. In 2016/17, an amount of \$86,220 has been budgeted however this includes a carry forward of \$26,220 committed in the previous financial year.

Funds are also provided through the Heritage Plaques Program for financial assistance to residents that would like to install a plaque or alternative form of interpretation to recognise places of heritage interest. In 2015/16, an amount of \$6,000 was allocated for this purpose and an amount of \$2,558 was awarded. In 2016/17, an amount of \$12,240 has been

budgeted for Heritage Publicity and Promotion which includes the Heritage Plaques Program among other heritage projects.

Other Community Grant Types

Town Team Grants

These new grants are focussed towards a physical improvement or business development within a Town Centre, and Town Team organisational initiatives that assist with their ongoing sustainability. In 2016/17, an amount of \$50,000 has been allocated for this purpose. These grants are not currently supported by a specific Policy and therefore, require reference within any new, consolidated Community Grants Policy.

TravelSmart Community Initiatives

Funds are made available for schools through Bike Education Grants and other eligible organisations through Project Grants that promote Active Transport. In 2015/16, an amount of \$10,000 was allocated and an amount of \$5,000 was awarded. In 2016/17, an amount of \$10,000 has again been budgeted. These grants are not currently supported by a specific Council Policy and therefore require reference within any new, consolidated Community Grants Policy.

Collaborative Grants

These grants were endorsed by Council in November 2015 with a key focus on homelessness service provision in 2016/17 for which \$85,000 has been allocated. Again, these grants are not currently supported by a specific Council Policy and therefore, require reference within any new, consolidated Community Grants Policy. Recent dialogue with service providers through a Homelessness Forum has ensured that the grant criteria are responsive to their needs and equally supports both new initiatives and existing initiatives that lack sufficient resources.

Proposed Community Funding Policy

Based upon the review it is proposed that a new Community Funding Policy be adopted which consolidates relevant aspects from the existing seven policies and includes more recent funding categories that are currently not supported through policy. The new Policy identifies that community funding provides a significant opportunity to work collaboratively with local groups, organisations and individuals to deliver activities which increase social participation, promote social inclusion and strengthen connections within our community. A variety of funding initiatives are offered each year to meet the diverse range of interests, demands and priorities throughout the Vincent community.

The new Policy comprises 14 different community funding categories including:

Community Funding Categories	
Seeding Grants	Heritage Plaques Program
Community Support Grants	Active Transport Schools Grants
Collaborative Grants	Active Transport Community Initiatives Grants
Festival and Event Sponsorship	Transport Assistance
Town Team Grants	Special Assistance Welfare
Environmental Grants	Donations
Heritage Assistance Grants	Waiving of Fees

Administration has prepared updated guidelines, application forms and acquittal processes for each specific funding category within the new Policy which will ensure that applicants are provided with clear, concise information

Based upon the review it is also recommended that a number of existing community funding categories be discontinued and therefore, these have not been included within the new Policy:

Community Funding Categories to be Discontinued	
Environmental Awards	Youth Development Grants
Sports Sponsorship	Emergency Assistance

In addition, a total of six existing Policies relating to community funding can be revoked as relevant information has either been included in the new Policy or it is recommended that the funding category be discontinued:

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

CONSULTATION/ADVERTISING:

Preparation of the Community Funding Policy has involved significant internal consultation across Directorates and Teams. External consultation will now be undertaken in accordance with Policy No. 4.1.5 – Community Consultation relating to new policies and significant amendments to policies, and requires a local Public Notice for a 21 day period.

LEGAL/POLICY:

Policy No. 4.1.5 – Community Consultation.

RISK MANAGEMENT IMPLICATIONS:

Low: Adoption of the new Policy will ensure that the way in which the City receives, assesses and approves Community Funding will be well governed and transparent thus reducing associated risks to the City.

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

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

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

It is recommended that Council endorses the new Community Funding Policy to enable public comment with a further report to then be presented to enable adoption of the proposed Policy and revocation of existing policies as identified within this Report.

9.4.3 Tender No. 525/16 Gym Cardio Equipment – Beatty Park Leisure Centre

Ward:	Both	Date:	2 March 2017
Precinct:	All	File Ref:	SC2619
Attachments:	Confidential Attachment – Pricing Schedule		
Tabled Items:	Nil		
Reporting Officer:	D Morrissy, Manager Beatty Park Leisure Centre		
Responsible Officer:	M Quirk, Director Community Engagement		

RECOMMENDATION:

That Council;

- ACCEPTS Tender No. 525/16 for the Gym Cardio Equipment at Beatty Park Leisure Centre from the following suppliers as per the pricing schedule in the Tender submissions and general conditions of Tendering:**

Equipment	Preferred Tender	Tender Price (excl. GST)
Main Gym Floor Cardio Equipment	Amer Sports Australia trading as Precor Australia	\$ 254,705
RPM Room Spin Bikes	Gymcare	\$ 97,560
Studio 2 Cardio Equipment Item/s	Orbit Health & Fitness Solutions Pty Ltd	\$ 41,198
Studio 2 Cardio Equipment Item/s	Technogym Australia Pty Ltd	\$ 16,800
Studio 2 Cardio Equipment Item/s	Amer Sports Australia trading as Precor Australia	\$ 1,200
TOTAL		\$ 411,463

- NOTES the following reallocation of funds to facilitate the expenditure in Recommendation 1 above:**

	Current Budget	Increase	Revised Budget
Purchase Gym Cardio Equipment	\$ 150,000	\$ 261,463	\$ 411,463
Transfer from Beatty Park Leisure Centre Reserve	\$ 58,300	\$ 261,463	\$ 319,763

PURPOSE OF REPORT:

To consider awarding Tender No. 525/16 for the supply of Gym Cardio Equipment at Beatty Park Leisure Centre.

BACKGROUND:

Beatty Park Leisure Centre provides a wide range of health and fitness services to the community, and attracts approximately 865,000 visitations per annum. The Centre's redevelopment in 2013 included a 750 square metre expansion of the gymnasium, the provision of two new Group Fitness rooms, and new gymnasium equipment that has enabled membership to increase to over 3,000 people. The Health and Fitness area alone now generates turnover in excess of \$2.7 million per annum.

Such high facility utilisation combined with a highly competitive market given the recent influx of 24 hour gyms, personal training studios and cross functional training providers makes it vitally important that Beatty Park Leisure Centre provides users with contemporary, quality equipment. The Centre's Health and Fitness equipment is leased through Alleasing Pty Ltd

with cardio equipment on a three year lease and strength equipment on a five year lease. The cardio equipment lease payment is \$142,542.40 (excluding GST) per annum and expired in December 2016 although it has been extended pending Council decision making regarding equipment replacement options. The next quarterly lease payment of \$35,635.60 is due on 1 April 2017. In addition to the lease payment the City is required to fund all ongoing preventative and corrective equipment maintenance costs. This equated to approximately \$10,000 in 2015/16 and is already \$6,200 year-to-date this financial year.

Given the expiration of the three year lease period for the cardio equipment the City prepared a Tender including options to lease equipment for a three or four year period, or purchase equipment outright, along with preventative and/or corrective maintenance options to allow the best value offer to be identified.

Notably, Administration has prepared a separate report as listed in the March Council Meeting Agenda seeking approval for the purchase of the existing cardio equipment at Beatty Park Leisure Centre. Under that proposal Administration is recommending that the equipment be utilised at Loftus Recreation Centre in order to meet the City's existing lease obligation with Belgravia Leisure.

DETAILS:

The Tender for Gym Cardio Equipment at Beatty Park Leisure Centre for a three or four year lease period or an outright purchase price was advertised in 'The West Australian' on 2 November 2016. Tenders closed at 2.00pm on 18 November 2016 after a 16 day advertising period and a total of six Tenders were received. Present at the opening of the Tenders were the City's Finance Officer and Manager Beatty Park Leisure Centre.

The scope of the required equipment was broken down into two cardio ranges for the following areas:

1. Main Gym and Spin Rooms, and
2. Studio 2 (High Intensity Cardio Zone).

An itemised pricing schedule was requested for each cardio range along with a preventative and/or corrective maintenance schedule to allow the best value option over the lifecycle of the equipment to be determined. When assessing the equipment the Main Gym and Spin rooms were further broken down and assessed due to the specialised nature of the spin bikes on offer from the Tenderers.

Tenders Received

Six companies provided conforming Tender responses with Orbit Health & Fitness Solutions Pty Ltd providing two pricing options and Johnson Health Tech Australia providing both a conforming and non-conforming submission. The details of all Tenders received for Tender No. 525/16 are listed below:

Company	Tender Submission
Gymcare	One offer
Orbit Health & Fitness Solutions Pty Ltd	Two offers
Tiger Fitness (WA) Pty Ltd	One offer
Technogym Australia Pty Ltd	One offer
Johnson Health Tech Australia	One offer and one non-conforming offer
Amer Sports Australia, trading as Precor	One offer

Company	Tender Submission
Australia	

Tender Assessment

The Tenders were assessed by a Tender Evaluation Panel using the selection criteria below in accordance with the Tender documentation:

Selection Criteria	Weighting
Financial Offer/Fee Proposal	40%
Equipment Specification	30%
Service agreement and capability	20%
Warranty	10%
	100%

Leasing is a common procurement option for cardio equipment within health, fitness and leisure facilities due to its high utilisation as well as the rapid improvements in technology associated with the consoles. Upon the Tender being received the City's Manager Finance Services conducted a comprehensive assessment of the leasing and outright purchase financial offers. With an asset renewal plan in place for equipment disposal and replacement at four years it was determined that the City will achieve a more effective financial outcome by purchasing the equipment outright.

The outright purchase Financial Offer/Fee Proposal was then utilised by the Tender Evaluation Panel when assessing each Tender proposal.

Tender Evaluation Panel

Manager – Beatty Park Leisure Centre
Health and Fitness Coordinator – Beatty Park Leisure Centre
Accountant – Finance

Tender Summary

Conforming Tenders Overview

Six Tenders were received in this category as follows:

Tender 1 – Gymcare		
Cardio Equipment	Rank 6	Most expensive Financial Offer for outright purchase of all equipment with additional preventative and corrective maintenance costs
Spin Bikes Only	Rank 2	2 nd most expensive Financial Offer for outright purchase of spin bikes with additional preventative and corrective maintenance costs
<ul style="list-style-type: none"> • Current supplier of the majority of gym equipment at Beatty Park Leisure Centre (38 pieces) • Well established company operating in Western Australia for more than 30 years • Their 'LifeFitness' brand is well known and well regarded across the industry, is of a high quality and good aesthetic and meets the Tender specifications • Similar previous projects include Next Generation Kings Park, Warwick Stadium, several Anytime Fitness franchises, and Beatty Park Leisure Centre (previous gym fit-out in 2013) • Demonstrated a good level of equipment servicing capabilities with a large team of service technicians and local warehousing of spare parts 		

Tender 1 – Gymcare		
Cardio Equipment	Rank 6	Most expensive Financial Offer for outright purchase of all equipment with additional preventative and corrective maintenance costs
Spin Bikes Only	Rank 2	2 nd most expensive Financial Offer for outright purchase of spin bikes with additional preventative and corrective maintenance costs
<ul style="list-style-type: none"> • Warranty for two years on cardio equipment and three years on spin bikes • Preventative and corrective maintenance options available at additional cost • Open source software on equipment to allow for third party development of apps 		
Tender 2 and 3 – Orbit Health & Fitness Australia Pty Ltd		
Cardio Equipment	Rank 3 & 5	2 nd and 4 th most expensive Financial Offer for outright purchase of all equipment with preventative and corrective maintenance included for three years
Spin Bikes Only	Rank 4 & 4	Most expensive Financial Offer for outright purchase of spin bikes with preventative and corrective maintenance included for three years
<ul style="list-style-type: none"> • Current supplier of some gym equipment at Beatty Park Leisure Centre (5 pieces) • Well known company in Western Australia operating across both domestic and commercial fitness markets • Tendered two ranges of cardio equipment that are both good quality and meet the Tender specifications • Demonstrated a high level of service and maintenance capabilities with a well-resourced team of technicians and local warehousing of spare parts • Similar previous projects include Fremantle Leisure Centre, Morley Sport and Recreation Centre, Department of Fire and Emergency Services, SURGE Fitness. and Goodlife Health Clubs • Maintenance and warranty included for three years across all equipment with additional cost for maintenance in the fourth and any subsequent years 		
Tender 4 – Tiger Fitness (WA) Pty Ltd		
Cardio Equipment	Rank 7	3 rd most expensive Financial Offer for outright purchase of all equipment with preventative and corrective maintenance included for four years
Spin Bikes Only	Rank 5	3 rd most expensive Financial Offer for outright purchase of spin bikes with preventative and corrective maintenance included for four years
<ul style="list-style-type: none"> • Previously supplied gym equipment to Beatty Park Leisure Centre as recently as three years ago, however did not provide effective equipment servicing standards • WA Owned and operated company operating for the past 5 years • Equipment tendered is adequate and meets the Tender criteria • Similar previous projects include Lords Heath Club, Belmont Oasis, Genesis Bentley and Loftus Recreation Centre • Did not fully address the Tender selection criteria regarding equipment servicing capabilities • Failed to provide adequate information on project team experience and delivery of previous projects • Maintenance and warranty included for four years across all equipment 		
Tender 5 – Technogym Australia Pty Ltd		
Cardio Equipment	Rank 4	5 th most expensive Financial Offer for outright purchase of all equipment with preventative and corrective maintenance included for four years
Spin Bikes Only	Rank 3	4 th most expensive Financial Offer for outright purchase of spin bikes with preventative and corrective maintenance included for four years
<ul style="list-style-type: none"> • Major international company with worldwide distribution and recently established in the Western Australian fitness industry 		

Tender 5 – Technogym Australia Pty Ltd		
Cardio Equipment	Rank 4	5 th most expensive Financial Offer for outright purchase of all equipment with preventative and corrective maintenance included for four years
Spin Bikes Only	Rank 3	4 th most expensive Financial Offer for outright purchase of spin bikes with preventative and corrective maintenance included for four years
<ul style="list-style-type: none"> Equipment is of a high quality and aesthetic and meets the specifications set out in the Tender document Similar previous projects include Craigie Leisure Centre, Goldfields Oasis Health Club, Mandurah Aquatic Recreation Centre and Cockburn ARC Equipment servicing subcontracted to experienced providers with local warehousing of spare parts, and online tracking and service system. Maintenance and warranty included for four years across all equipment included Additional equipment software options available for improved customer experience (at an extra ongoing costs). Marketing support available for equipment launch 		

Tender 6 – Johnson Health Tech Australia		
Cardio Equipment	Rank 2	6 th most expensive Financial Offer for outright purchase of all equipment with only preventative maintenance included for three years
Spin Bikes Only	Rank 4	5 th most expensive Financial Offer for outright purchase of spin bikes with only preventative maintenance included for three years
<ul style="list-style-type: none"> International supplier of fitness equipment based in Taiwan with over 100 distributors globally Major supplier of the Matrix brand fitness equipment throughout Australia. Equipment has a high quality is good aesthetically and meets the Tender specifications Similar previous projects include Leschenault Leisure Centre, 24/7 Power Fitness, Stadium Fitness, WA Police (State-wide including regional stations), and Aqualife Leisure Centre Service and installation to be provided by Fleet Fitness who have a reputation for reliable service and local warehousing of spare parts Four year warranty across all equipment Maintenance included for first three years with additional cost for maintenance in the fourth and any subsequent years Additional installation and delivery costs 		

Tender 7 – Amer Sports Australia trading as Precor Australia		
Cardio Equipment	Rank 1	Least expensive Financial Offer for outright purchase of all equipment with preventative and corrective maintenance included for four years
Spin Bikes Only	Rank 2	Least expensive Financial Offer for outright purchase of spin bikes with preventative and corrective maintenance included for four years
<ul style="list-style-type: none"> International supplier of fitness equipment which is reported as the current number one fitness equipment brand in the United States Equipment is of a high quality and aesthetic and meets the specifications set out in the Tender document. Their treadmill is the only one across all Tender responses that provides a decline option. Similar previous projects include Anytime Fitness Secret Harbour, ROAR Fitness Cockburn, Aquapulse and Bayfit Leisure Centre (Melbourne) as well as a number of Fitness First facilities. Two dedicated service technicians and local warehousing of spare parts. Additional servicing and training also available through the company sales team where required. Maintenance and warranty coverage for four years across all equipment included in cost Additional equipment software option (PREVA) for improved customer experience 		

Tender 7 – Amer Sports Australia trading as Precor Australia		
Cardio Equipment	Rank 1	Least expensive Financial Offer for outright purchase of all equipment with preventative and corrective maintenance included for four years
Spin Bikes Only	Rank 2	Least expensive Financial Offer for outright purchase of spin bikes with preventative and corrective maintenance included for four years
provided at no extra costs		

Tender Assessment – Cardio Range 1 (not including Spin bikes)

Selection Criteria	Financial Offer/Fee Proposal	Equipment Specification.	Service agreement & capability	Warranty	TOTAL/ SCORE	RANK
Weighting	40%	30%	20%	10%	100%	
Gymcare	11.1	24.0	14.8	5.3	55.2	6
Orbit Health & Fitness Australia Pty Ltd – Option 1	24.5	23.0	15.5	6.7	69.7	3
Orbit Health & Fitness Australia Pty Ltd – Option 2	13.3	25.0	15.5	6.3	60.1	5
Tiger Fitness (WA) Pty Ltd	11.4	14.3	0.7	6.3	32.7	7
Technogym Australia Pty Ltd	25.6	22.7	13.5	7.3	69.1	4
Johnson Health Tech Australia	30.6	20.7	13.0	6.0	70.3	2
Amer Sports Australia trading as Precor Australia	34.9	22.3	14.5	7.0	78.7	1

The Tender submitted by Amer Sports Australia trading as Precor Australia has been assessed as being the most suitable for the City's requirements for Cardio Range 1 (not including Spin bikes) as per Tender No. 525/16. It is recommended that Amer Sports Australia trading as Precor Australia provide the specified equipment for Cardio Range at a cost of \$254,705 (excluding GST). This includes 38 pieces of cardio equipment for the main gymnasium. Importantly, this Tender submission includes all preventative and corrective maintenance for a period of four years.

Tender Assessment – Spin Bikes

Selection Criteria	Financial Offer/Fee Proposal	Equipment Specification.	Service agreement & capability	Warranty	TOTAL/ SCORE	RANK
Weighting	40%	30%	20%	10%	100%	

Selection Criteria	Financial Offer/Fee Proposal	Equipment Specification.	Service agreement & capability	Warranty	TOTAL/SCORE	RANK
Weighting	40%	30%	20%	10%	100%	
Gymcare	27.7	27.0	15.8	5.7	76.2	2
Orbit Health & Fitness Australia Pty Ltd – Option 1	26.3	23.6	15.6	6.7	72.2	5
Orbit Health & Fitness Australia Pty Ltd – Option 2	26.3	23.6	15.6	6.7	72.2	5
Tiger Fitness (WA) Pty Ltd	28.4	13.7	0.7	6.3	49.1	5
Technogym Australia Pty Ltd	31.4	21.3	13.5	7.3	73.5	3
Johnson Health Tech Australia	33.8	19.4	13.2	6.0	72.4	4
Amer Sports Australia trading as Precor Australia	40.0	19.7	13.7	7.0	80.4	1

The Tender submitted by Gymcare has been assessed as being the most suitable for the City's requirements for Spin Bikes Only as per Tender No. 525/16. While the spin bike option proposed by Amer Sports Australia trading as Precor Australia is of an acceptable quality and reasonable price the equipment option proposed by Gymcare provides higher level functionality and comfort, and previous utilisation at Beatty Park Leisure Centre has demonstrated reliability and low maintenance requirements. It is recommended that Gymcare provide the specified Spin Bikes equipment at a cost of \$97,560 (excluding GST). This includes 38 spin bikes for the Spin Rooms.

Tender Assessment – Cardio Range 2

No individual Tender was assessed as suitability meeting the City's needs for Cardio Range 2 (Studio 2 – High Intensity Cardio), and therefore it is recommended that itemised equipment be purchased from suppliers based on the costs included within the Tenders, as follows:

Equipment Item	Qty	Supplier	Cost (excluding GST)
Cardio Training Rig	1	Orbit Health & Fitness Australia Pty Ltd	\$ 21,500
Airdyne Bike	2	Orbit Health & Fitness Australia Pty Ltd	\$ 3,598
Skillmill	2	Technogym Australia Pty Ltd	\$ 16,800
Concept 2 rower	2	Orbit Health & Fitness Australia Pty Ltd	\$ 2,700
Concept 2 Ski Erg	1	Amer Sports Australia	\$ 1,200

Equipment Item	Qty	Supplier	Cost (excluding GST)
		trading as Precor Australia	
High impact Floor	1	Orbit Health & Fitness Australia Pty Ltd	\$ 13,400
Total	8		\$ 59,198

The itemised equipment within the Tenders submitted by Orbit Health and Fitness Australia Pty Ltd, Technogym Australia Pty Ltd, and Amer Sports Australia trading as Precor Australia have been assessed as being the most suitable for the City' requirements for Cardio Range 2 as per Tender No. 525/16 at a cost of \$59,198 (excluding GST). This includes eight pieces of equipment for Studio 2.

Non-Conforming Tenders

One non-conforming Tender was received from Johnson Health Tech Australia and was deemed unsuitable as the equipment did not meet the minimum required specifications.

CONSULTATION/ADVERTISING:

The Tender was advertised in *The West Australian* newspaper on 2 November 2016.

LEGAL/POLICY:

The Tender was advertised for a total of 16 days and assessed in accordance with the *Local Government Act 1995* Tender Regulations as well as the Council *Policy No. 1.2.2 – Code of Tendering* and *Policy No. 1.2.3 – Purchasing*.

RISK MANAGEMENT IMPLICATIONS:

Medium: Maintaining service levels for customers is vitally important given the highly competitive nature of the leisure and fitness industry. The non-replacement of existing cardio equipment or replacement with equipment that does not meet functionality and quality expectations will negatively impact Centre membership attraction and retentive, and overall revenue.

STRATEGIC IMPLICATIONS:

The procurement of new cardio equipment for Beatty Park Leisure Centre aligns with the following objectives in the City's *Strategic Community Plan 2013-2023*:

Natural and Built Environment

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

Community Development and Wellbeing

2.1 Enhance and promote community development and wellbeing'

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$150,000 has been included within the 2016/17 capital budget for the replacement of the Beatty Park Leisure Centre Gym cardio equipment, and a further

\$300,000 was identified in the Beatty Park Leisure Centre Reserve Account to allow both lease and outright purchase options to be considered.

The financial implications associated with this Tender as per the recommendations are as follows:

Equipment	Expenditure (excluding GST)	
Cardio Range 1 (excluding Spin Bikes)	\$	254,705
Spin Bikes	\$	97,560
Cardio Range 2	\$	59,198
Total Expenditure	\$	411,463
Available Budget	\$150,000 Municipal	\$300,000 Reserve
Remaining Budget	\$	48,537

It will be necessary for funds to be reallocated from the Beatty Park Leisure Centre Reserve Account to enable the abovementioned expenditure.

COMMENTS:

The high visitations and membership levels at Beatty Park Leisure Centre requires equipment to be regularly maintained and upgraded in order meet customer expectations. Given the highly competitive nature of the fitness market it is particularly important to replace gym and cardio equipment to ensure that the Centre remains competitive and relevant.

The Tender process to procure cardio equipment for the Centre's main gymnasium floor, RPM room and Studio 2 has enabled the City to determine the best value outcome based on analysis of leasing versus outright purchase, preventative and corrective maintenance options, and suitability of itemised equipment for specific customer needs.

It is recommended that the cardio equipment for the main gymnasium floor be purchased outright from Amer Sports Australia trading as Precor Australia and the Spin Bikes for the RPM room be purchased outright from Gymcare. In addition, it is recommended that itemised cardio equipment for Studio 2 be purchased outright from selected suppliers based on unit costs provide through the Tender submissions. Procurement and installation of this equipment at a total cost of \$411,463 (excluding GST) will ensure that Beatty Park Leisure Centre continues to provide high quality and competitive fitness services to the community.

9.4.4 Loftus Centre – Replacement of Gym Equipment

Ward:	Both	Date:	17 February 2017
Precinct:	All	File Ref:	SC2619
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	D Morrissy, Manager Beatty Park Leisure Centre M Bancroft, Property Leasing Officer		
Responsible Officer:	M Quirk, Director Community Engagement J Paton, Director Corporate Services		

RECOMMENDATION:

That Council;

1. **APPROVES** the buyout purchase of the Beatty Park leased cardio gym equipment from Alleasing Australia at a cost of \$85,115 (excl. GST);
2. **APPROVES** the refurbishment and installation of the equipment in 1. above at the Loftus Recreation Centre by Gymcare at a cost of \$53,000 (excl. GST);
3. **AUTHORISES BY ABSOLUTE MAJORITY**, in accordance with section 6.8(1) of the *Local Government Act 1995* the unbudgeted expenditure in 1. and 2. above; and
4. **NOTES** the following Budget adjustments to facilitate the expenditure in 3. above:

Item	Income	Expenditure
New Capital Item – Lease buyout and refurbishment of Beatty Park Cardio Gym Equipment		\$138,115
Proceeds from the Sale of Assets	\$69,107	

PURPOSE OF REPORT:

To consider the purchase and refurbishment of the end of lease cardio equipment from Beatty Park Leisure Centre to fulfil the City's requirement to replace cardio equipment at Loftus Recreation Centre.

BACKGROUND:

On 11 March 2006, a Tender was advertised calling for Operational Management Services for the Loftus Recreation Centre, which was in the process of being redeveloped. Following evaluation, a report was presented to the Ordinary Meeting of Council held on 23 May 2006, with Council resolving inter-alia;

"That the Council;

- (i) *ACCEPTS the tender from Belgravia Leisure Pty Ltd as being the most acceptable and advantageous to the Town for the provision of Operational Management Services for the Loftus Recreation Centre, 99 Loftus Street, Leederville as detailed in this report and the Commercial-in-Confidence Confidential Appendix 14.1(A), subject to;*
 - (a) *the Council approving to proceed with the Major Land Transaction; and*
 - (b) *entering into a Deed of Contract and a Lease, to the satisfaction and approval of the Council;*
- (iii) *NOTES that the successful tenderer will be required to enter into a Deed of Contract and a Lease after considering any comments received about the Major Land Transaction; ..."*

Belgravia Leisure Pty Ltd, now known as Belgravia Health and Leisure Pty Ltd (Belgravia Leisure) lease the Loftus Recreation Centre from the City pursuant to a lease dated 9 July 2010 (Lease). The operation of the Loftus Recreation Centre is governed by a management agreement also dated 9 July 2010 (Contract). At the Ordinary Meeting of Council held on 23 August 2016 (Confidential Item 14.1) Council resolved that the Lease and Contract be extended for a term of five years, commencing on 1 January 2017 and expiring 31 December 2021.

As part of the Centre's redevelopment that was completed in 2010, the City transferred some of the existing gym equipment from the previous gym into the new redeveloped gym which was to form part of the Lease area. Pursuant to the Contract the gym equipment is to remain the property and responsibility of the City. As a result the City is responsible for the cost of servicing, repairing and replacing the gym equipment as necessary. A list of the gym equipment is included as Schedule 1 to the Contract. The City has updated some of the gym equipment over the course of the Lease.

The Contract also provides that Belgravia Leisure was to provide \$280,000 worth of gym equipment, which would match the City's contribution of gym equipment. The gym equipment was provided by Belgravia Leisure in accordance with the Contract, and has been serviced, repaired and replaced by Belgravia Leisure as necessary. The gym equipment, particularly the cardio equipment, is now reaching the end of life with most items between 6 and 10 years old, and therefore the City and Belgravia Leisure are investigating the most effective means of replacing the equipment.

DETAILS:

In late 2016, Belgravia Leisure formally approached Administration requesting that the City's cardio equipment be replaced due to ongoing service issues and the inability to provide suitable equipment that meets the needs and expectations of Loftus Recreation Centre patrons. The specific cardio equipment owned by the City includes the following:

- 8 x treadmills
- 6 x cross trainers
- 4 x rowers
- 5 x upright bikes

The Contract provides that the City is required to maintain its furniture, fitting and equipment, as set out in Schedule 1 and this includes the abovementioned cardio equipment. Specifically, Belgravia Leisure is to organise the repair if the cost is under \$250 (indexed by CPI) and if the cost is above this threshold, quotes are to be provided to the City for approval prior to the work being undertaken. In practice, Belgravia Leisure has undertaken all servicing and repairs of the gym equipment, and recoups the costs associated with the City's equipment from the City on a regular basis.

The City's cardio equipment is deteriorating due to age and wear and tear and is proving costly to maintain, and therefore it is acknowledged that the equipment needs to be replaced as a matter of urgency. Procurement options include lease or outright purchase however it is important that the preferred option aligns with the duration of the Lease. Given the expiration of the current lease for cardio equipment at Beatty Park Leisure Centre, and the good condition of specific items, the option to purchase it from the leasing company has been investigated and discussed with Belgravia Leisure.

A Tender Report to approve the replacement of the cardio equipment at Beatty Park Leisure Centre has been provided for Council consideration, and if approved, will require the return of the current leased equipment to the leasing company at the City's cost with 90 days' notice. Alternatively the equipment can be purchased from the leasing company at a cost of \$85,115 (excl. GST). Failure to return or purchase the equipment will lead a further quarterly payment of \$35,635.60 on 1 April 2017.

This option is deemed a financially prudent approach compared to the cost implications associated with procuring new equipment through outright purchase or a leasing arrangement. Administration has liaised directly with the current cardio equipment supplier at Beatty Park Leisure Centre to have a Condition Report completed for each item which identifies necessary refurbishments to ensure the equipment is at a suitable standard for installation at Loftus Recreation Centre. This will ensure that Centre patrons are provided with good quality equipment.

While initially Belgravia Leisure proposed that the City replace all current cardio equipment with new equipment it is now deemed acceptable to provide the refurbished equipment from Beatty Park Leisure Centre. This procurement option will include a 50% contribution from Belgravia Leisure so their current cardio equipment can also be replaced which will ensure consistent, quality equipment within Loftus Recreation Centre.

CONSULTATION/ADVERTISING:

Discussions regarding this cardio equipment replacement option have taken place between Administration and Belgravia Leisure.

LEGAL/POLICY:

Section 6.8(1) of the *Local Government Act 1995* prescribes that:

6.8. Expenditure from municipal fund not included in annual budget

(1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –*

- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
- (b) *is authorised in advance by resolution*;* or
- (c) *is authorised in advance by the mayor or president in an emergency.'*

** Absolute majority required.*

RISK MANAGEMENT IMPLICATIONS:

Low: Loftus Recreation Centre patrons are currently serviced with inferior quality cardio equipment, and therefore providing newly refurbished items from Beatty Park Leisure Centre is likely to increase user satisfaction and assist with member attraction and retention.

STRATEGIC IMPLICATIONS:

This option to replace the cardio equipment at Loftus Recreation Centre aligns with objectives within the City's *Strategic Community Plan 2013-2023*:

Natural and Built Environment

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

Community Development and Wellbeing

2.1: Enhance and promote community development and wellbeing'

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Administration has used the itemised cardio equipment costs included in the recent Beatty Park Leisure Centre Tender to determine an indicative cost for outright purchase and the existing Lease Agreement to determine an indicative cost for leasing. The equipment buy-out amount has been provided by the leasing company and the recently completed Condition Report has been utilised to determine the equipment refurbishment cost.

A summary of the equipment purchase options is provided below:

Equipment Purchase Option	City of Vincent Cost	Additional Existing Equipment Lease Cost	City of Vincent Total	Belgravia Leisure Contribution	City of Vincent Net Cost
Purchase New Equipment	\$135,500*	\$ 35,635	\$ 171,135	Nil	\$ 171,135
Buyout and Refurbish Beatty Park Leisure Centre Equipment	\$138,115	Nil	\$ 138,115	\$ 69,107	\$ 69,107
Lease New Equipment	\$ 40,000*	\$ 35,635	\$ 75,635	Nil	\$ 75,635

** Note – the purchase price based on the recent Beatty Park Leisure Centre Tender and lease price based on the current Leasing Agreement is indicative only.*

Purchasing the existing Beatty Park Leisure Centre cardio equipment will avoid the requirement to make a further and otherwise unavoidable \$35,635.60 quarterly payment at the end of March 2017. Taking this into account, for a further \$33,472 the City can secure assets which will allow its contractual obligation with Belgravia Leisure to be met and ensure that upgraded equipment is provided to Loftus Recreation Centre patrons.

This represents a more financially prudent approach compared to the \$171,135 associated with purchasing new equipment or the \$75,635 associated with a new lease whereby the City will still not own the equipment at the end of the lease term. It should also be noted that the \$75,635 amount is the year one cost only with the indicative \$40,000 equipment lease cost being applicable per annum. Across a four year lease term the total cost for this option would be approximately \$195,635.

Given that there is currently no budget for the replacement of the Loftus Recreation Centre cardio equipment an Absolute Majority decision of Council will be required to authorise the expenditure. It is noted that the Mid-Year Budget Review is identifying a reduction to the Capital Works Budget resulting in a favourable improvement to the forecast 2016/17 Budget, and therefore net funding of \$69,107 can be accommodated from the surplus.

COMMENTS:

Similar to Beatty Park Leisure Centre, the high visitations and membership levels at Loftus Recreation Centre requires equipment to be regularly maintained and upgraded in order meet customer expectations. Given the highly competitive nature of the fitness market it is particularly important to replace gym and cardio equipment to ensure that the Centre remains competitive and relevant. Further, there is a contractual obligation to Belgravia Leisure to replace the current cardio equipment owned by the City.

It is recommended that the cardio equipment from Beatty Park Leisure Centre be purchased from Alleasing and this equipment then be refurbished by Gymcare prior to installation at Loftus Recreation Centre. This is deemed to be a financially prudent approach that will deliver improved equipment to Centre patrons, and enable Belgravia Leisure to continue to attract and retain members. This approach will also enable the future procurement of any new equipment for the Centre to be considered within the context of the Lease and Contract expiry in December 2021.

9.5 CHIEF EXECUTIVE OFFICER

9.5.1 Corporate Business Plan Progress Update

Ward:	Both	Date:	27 February 2017
Precinct:	All	File Ref:	SC2611
Attachments:	1 – Corporate Business Plan Progress Update Table 2 – Corporate Business Plan 2016/17 – 2019/20		
Tabled Items:	Nil.		
Reporting Officer:	L Cull, Project Manager – Business Improvement		
Responsible Officer:	L Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council:

1. **RECEIVES** the Progress Report for the City of Vincent Corporate Business Plan 2016/17 – 2019/20; and
2. **NOTES** that a future report will be presented to Council to formally review and consider revising the current City of Vincent Corporate Business Plan 2016/17 – 2019/20.

PURPOSE OF REPORT:

To consider a progress update on the City's Corporate Business Plan 2016/17 – 2019/20 (see **Attachment 1**).

BACKGROUND:

The preparation of a Corporate Business Plan covering a period of at least 4 years is a statutory requirement for local governments under the *Local Government (Administration) Regulations 1996*, and is a key element of an integrated planning and reporting framework. A Corporate Business Plan sets out the City's priorities and actions consistently with relevant priorities established in the Strategic Community Plan, and informs the preparation of the City's annual budget.

Council at its Ordinary Meeting of 26 July 2016 adopted the City of Vincent Corporate Business Plan 2016/17 – 2019/20 (see **Attachment 2**).

DETAILS:

Administration has comprehensively reported on the current status of each individual project of the City's Corporate Business Plan (CBP) and the result is included in the Progress Update Table included as **Attachment 1**. The focus has been to ensure these projects are completed as planned and to identify any barriers to completion.

The Progress Update Table uses a colour-coding system where Green is completed, Yellow means the project is in progress and Red is delayed. A description of the Progress Update for each individual project is provided to give a summary of its current status.

CONSULTATION/ADVERTISING:

The Progress Update Table has not been advertised.

LEGAL/POLICY:

The development of the Corporate Business Plan covering a period of at least 4 financial years is required pursuant to Clause 19DA(1) and 19DA(2) of the *Local Government (Administration) Regulations 1996*.

Pursuant to Clause 19DA(3) of the *Local Government (Administration) Regulations 1996*, a Corporate Business Plan is required to:

- a) Set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district;
- b) Govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
- c) Develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

Clause 19DA(4) of the *Local Government (Administration) Regulations 1996* requires the annual review of the Corporate Business Plan. It is a requirement that the Corporate Business Plan be reviewed every year, which will occur separately and subsequently to this progress report.

RISK MANAGEMENT IMPLICATIONS:

Low: This Progress Update does not propose any additional initiatives or change to the City's Corporate Business Plan. The City is required to review its Corporate Business Plan annually which will be presented to Council in June this year.

The Corporate Business Plan 2016/17 – 2019/20 reflects existing committed projects and Council's priorities. Corporate business planning helps to manage risk to the City of Vincent to ensure that commitments reflect the Council's strategic direction and are sufficiently matched to the City's resourcing capability to deliver projects and services successfully.

STRATEGIC IMPLICATIONS:

The Corporate Business Plan 2016/17 – 2019/20 reflects the strategic direction set by Council's priorities and the four Key Result Areas and Objectives of the City's Strategic Community Plan 2013 – 2023.

SUSTAINABILITY IMPLICATIONS:

Corporate business planning is a key element in the City's operations to be more sustainable.

FINANCIAL/BUDGET IMPLICATIONS:

The Corporate Business Plan priorities are reflected in the Annual Budget for 2016/17.

COMMENTS:

The attached Progress Update Table shows that of the 45 actions identified in the CBP to be commenced or completed in the current financial year:

- 1 has been completed;
 - 37 are still in progress; and
 - 7 are delayed.
-

An explanation for each is provide din the Progress Update Table.

Corporate business planning is critical to achieve Council's strategic priorities. Regular progress updates and review ensures that the City's projects, services and operations are aligned to the strategic direction and priorities of Council, and that workforce and financial resource availability is considered to ensure that commitments can be successfully delivered.

It is important to note that the Corporate Business Plan 2016/17 – 2019/20 represents an interim step in the City's Integrated Planning and Reporting Framework because a major review of the City's Strategic Community Plan is required. The City has commenced this process, which will be undertaken over the coming months. In the meantime, the current Strategic Community Plan and Council's priorities will be implemented through the Corporate Business Plan 2016/17 – 2019/20.

Informing strategies such as the Workforce Plan, Asset Management Plan and Long Term Financial Plan are being actively reviewed and their preparation will support the major review and formulation of the City's new Strategic Community Plan. These informing strategies will also support the annual review of the City's Corporate Business Plan.

Administration is intending to present the formal review and revision of the current CBP to the 27 June 2017 Council Meeting with the Annual Budget.

9.5.2 Motions from the Annual General Meeting of Electors held on 31 January 2017

Ward:	Both	Date:	7 March 2017
Precinct:	All	File Ref:	SC2048
Attachments:	1 – Minutes of the Annual General Meeting of Electors – 31 January 2017		
Tabled Items:	Nil		
Reporting Officer:	Emma Simmons, Governance and Council Support Officer		
Responsible Officer:	Len Kosova, Chief Executive Officer		

RECOMMENDATION:

That Council NOTES:

1. The responses provided by Administration to the questions taken on notice at the Annual General Meeting held on Tuesday 31 January 2017; and
2. That the economic impact and the views of the business community, including the retailers in the Mount Hawthorn Precinct, have been and will continue to be considered as part of the proposal to amend the parking restrictions in the Mount Hawthorn Town Centre.

PURPOSE OF REPORT:

To consider motions received at the Annual General Meeting of Electors (AGM), held on 31 January 2017.

BACKGROUND:

The Annual General Meeting of Electors of the City of Vincent was held in the City of Vincent Council Chambers on Tuesday 31 January 2017. There were four electors present together with Council Members, City employees and one member of the press. One motion was carried unanimously at the meeting as follows:

“That Council ENSURE the views of the business community, in particular the retailers in the Mount Hawthorn precinct, are considered in the current parking survey and an economic impact statement be an integrated component of the outcome.”

DETAILS:

At the annual general meeting of electors one motion was received and four questions were taken on notice. The motion moved from the floor and questions taken on notice are detailed below, along with an Administration comment. The full minutes of the AGM are included as **Attachment 1**.

4.1 Greg Johnson – Mt Hawthorn

That Council ENSURE the views of the business community, in particular the retailers in the Mount Hawthorn precinct, are considered in the current parking survey and an economic impact statement be an integrated component of the outcome.

Response by Director Development Services

The 2015/2016 budget adopted by Council included funds to undertake detailed parking surveys in and around the Mount Hawthorn Town Centre. These parking surveys were proposed in order to assess the parking issues faced by businesses and residents in the area and determine any changes that could be made to improve parking for the businesses and residents in and around the Mount Hawthorn Town Centre. The parking surveys were

undertaken by consultants and measured the number of existing bays, average and peak occupancy of bays and duration of stay.

The parking surveys identified that parking in Mount Hawthorn demonstrated high peak occupancy rates, with all streets demonstrating greater than 90% peak occupancy. Based on the results of these parking surveys the City developed a set of possible parking restriction changes for the area. The intention of the proposed parking restrictions is to rationalise the existing parking restrictions in and around the Mount Hawthorn Town Centre to provide consistency and encourage a greater turnover of vehicles to ensure that bays are available for all users of the town centre, including businesses, customers and residents. The economic impact of the parking restrictions on businesses was considered as part of the development of these changes and were proposed to improve the efficiency of parking and have a positive impact on local business and the town centre generally.

The City advertised a set of proposed parking restriction changes to both the residents and businesses of Mount Hawthorn Town Centre survey area for 14 days, with the final day of this initial consultation period being 16 December 2016. During the advertising period some businesses raised concern with the timing of the consultation and as a result the advertising period was extended until 13 January 2017. The advertising information pack sent to all businesses and residents included a letter, submission form and a proposed parking restriction map. The advertising information pack was hand delivered to all businesses along Scarborough Beach Road.

All of the submissions received as a result of this consultation process will be reviewed and addressed in a future report to Council on this matter, which will also consider the impact of any changes on businesses and residents, including the economic impact. Prior to this all businesses and residents within the Town Centre study area will be advised of the meeting date and time in order to update the community with the results of consultation; inform the community with the report and recommendations being presented to Council on the matter; and provide information on the meeting dates and opportunity to make statements at these meetings before the report is considered by Council.

4.2 Marie Slyth - West Perth

Ms Slyth submitted the following questions all of which were taken on notice and will be answered in the report to be presented to Council on 7 March 2017 regarding the Annual General Meeting of Electors

1. Will the City of Vincent be providing community bus excursions for its elderly residents?

Response by Director Community Engagement

1. The City has included two bus excursions for those aged over 65, to take place in March and May of 2017, as part of our Well & Wise Program. Unlike in previous years, a home pick-up option has been offered for bus excursions in 2017, for individuals who are housebound due to lack of transport options.

2. Has support for the heritage grants been cut back? Please can I get an explanation?

Response by Director Development Services

2. No. When Council adopted the 2016/17 budget, a total of \$86,220 was allocated to the Heritage Assistance Fund. The City has already finalised two funding rounds and the third and final round for this financial year is now open and will be closed on 31 March 2017.

3. Has the City of Vincent considered getting involved in the Silver Sport initiative?

4. Will the City be implementing more advanced computer courses for its elderly residents?

Response by Director Community Engagement

3. The Silver Sport initiative by Department of Sport and Recreation is still in its pilot phase. As a result this is currently only available to residents of the local government areas of Belmont, Coolgardie, Kalgoorlie-Boulder, Kwinana and Northam. The City of Vincent has expressed interest in participating in the next phase of the project, commencing next financial year.
4. The City has offered free or subsidised beginner computer classes and internet education as a part of its Well & Wise Program on a number of occasions. Due to ongoing demand for these classes, monthly computer classes for seniors with little computer experience, have been scheduled at the Vincent Library until June 2017. The demand for more advanced classes will be investigated and considered within future Well & Wise programming.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Annual General Meeting of Electors of the City of Vincent was held in accordance with section 5.27 of the *Local Government Act 1995* (the Act). Section 5.33(1) of the Act requires that all decisions made at an Electors' Meeting are to be considered at the next Ordinary Meeting of Council, where practicable.

Council must consider the motions from the AGM but is not obliged to make a decision on all or any of those Motions. If Council chooses to make a decision in response to an AGM Motion then reasons for that decision need to be recorded in the Minutes of the Council Meeting.

RISK MANAGEMENT IMPLICATIONS:

Failure to consider decisions made at the Annual General Meeting of Electors would mean that the City has not complied with section 5.33 of the *Local Government Act 1995*.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan 2013-2023 - Key Result Area Three - Community Development and Wellbeing.

The AGM presents an opportunity for members of the public to attend and participate in the decision-making processes of the City, resulting in active democracy and promoting a community engagement strategy as reflected in the City's Corporate Business Plan.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that Council receive Administration's report in response to the AGM Motion as required by the *Local Government Act 1995* and notes the manner in which the motion will be addressed by the City.

9.5.3 2017/18 Strategic Priorities and Call for Community Budget Submissions

Ward:	Both	Date:	24 February 2017
Precinct:	All	File Ref:	-
Attachments:	<p>1 – Proposed approach for progressing Strategic Priorities, Community Budget Submissions and Corporate Business Plan</p> <p>2 – Proposed 2017/18 Strategic Priorities</p>		
Tabled Items:	Nil		
Reporting Officer:	Len Kosova, Chief Executive Officer		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council:

1. **ADOPTS the Strategic Priorities for 2017/18 included as Attachment 2 to guide Council’s focus during 2017/18 and to inform considerations for the 2017/18 Draft Annual Budget; and**
2. **INVITES public submissions from the community aligned to the Strategic Priorities, for consideration in the development of the 2017/18 Draft Annual Budget in-lieu of advertising a Draft Budget for comment.**

PURPOSE OF REPORT:

To consider adopting new Strategic Priorities for 2017/18 and inviting community budget submissions on the same.

BACKGROUND:

Council at its meeting on 7 February 2017 considered a report on Administration’s progress against Council’s 2016/17 Strategic Priorities, which were adopted at the Special Council Meeting on 19 April 2016. At its 7 February meeting, Council also endorsed Administration’s proposed approach (included as **Attachment 1**) for determining Strategic Priorities for 2017/18; reviewing the City’s progress against the Corporate Business Plan (2016/17 – 2019/20) (CBP); inviting community budget submissions for 2017/18; and conducting the first annual review of the CBP.

Council’s 2016/17 priorities identify 10 strategic focus areas with a total of 37 specific projects/initiatives listed under the various focus areas. The strategic priorities were adopted by Council to provide clear strategic focus, context and direction for the City’s budgeting and forward planning for the 2016/17 financial year and in recognition of:

- The currency, adequacy and perceived misalignment of the then Corporate Business Plan (CBP) and current Strategic Community Plan (SCP) with Council’s more contemporary aspirations and objectives;
- The need to review and revise the CBP to better coordinate, direct and align Administration’s work efforts and attention with Council’s strategic focus;
- To inform budget considerations and focus areas in 2016/17; and
- The need to initiative a formal review and replacement of the current SCP in the 2016/17 financial year.

The resultant need for Strategic Priorities still remains and it is therefore necessary for Council to again consider adopting new Strategic Priorities for 2017/18, to carry the City through the new financial year to adoption and implementation of a new SCP.

Following their adoption in April 2016, Council's adopted Strategic Priorities were used to inform and direct the review and revision of the CBP, with each of the 10 strategic priorities specifically reflected in the new CBP (2016/17 – 2019/20). The Strategic Priorities also formed the basis for inviting community budget submissions during development of the 2016/17 Draft Budget.

This approach was taken in lieu of the City's previous practice of advertising its Draft Annual Budget for public comment, and as a means of attracting earlier and more meaningful community submissions aligned to the Strategic Priorities, which could then be used to inform the drafting of the new Budget, rather than reacting to an already drafted budget.

The invitation for community budget submissions was well-received by the community in 2016 – generating over 50 submissions relating to more than 30 proposals, with most being agreed by Council and incorporated in the adopted 2016/17 Budget and/or new CBP.

The community budget submissions were considered at the Council meeting on 26 July 2016 (Item 9.5.2), at which meeting Council also adopted the 2016/17 Budget (Item 9.3.4) and CBP (Item 9.5.1).

DETAILS:

Council Members and Administration have individually and collectively reviewed the 2016/17 Strategic Priorities and developed new Strategic Priorities for 2017/18, which are included as **Attachment 2**.

The 2017/18 Strategic Priorities reflect eight key focus areas for the year ahead, framed by a strategic vision statement that outlines Council's position on each focus area. Notably and deliberately, the 2017/18 Strategic Priorities do not include specific projects/initiatives under each key focus area (as in 2016/17), in order to:

- Allow greater flexibility for the community to provide budget submissions aligned to the higher-order strategic priorities, without needing to respond or react to pre-defined projects;
- Provide Council Members and Administration with greater opportunity to consider specific projects that could contribute to achieving the strategic priorities, particularly in light of community budget submissions and the pending status of various projects from the 2016/17 Strategic Priorities and CBP;
- Ensure that setting of specific actions/projects under each of the eight key focus areas follows rather than precedes Council's consideration of community budget submissions and preliminary deliberations on the Draft 2017/18 Budget; and
- Incorporate specific actions/projects under each of the eight key focus areas in a revised CBP as clear and measurable performance outcomes. This will create a more integrated strategic planning framework by making the CBP the City's 'single source' document for strategic direction (pending a new SCP) and will address the current situation of Strategic Priorities pre-dating and needing to be treated separately from the CBP but still read in conjunction with the CBP.

The proposed 2017/18 2016/17 Strategic Priorities address the following eight key strategic focus areas:

- More Inviting Green & Open Spaces
 - Improving Community Connection & Inclusion
 - Meaningful & Smarter Community Engagement
 - Best Practice Transparency, Accountability & Financial Management
-

- A Better Customer Experience
- Thriving & Creative Town Centres
- Supporting Liveable Neighbourhoods
- A Sustainable City

CONSULTATION/ADVERTISING:

The 2017/18 Council Priorities will be used as the basis for inviting community budget submissions on the forthcoming draft budget, in accordance with the timeframes set out in **Attachment 1**.

LEGAL/POLICY:

Section 5.56 of the *Local Government Act 1995* (the Act) requires local governments to 'plan for the future'. Part 5, Division 3 of the *Local Government (Administration) Regulations 1996* (the Regulations) prescribes specific requirements in respect to the content and review requirements for each of the strategic documents required as part of the Plan for the Future.

The 2016/17 strategic priorities have been incorporated into the current CBP and were adopted to provide an interim focus pending finalisation of a fully integrated and community-driven SCP, in accordance with the relevant provisions of the Act and Regulations.

The City is working towards adoption of an entirely new SCP by the end of the 2017 calendar year and, as such, it will no longer be necessary to determine stand-alone annual strategic priorities beyond those now proposed for the 2017/18 financial year, as the City's annual budgeting and work focus will then be directly informed by a new community-led SCP and fully integrated planning and reporting framework by 2018/19.

RISK MANAGEMENT IMPLICATIONS:

Low: The adoption of Strategic Priorities for 2017/18 will provide valuable leadership and direction setting for the City in 2017/18 and provide a more coordinated planning and project delivery focus than might otherwise be the case in their absence.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

The proposed 2017/18 Strategic Priorities address the full breadth of sustainability considerations (financial, environmental, social and governance).

FINANCIAL/BUDGET IMPLICATIONS:

The 2017/18 Strategic Priorities will form the basis for inviting submissions from the community 9.2.6 on the 2017/18 Draft Budget.

COMMENTS:

It is recommended that Council adopts the proposed 2017/18 Strategic Priorities and invites public submissions from the community aligned to the Strategic Priorities, for consideration in the development of the 2017/18 Draft Annual Budget in-lieu of advertising a Draft Budget for comment.

9.5.4 Information Bulletin

Ward:	-	Date:	28 February 2017
Precinct:	-	File Ref:	-
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	E Simmons, Governance & Council Support Officer		
Responsible Officer:	L Kosova, Chief Executive Officer		

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated 7 March 2017.

DETAILS:

ITEM	DESCRIPTION
<u>IB01</u>	Unconfirmed Minutes from the Children and Young People Advisory Group Meeting held on 12 December 2016
<u>IB02</u>	Ranger Statistics for 1 April 2016 to 31 December 2016
<u>IB03</u>	Parking Infringement Write-Offs Under Delegated Authority – 1 July 2016 to 31 December 2016
<u>IB04</u>	Register of Legal Action (Confidential – Council Members Only) – Monthly Report as at 16 February 2017
<u>IB05</u>	Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 16 February 2017
<u>IB06</u>	Register of Applications Referred to the MetroWest Development Assessment Panel – Current
<u>IB07</u>	Register of Petitions – Progress Report – March 2017
<u>IB08</u>	Register of Notices of Motion – Progress Report – March 2017
<u>IB09</u>	Register of Reports to be Actioned – Progress Report – March 2017
<u>IB10</u>	Minutes of Mindarie Regional Council Meeting held on 9 February 2017

9.5.5 Membership of Regional Councils, Committees, External Bodies, Advisory and Working Groups following the February 2017 Extraordinary Election

Ward:	-	Date:	27 February 2017
Precinct:	-	File Ref:	-
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	Tim Evans, Manager Governance & Risk		
Responsible Officer:	Len Kosova, Chief Executive Officer		

RECOMMENDATION

That Council:

1. **APPOINTS** the following Council Members to represent the City of Vincent on the below Regional Councils, for the term 7 March 2017 to 21 October 2017:

1.1. **Mindarie Regional Council*** (1 Council Member)

Member:

1. Cr

* **Note:**

It is a requirement of the Mindarie Regional Council Establishment Agreement that Council carries a specific resolution to nominate an Alternate Member for each occasion that the approved Member is unable to act.

1.2. **Tamala Park Regional Council** (1 Council Member)

Member:

1. Cr

2. **APPOINTS** the following Council Members as Council's representatives on the below Advisory Groups for the term 7 March 2017 to 20 October 2017:

2.1 **Road Safety Advisory Group**

Members:

1.

2.

and

the Chair of the Advisory Group be

2.2 **Safer Vincent Crime Prevention Partnership**

Members:

1.

and

the Chair of the Advisory Group be

2.3 Pedestrian and Cycling Advisory Group

Members:

1.

and

the Chair of the Advisory Group be

PURPOSE OF REPORT:

To provide an opportunity for the newly elected Mayor and Council Member to be nominated for and elected to any Regional Councils, committees, external bodies, Advisory and Working groups.

BACKGROUND:

As part of the Council's role in governing for the City, Council Members represent the Council on a range of Committees, Regional Councils and Statutory Authorities. Membership is generally aligned to the election cycle, however following the resignation of the City's former Mayor John Carey, there are a number of vacancies that Council may wish to now fill.

This report is also intended to satisfy the requirement set out in section 4.2(b) of Council's Policy 4.2.14 – Local Government Elections which states:

“At the first Ordinary Council meeting scheduled after the Swearing-in ceremony following an extraordinary Election, the Chief Executive Officer is to cause a report to be presented to the Council that provides opportunity for the newly Elected Councillor/s to be nominated and elected to a Committee of Council (in accordance with s.5.10(2) of the Local Government Act 1995) as well as to be nominated and elected as appropriate to any vacant positions as delegates to Advisory Groups and various organisations.”

As a result of the former Mayor's resignation, the City's seat on the following Regional Councils has become vacant:

- Mindarie Regional Council (MRC)
- Tamala Park Regional Council (TPRC)

The City's former Mayor was also appointed by Council as the Chair of the following Advisory Groups:

- Safer Vincent Crime Prevention Partnership
- Road Safety Advisory Group
- Pedestrian and Cycling Advisory Group

In addition there are a number of other vacancies that Council Members may wish to consider nominating for and which had not previously been filled when Council last (at its meeting on 17 November 2015) appointed members to various bodies. These include:

- Swan River Trust;
 - Arts Advisory Group;
 - Environmental Advisory Group;
 - Claise Brook North Community Liaison Group; and
 - Vincent Accord.
-

DETAILS:

The table below lists the various committees, Regional Councils, Statutory Authorities, Advisory and Working Groups that the City's Council Members have an active role in on behalf of the City of Vincent. The vacancies created by the resignation of the City's former Mayor are shown in shaded rows.

Table 1 – Summary of Memberships

Body	Current Membership	Term
Mindarie Regional Council (MRC)	1 x vacancy	19 October 2015 - 21 October 2017
Tamala Park Regional Council (TPRC)	1 x vacancy Alternate – Cr Murphy	19 October 2015 - 21 October 2017
Audit Committee	Cr Topelberg Cr Gontaszewski Cr Loden Mayor Cole 2 x External Members	7 February 2017 – 21 October 2017
Western Australian Local Government Association (WALGA) - Central Metropolitan Zone	Cr Buckels 1 x vacancy Deputy – Mayor Cole	19 October 2015 - 21 October 2017
MetroWest Joint Development Assessment Panel	Member 1 – Cr Loden Member 2 – Cr Topelberg Alternate 1 – Cr Buckels Alternate 2 – Mayor Cole	26 April 2017 – 26 April 2020
Swan River Trust (only matters relating to City of Vincent)	1 x vacancy	17 November 2015 to 20 October 2017
Arts Advisory Group	Cr Murphy (Chair) Cr Topelberg 1 x vacancy 5 x Community Representatives	17 November 2015 to 20 October 2017
Business Advisory Group	Cr Topelberg (Chair) Cr Loden Cr Murphy Up to 10 x External Members	17 November 2015 to 20 October 2017
Children and Young People Advisory Group	Mayor Cole (Chair) Cr Gontaszewski Cr Buckels 5 x Community Representatives	17 November 2015 to 20 October 2017
Pedestrian and Cycling Advisory Group	Cr Buckels 1 x vacancy (Chair)	
Environmental Advisory Group	Cr Loden (Chair) Mayor Cole Cr Gontaszewski 1 x vacancy 5 x Community Representatives	17 November 2015 to 20 October 2017
Road Safety Advisory Group	Cr Buckels 2 x vacancies (inc 1 x Chair) 4 x Community Representatives	17 November 2015 to 20 October 2017
Safer Vincent Crime Prevention Partnership	Cr Harley Cr Gontaszewski 1 x vacancy (Chair) 7 x Community Representatives	17 November 2015 to 20 October 2017
Claise Brook North Community Liaison Group	2 x vacancies Cr Topelberg	17 November 2015 to 20 October 2017

Body	Current Membership	Term
	3 x Community Representatives	
Metropolitan Regional Road Group (MRRG) Central Technical Sub-Group	Cr Buckels	17 November 2015 to 20 October 2017
Parks Working Group (PWG)	Cr Loden	17 November 2015 to 20 October 2017
Reconciliation Action Plan Working Group	Cr Roslyn Harley (Chair) Cr Dan Loden	17 November 2015 to 20 October 2017
Vincent Accord	1 x vacancy	17 November 2015 to 20 October 2017

Regional Councils

A decision of Council is required to appoint Council Members to the following Regional Councils:

1. **Mindarie Regional Council (MRC) (1 Council Member)**

Meeting Occurrence:	Monthly
Date of Meeting:	Third Thursday of Month (<i>approx.</i>)
Time of Meeting:	5.30pm
Location of Meeting:	Member Councils on a rotation basis
No. of Meetings held in 2013-2015 Period:	14 Meetings
Responsible Liaison Officer:	Chief Executive Officer
<i>Purpose of Appointment:</i>	<i>To make decisions concerning Waste Management, including the landfill disposal site at Tamala Park.</i>
Member Sitting Fees:	<ul style="list-style-type: none"> • \$10,455 per annum • \$1,000 for Information Technology allowance • \$140 per meeting for Alternate Member <p><i>Note: Child Care and Travel costs will be reimbursed in accordance with Reg. 31 and 32 of the Local Government (Administration) Regulations 1996</i></p>
Current Council Member(s):	None
Previous Council Member:	Mayor John Carey
Vacancies:	One

It is a requirement of the Mindarie Regional Council Establishment Agreement that Council carries a specific resolution to nominate an Alternate Member for each occasion that the approved Member is unable to act.

2. **Tamala Park Regional Council (TPRC) (1 Council Member*)**

(The Regional Council has a preference for Member Councils to elect their Mayor as the representative.)*

Meeting Occurrence:	Bi-Monthly
Date of Meeting:	Thursday
Time of Meeting:	6.00pm

Location of Meeting:	Member Councils on a rotation basis
No. of Meetings held in 2013-2015 Period:	13 Meetings
Responsible Liaison Officer:	Chief Executive Officer
<i>Purpose of Council:</i>	<ul style="list-style-type: none"> <i>To make decisions concerning the Tamala Park land and its redevelopment.</i>
Member Sitting Fees:	<ul style="list-style-type: none"> \$10,455 per annum \$140 per meeting for Alternate Member
Previous Council Member(s):	Mayor John Carey
Current Council Member(s):	Alternate – Cr Murphy
Vacancies	One

Committees

For the purposes of the *Local Government Act 1995*, the City has only one committee, being the Audit Committee.

At its Ordinary Council Meeting on 7 February 2017, Council adopted revised Terms of Reference for the Audit Committee which changed the membership structure to contain four Council Members and two external independent members. At that meeting, four Council Members were appointed until 21 October 2017. Consequently, there are currently no vacancies on the City's Audit Committee.

External Bodies/Boards

Council Members represent the Council on the following external bodies / boards:

- Western Australian Local Government Association (WALGA) - Central Metropolitan Zone;
- Swan River Trust (only matters relating to City of Vincent); and
- Metro West Joint Development Assessment Panel (JDAP).

For the WALGA Central Metropolitan zone, the City has two representatives. Cr Buckels is already one of Council's nominated members.

The City does not have a nominated representative to the Swan River Trust. However, it should be noted that there has been no cause for the City's attendance since 2015, as the City is only invited to attend for matters relating to the City of Vincent.

In both cases above, Council may choose to nominate a Council Member or leave the positions vacant.

For the Metro West JDAP, Council, at its Ordinary Council Meeting on 7 February 2017, following a request for nomination from the Minister of Planning, nominated two members and two alternate members for the period of 26 April 2017 – 26 April 2020. Consequently, there are currently no vacancies available.

Advisory Groups

The City has seven Advisory Groups, which all have a membership structure that includes Council Members in addition to Community Representatives:

- Arts Advisory Group
- Business Advisory Group
- Children and Young People Advisory Group

- Pedestrian and Cycling Advisory Group
- Environmental Advisory Group
- Road Safety Advisory Group
- Safer Vincent Crime Prevention Partnership

Prior to his resignation, the City's former Mayor was the chair of:

- Safer Vincent Crime Prevention Partnership
- Road Safety Advisory Group
- Pedestrian and Cycling Advisory Group

Consequently, these Advisory Groups currently do not have a Chairperson. The City's Policy 4.12.12 – Advisory Groups states that the Chairperson is to be appointed by Council. Consequently, it is recommended that Council appoint a Chairperson for these Advisory Groups.

As described in the Summary of Memberships table earlier (Table 1), there are also vacancies available on other Advisory Groups which Council Members may choose to nominate for.

Working Groups

The City has a number of Working Groups, of which five have places designated for Council Members. Those working groups are:

- Claise Brook North Community Liaison Group
- Metropolitan Regional Road Group (MRRG) Central Technical SubGroup
- Parks Working Group (PWG)
- Reconciliation Action Plan Working Group
- Vincent Accord

As described in the Summary of Memberships table above, there are some vacancies available on these Working Groups which Council Members may choose to nominate for.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Division 4 of the Local Government Act sets out provisions dealing with Regional Local Governments and Regional Subsidiaries.

No alternate members or deputies are appointed to the MRC. The appointment of alternate members or deputies to serve on a Regional Council can only be made under specific circumstances and not on an ongoing basis.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan 2013-2023 - Key Result Area Four –

"Leadership, Governance and Management" and, in particular:

"4.1 - Manage the organisation in a responsible, efficient and accountable manner".

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

There are no budget implications for the City in respect to membership on Regional Councils or Advisory Groups. However, members receive allowances from the Regional Councils, as detailed in the report.

COMMENTS:

The timely appointment of the City of Vincent representatives to the MRC and TPRC will ensure the City is represented on these organisations, enabling them to participate in decision-making that may impact the City. It is therefore recommended that Council appoints a representative to these Regional Councils.

The resignation of the City's former Mayor John Carey has left three of the City's Advisory Groups without a chairperson. In order for these Advisory Groups to run effectively, it is recommended that Council appoints a new Chairperson for these Advisory Groups.

There are a number of other vacancies that are available for Council Members to nominate for if they wish to, however there is no requirement or immediate need for these to be filled at this time. Council Members are free to nominate for any vacancies at any time throughout the year.

9.5.6 LATE ITEM - Arrangements for an Extraordinary Election

Ward:	-	Date:	27 February 2017
Precinct:	-	File Ref:	SC2639
Attachments:	1 – Indicative Extraordinary Election Timeline		
Tabled Items:	Nil		
Reporting Officers:	T Evans, Manager Governance and Risk		
Responsible Officer:	L Kosova, Chief Executive Officer		

RECOMMENDATION:

That Council **ALLOWS** the vacancy of a North Ward Council Member to remain unfilled until the Ordinary Local Government Elections to be held on 21 October 2017, subject to the approval of the Electoral Commissioner, pursuant to section 4.17(2) of the *Local Government Act 1995*.

PURPOSE OF REPORT:

To consider Council's options in relation to the extraordinary vacancy for a North Ward Council Member.

BACKGROUND:

Following the election of Cr Emma Cole as Mayor on 24 February 2017, the City has a vacant position on Council.

The vacancy has occurred after the third Saturday in January of an election year, which means that Council has two options for dealing with the vacancy:

- 1) To conduct an extraordinary election to fill the vacancy, pursuant to [section 4.8](#) of the *Local Government Act 1995* (the Act), or
- 2) To allow the vacancy to remain unfilled, subject to approval from the Electoral Commissioner, pursuant to [section 4.17\(2\)](#) of the Act.

DETAILS:

In order to hold an extraordinary election, the City must first set a date for the election, and it must do so within one month of the vacancy occurring (s.4.9(1)). The City is obliged to hold an extraordinary election within 4 months of a vacancy occurring (s.4.9 (2)). However, the election must take place a minimum of 80 days after the appointment of a returning officer. Consequently, the extraordinary election would need to be held between 26 May 2017 and 24 June 2017. **Attachment 1** shows an indicative election timeline for an extraordinary election held on 26 May 2017.

The City must also decide who to appoint as the returning officer for the election. Under section 4.20 of the Act, the CEO is to be the returning officer unless other arrangements are made and Administration strongly recommend that other arrangements are made so as to not place undue burden on the CEO. Council has the option of appointing any suitably qualified person as returning officer (s4.20(2)). Otherwise, the Council can declare the Electoral Commissioner be responsible for the conduct of the election. In either case, prior written approval from the Electoral Commissioner is required before such a decision can be made.

The City has not yet received a cost estimate from the WAEC for the running of a North Ward election. However, based on the cost estimate received for the recently held South Ward election, Administration estimates that the cost of a North Ward election will be in the order of \$34,000. North Ward has approximately 11,000 residents compared to 12,000 in South Ward. This estimate is based on a pro rata calculation of the South Ward election costs. The estimate assumes:

- 11,000 electors;
- Use of Australia Post's priority mail service;
- Response rate of approximately 30%;
- Appointment of a local Returning Officer; and
- The Count being conducted at Vincent.

Pursuant to section 4.61 of the Act, The City is required to choose whether to conduct the election as a postal election or a "voting in person election". Postal elections are the norm and are generally more cost effective. It is also a condition of the Electoral Commission that, if they are running the election, it must be held as a postal election.

Council has the option of requesting the approval of the Electoral Commissioner to leave the vacancy unfilled until the next Ordinary Local Government Elections on 21 October 2017.

Under section 4.9(1) of the Act, Council must fix a date for an extraordinary election within one month of the vacancy occurring. Notwithstanding the fact that Mayor Cole was sworn in on Monday 27 February 2017, in accordance with section 2.28 of the Act, Mayor Cole's term of office as Mayor commenced on the day after election day which was Saturday 25 February 2017. Consequently, her former position as North Ward Council Member became vacant on Saturday 25 February. Therefore, Council would need to fix an extraordinary election date no later than 24 March 2017.

CONSULTATION/ADVERTISING:

The necessary consultation and advertising required to run the election is set out in Part 4 of the Act and will be the responsibility of the returning officer.

LEGAL/POLICY:

Local Government Act 1995, Part 4, Division 4:

Section 4.8 (1) - If the office of a councillor or of an elector mayor or president becomes vacant under section 2.32 an election to fill the office is to be held.

Section 4.9 (1) - Council must fix a date for an extraordinary election at a meeting held within one month of the vacancy occurring. That is to say, no later than 24 March 2017.

Section 4.9 (2) - The election day fixed for an extraordinary election cannot be later than 4 months after the vacancy occurs, unless the Electoral Commissioner approves or section 4.10(b) applies. That is to say, no later than 24 June 2017.

Section 4.17 (2) - If a member's office becomes vacant under section 2.32 —
(a) after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but
(b) before the third Saturday in July in that election year,
the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled...

Section 4.20 (4) - A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election.

Section 4.61 (2) - The local government may decide* to conduct the election as a postal election.

*(absolute majority required)

RISK MANAGEMENT IMPLICATIONS:

Low: The holding of elections is highly regulated by the *Local Government Act 1995*, consequently, there is a risk of the City being non-compliant if it does not act expediently to deal with the Council Member vacancy.

STRATEGIC IMPLICATIONS:

Not applicable.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

As described within the body of the report, Administration has estimated that it would cost \$34,000 to run a North Ward election, which has not been budgeted for in 2016/17.

COMMENTS:

In the event that an extraordinary election is held, the winning candidate will, at best, hold the position for a term that encompasses just four Council Meetings before the position comes vacant again.

Council has functioned adequately with a vacancy since September 2016 and by allowing the vacancy to remain unfilled, the City would save costs in the order of \$37,000 in election related expenditure. As a result, Administration is recommending that Council allow the vacancy to remain unfilled until 21 October 2017.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Cr Josh Topelberg – Litis Stadium Master Plan

That Council:

1. **REAFFIRMS** its resolution from the Ordinary Meeting of Council held on 13 December 2016 which noted that the Club is preparing a Master Plan entirely at its own cost for Litis Stadium in support of its request for longer-term lease over the premises;
2. **REAFFIRMS** that the Club only has and will only have a lease over Litis Stadium and therefore permission to occupy the premises up to 31 December 2017 and no later until or unless Council decides otherwise;
3. **REAFFIRMS** that the Club's preparation of a Master Plan for Litis Stadium will in no way fetter Council's decision on whether to allow the Club to occupy the premises beyond the natural and automatic termination of its lease on 31 December 2017;
4. **REQUESTS** that upon submission of the Master Plan by the Club no later than 30 June 2017 the City assess the Plan against the community benefit, value, or need for what the Club proposes and, in doing so the City will itself independently consult with the community on the Plan before determining a position on both that Master Plan and the future of the Club at Litis Stadium; and
5. **REQUESTS** that the Director Community Engagement provide Council with a Litis Stadium Master Plan monthly progress report based upon key project milestones.

REASON:

At the Ordinary Meeting of Council held on 13 December 2016 it was resolved to approve a short-term, 12 month lease to Floreat Athena Soccer (Football) Club over Litis Stadium. Council specifically noted that Floreat Athena Football Club intended to prepare at its cost a Master Plan for Litis Stadium for presentation to Council as the basis for future lease consideration. Council also specifically advised the Club that:

- The granting of the short term lease and preparation of a Master Plan should in no way be deemed a warranty or representation that the Council will grant a future lease or allow the Club to remain in occupation of the leased premises beyond 31 December 2017;
- Council will not consider any future lease until it has received and considered the Master Plan, appropriately detailing Floreat Athena's proposed facility works and improvements, facility management plan, life cycle cost analysis and community benefit statement, which needs to be received no later than 30 June 2017; and
- Council requires and expects Floreat Athena to work closely with the City of Vincent Administration on the Club's Master Planning exercise to ensure that broader City and community interests and future use options are taken into account as part of that exercise.

This short term lease and the preparation of a Master Plan was in no way deemed a warranty or representation that Council will grant a future lease or allow the Club to remain in occupation of the leased premises beyond 31 December 2017. Rather, the requirement to prepare a Master Plan was in direct response to a request from the Club to extend their lease for Litis Stadium. This Master Plan was considered to be a minimum requirement to enable well-informed assessment and decision making by Council with due consideration of community benefits and long-term options for the site.

The Club is progressed preparation of the Master Plan with community consultation and engagement commencing in late February 2017. This preliminary consultation includes a Community Values Workshop on 1 March 2017 and Community Feedback Form for submission by 13 March 2017. To assist with commencement of this consultation the City's Administration forwarded an introductory letter to approximately 2,500 residents within proximity to Litis Stadium and Britannia Reserve. The distribution of this letter has generated some concern and confusion amongst local residents regarding the City's role in the Master Plan process.

This motion seeks to clarify each party's role in this process.

ADMINISTRATION COMMENTS:

The Club's preparation of a Master Plan for Litis Stadium will in no way fetter the City's recommendation or Council's decision on whether to allow the Club to occupy the premises beyond the natural and automatic termination of its lease on 31 December 2017. Until or unless Council decides otherwise, the Club only has and will only have a lease over Litis Stadium and therefore permission to occupy the premises up to 31 December 2017 and no later.

Administration continues to liaise with the Club, and their appointed Consultants, to ensure that the Master Plan is being progressed in accordance with the Council's December 2016 resolution. This includes reviewing any proposed community engagement strategies, attending regular meetings to discuss progress against key project milestones, and attending Community Focus Group Meetings (as an observer) to ensure that broader community interests are being discussed and considered.

However, Administration is purposefully not providing specific guidance or direction to Club in relation to the Master Plan. Enabling the Club to independently complete the Master Plan will ensure that both Administration and Council can objectively assess the Plan upon its submission in June 2017. This includes assessing the Plan's Community Benefit Statement to determine any broader community impacts and outcomes associated with the Club's proposal.

This June 2017 submission deadline was stipulated some six months before expiry of the Club's short-term lease to enable Administration to adequately assess and validate the information as well as independently consulting with the community on the Club's Master Plan. This will ensure that Administration provides Council with detailed information and analysis to enable well-informed decision making.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

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

15. CLOSURE
