



**CITY OF VINCENT**

# **ORDINARY COUNCIL MEETING**

**20 JANUARY 2015**

## **Notice of Meeting and Agenda**

Notice is hereby given that an Ordinary Meeting of the Council of the City of Vincent will be held at the Administration and Civic Centre, at 244 Vincent Street (corner Loftus Street), Leederville, on **Tuesday 20 January 2015** at 6.00pm.

Len Kosova  
CHIEF EXECUTIVE OFFICER

15 January 2015

**ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY**

This document is available in other formats and languages.

## **“Enhancing and celebrating our diverse community”**

**PURPOSE** - The purpose defines the *business we are in*. It describes our reason for being, and the services and products we provide. Our purpose is:

**“To provide and facilitate services for a safe, healthy and sustainable community.”**

**VISION** – The vision statement is *what we are striving to become*, what we will look like in the future. Based on accomplishing key strategic challenges and the outcomes of Vincent Vision 2024, the City’s vision is:

**“A sustainable and caring community built with vibrancy and diversity.”**

**GUIDING VALUES** (*Describes what values are important to us*)

- **Excellence and Service**  
We aim to pursue and deliver the highest possible standard of service and professionalism to the Vincent community.
- **Honesty and Integrity**  
We are honest, fair, consistent, accountable, open and transparent in our dealings with each other and are committed to building trust and mutual respect.
- **Innovation and Diversity**  
We encourage creativity, innovation and initiative to realise the vibrancy and diversity of our vision.
- **Caring and Empathy**  
We are committed to the wellbeing and needs of our employees and community and value each others views and contributions.
- **Teamwork and Commitment**  
Effective teamwork is vital to our organisation and we encourage co-operation, teamwork and commitment within and between our employees and our business partners and 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.

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## ORDER OF BUSINESS

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

**(b) Acknowledgement of Country Statement**

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

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

Nil.

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

**(b) Response to Previous Public Questions Taken On Notice**

[3.1](#) Ms D Saunders Questions taken on Notice at Ordinary Meeting of Council held on 16 December 2014.

**4. Applications for Leave of Absence**

Nil.

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

5.1 Petition received from Ms L Quinn on behalf of residents of Alma Road, Glebe and Leake Streets, North Perth, along with 12 signatures, relating to No. 107 Alma Road, North Perth being run as Back Packers' accommodation contrary to the residential zoning and requesting that Council acts immediately to stop this breach.

**6. Confirmation of Minutes**

6.1 Ordinary Meeting of Council held on 16 December 2014.

**7. Announcements by the Presiding Member (Without Discussion)**

Nil.

**8. Declarations of Interest**

Nil.

**9. Reports**

As listed in the Index.

**10. Motions of which Previous Notice has been given**

10.1 NOTICE OF MOTION: Mayor John Carey – Enhancing Governance and Transparency in Council Member dealings with Developers

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11. **Questions by Members of which Due Notice has been given** (Without Discussion)  
  
Nil.
  12. **Representation on Committees and Public Bodies**
    - 12.1 Nominations – Panel Members and Alternative Members for Local Government Development Assessment Panel (SC1016)
  13. **Urgent Business**  
  
Nil.
  14. **Confidential Items/Matters for which the Meeting May be Closed (“Behind Closed Doors”)**
    - 14.1 CONFIDENTIAL ITEM: Nos. 169-173 (Lots: 5 and 99) Scarborough Beach Road and Nos. 60-62 (Lot 98) Coogee Street, Mount Hawthorn – Proposed Introduction of a Fee Paying Car Park to Existing Car Park – Reconsideration under s31 of the State Administrative Tribunal (SAT) Act 2004 (DR 75 of 2014 (PRO0156 and PRO3795; 5.2013.382.1)
    - 14.2 LATE ITEM: CONFIDENTIAL ITEM: Disposal of the Property at No. 291 (Lot 6) and 295 (Lot 7) Vincent Street, Leederville – Major Land Transaction (PRO0527/PRO0631)
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(20 JANUARY 2015)**

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## 9.1 PLANNING SERVICES

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

<b>Ward:</b>	South	<b>Date:</b>	9 January 2015
<b>Precinct:</b>	Beaufort (P13)	<b>File Ref:</b>	5.2014.606.1; PR20004
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report <a href="#">002</a> – Development Application Plans <a href="#">003</a> – Car Parking Table <a href="#">004</a> – Technical Services Comments		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Acting Senior Planning Officer (Statutory)		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

### OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by H Woschnak on behalf of the owner M Allmark, for the proposed Change of Use from Warehouse to Recreational Facility (Yoga Studio) at No. 6 (Lot 123) Church Street, Perth as shown on plans stamp dated 18 November 2014, included as Attachment 002, subject to the following conditions:

#### 1. Use of the Premises

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

#### 2. Building

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

#### 3. Signage

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

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

5. **Waste**

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

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

6.1 **Bicycle Facility**

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

**ADVICE NOTES:**

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

**PURPOSE OF REPORT:**

The application is referred to Council for determination as more than five (5) objections were received.

**BACKGROUND:**

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

**DETAILS:**

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

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

The following further information has been provided:

**Patron Numbers**

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

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Operating Hours

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

Building

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

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

Carparking

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

**ASSESSMENT:**

**Town Planning Scheme/City's Policies Initial Assessment**

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

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

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

**CONSULTATION/ADVERTISING:**

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

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

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

**Design Advisory Committee:**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

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

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

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

*Natural and Built Environment*

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

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

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

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

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

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

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

ECONOMIC	
Issue	Comment
The proposed will provide increase employment opportunities.	

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

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**COMMENTS:**

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

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

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

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

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

**CONCLUSION:**

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

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**9.1.2 Approval to Advertise Draft Character Retention Area Guidelines – Policy No. 7.1.8**

<b>Ward:</b>	South Ward	<b>Date:</b>	9 January 2015
<b>Precinct:</b>	Hyde Park	<b>File Ref:</b>	SC1343
<b>Attachments:</b>	<a href="#">001</a> – Draft Character Retention Policy		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	S Peters, Strategic Planning Officer J O’Keefe, Acting Manager Strategic Planning, Sustainability & Heritage Services		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

**OFFICER RECOMMENDATION:**

That Council **AUTHORISES** the Chief Executive Officer to advertise the Draft Character Retention Area Guidelines - Policy No 7.1.8, as shown in Attachment 001 pursuant to Clause 47 of the City’s Town Planning Scheme No. 1 and the City’s Community Consultation Policy.

**PURPOSE OF REPORT:**

To request Council consent to advertise the Draft Character Retention Area Guidelines.

**BACKGROUND:**

The Character Retention Areas Project originated following a review of State Planning Policy No. 3.1 Residential Design Codes (R Codes).

The review saw the introduction of reduced average and minimum site area requirements for Residential R80 zoned areas which in turn promotes subdivision. The increased ability to subdivide has the potential to significantly impact the character of areas within the City, particularly where it leads to the demolition of original and character dwellings.

Consultants were appointed in December 2013 to carry out an ‘eligibility assessment’ examining 20 streets for possible inclusion as character retention areas.

A visioning workshop was held with the community in July 2014 to introduce and test key elements of a new policy with the ultimate objective of protecting the streetscape in these areas. This workshop has informed the draft guidelines.

**History:**

Date	Comment
3 August 2013	A community forum was held to explain the impacts of the R-Codes changes to residents and land owners. The majority of community participants were in favour of pursuing the introduction of character retention areas within the City.
27 August 2013	The outcomes of the forum were presented to Council and further investigation of character retention areas was endorsed.
October-December 2013	Quotes were requested from external consultancies with an appointment made in December.
March 2014	Visioning Workshops were planned to investigate the project but were abandoned due to lack of interest.
31 July 2014	A revised workshop was facilitated with residents and land owners of all identified character retention areas with 22 people in attendance.
9 December 2014	The proposed policy was presented to Elected Members at a Council Forum. The possibility of including, relevant sections of Carr Street, Harley Street and St Albans Avenue were proposed. The discussions that ensued indicated that only the relevant area at St Albans Avenue should be included in the policy at this stage, but the policy should be structured such that new areas can be added as they are nominated. There was also some discussion on the requirements that should be imposed before demolition would be supported.

**DETAILS:**

The Character Retention Area Guidelines will form part of the City's Planning & Building Manual as a local planning policy. Where development is proposed within a character retention area, the policy will provide the guidance required to ensure the objectives of the character retention areas are adequately met.

A key function of the draft policy is to identify dwellings as either being "Contributing" or "Non-contributing". This includes two sets of standards depending on the status of the dwelling. The standards applicable to "Non-contributing" dwellings are not as onerous and allow the City to support demolition.

Key Elements of the Policy

1. *Policy Structure*

The Policy has been divided into two parts, each with two sections for ease of use and continuity. Guidelines for both "Contributing" and "Non-contributing" dwellings are contained in Parts 1A and 1B with the Nomination Process to be included as a Character Retention Area, and the Character Retention Areas themselves contained in Parts 2A and 2B respectively.

Several appendices are included in the Policy to provide various explanatory guidelines and an inventory of the properties in each Character Retention Area that are identified as "Contributing" and "Non-contributing".

2. *Objectives*

Following the research and preliminary consultation phase of the project the recommended objectives of the Draft Character Retention Area Guidelines are:

1. To establish a robust design framework to guide the protection of quality character streetscapes within the City;
2. To identify appropriate areas within the City known as Character Retention Areas;
3. To ensure that any new development, including additions to dwellings, do not mimic the appearance of character dwellings and do not appear as a seamless continuation of the original dwelling and are subordinate to the original character dwellings;
4. To distinguish between dwellings within each Character Retention Area that contribute to the integrity of the streetscape and those which do not.

3. *List of Character Retention Areas*

The draft Policy identifies St Albans Avenue as a Character Retention Area. The guidelines represent generic principles so that other character retention areas may be included in the future without significant amendments to the policy.

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Summary of Policy Provisions

A summary of the specific provisions relating to “Contributing” dwellings is set out in the table below:

<b>Contributing</b>	<b>Contributing dwellings are those which make a contribution towards the character of the streetscape</b>
Demolition	Demolition not supported.
Building Setbacks	Additions to be located behind the building line.
Building Walls	Outlines the treatment of new and existing walls including: <ul style="list-style-type: none"> <li>• Use of different materials, and</li> <li>• Inclusion of a 500 millimetre recess where it intersects.</li> </ul>
Building Height	Additional height must not exceed 1 storey.
Car parking	Removal of parking is not supported. No garages in the front setback area. Shade sails may be supported.
Street walls & fences	Max. fence height of 1.2 metres. Solid portion to be 0.75 metres in height. The fence is to be 35% visually permeable.
External features	Not permitted to replicate original character features. The same colours and materials are supported.
Roof Works	Any changes to roofs must be sympathetic to the original form but extension must be distinguishable.

A summary of the specific provisions relating to “Non-contributing” dwellings is set out in the table below:

<b>Non-Contributing</b>	<b>Non-contributing dwellings make little or no contribution to the character of the streetscape</b>
Demolition	Demolition may be supported.
Appearance of New Dwellings	To ensure that new dwellings are clearly distinguishable as new dwellings.
Street walls & fences	Max. fence height of 1.2 metres. Solid portion to be 0.75 metres in height. The fence is to be 35% visually permeable.

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period: 28 days

Consultation Type: Advert in local paper, notice on the City’s website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre.

**LEGAL/POLICY:**

- City of Vincent Town Planning Scheme No. 1.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** It is considered that without this draft Policy, areas of the City considered to have streetscape character worthy of retention are open to erosion of the streetscape character caused by the loss of contributing dwellings, new dwellings and additions to existing dwellings. This would result in the loss of character streetscapes that create attractive and desirable places to live.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2011-2016 states:

*"Natural and Built Environment:*

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

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

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

*Leadership, Governance and Management:*

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

*4.1.4 Plan effectively for the future.*

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

**SUSTAINABILITY IMPLICATIONS:**

**ENVIRONMENTAL**

The draft policy will assist in preserving the character of streetscapes throughout the city. As a result, environmental impacts as a result of use intensification, (such as increased hardstand area) will be minimal. Additionally, the policy aims to protect landscaping and verge plantings.

**SOCIAL**

The draft policy will facilitate the City's intention to protect and promote housing and precinct character, and assist in providing a diverse housing choice within the municipality.

**ECONOMIC**

The draft policy will preserve the architectural character of properties in the area.

**FINANCIAL/BUDGET IMPLICATIONS:**

Expenditure for updating the policy will be paid out of the operating budget, *Town Planning Scheme Amendments and Policies*.

**CONCLUSION:**

The purpose of the draft Policy is to identify areas of high integrity streetscapes and create a targeted approach to how new developments and additions will be placed within that context.

They will work with the City's development policies to provide a high degree of certainty for land owners that the integrity of the streetscape will be preserved.

On this basis, it is recommended Council support the officers recommendation and provide consent to advertise the draft Character Retention Area Guidelines.

**9.1.3 Amendment No. 132 to Planning and Building Policy Manual – Review of Heritage Policies**

<b>Ward:</b>	Both	<b>Date:</b>	9 January 2015
<b>Precinct:</b>	All	<b>File Ref:</b>	SC1972
<b>Attachments:</b>	<p><a href="#">001</a> – Draft Amended Policy No. 7.6.2 – Heritage Management - Assessment;</p> <p><a href="#">002</a> – Current Policy No. 7.6.5 – Heritage Management – Amendments to Municipal Heritage Inventory (MHI) to be rescinded; and</p> <p><a href="#">003</a> – New Draft Policy No. 7.6.5 – Heritage Management – Amendments to Municipal Heritage Inventory (MHI)</p>		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	H, Au, Heritage Officer A Fox, Strategic Planning Officer		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

**OFFICER RECOMMENDATION:**

That Council **AUTHORISES** the Chief Executive Officer to advertise the following proposals for public comment:

1. **Amendment to Policy No. 7.6.2 relating to Heritage Management – Assessment, as shown in Attachment 001;**
2. **Rescission of existing Policy No. 7.6.5 relating to Heritage Management – Amendments to Municipal Heritage Inventory (MHI), as shown in Attachment 002; and**
3. **Draft Policy No. 7.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI), as shown in Attachment 003;**

in accordance with **Clause 47 of the City's Town Planning Scheme No. 1.**

**PURPOSE OF REPORT:**

To obtain Council's approval to advertise for public comment proposals to:

1. Amend Policy No. 7.6.2 Heritage Management – Assessments to allow commercial properties with a Management Category B to be included on the MHI without the consent of the owner; and
2. Rescind existing Policy No. 7.6.5 Heritage Management – Amendments to MHI and replace it with new Policy No. 7.6.5 Heritage Management – Amendments to MHI.

**BACKGROUND:**

The City's Policy No. 7.6.2 relating to Heritage Management – Assessment, provides the framework for assessing places for inclusion onto the City's Municipal Heritage Inventory (MHI). The criteria for assessment are based on the principles outlined within the Burra Charter and the policy was developed in accordance with the State Heritage Office publication *Criteria for the Assessment of Local Heritage Places and Areas*.

Table 1 of the current Policy No. 7.6.2 includes a provision that requires the City to obtain consent from a property owner to proceed with further action to include a property onto the MHI where it has a moderate level of significance (Management Category B). In accordance with Policy No. 7.6.2, the City's practice when considering a place for inclusion onto the MHI, either through the nomination process or a review of the MHI, is not to proceed to include the place assessed as being a Management Category B without the consent of the owner.

Council at its Ordinary Meeting on 22 July 2014 adopted the following Notice of Motion to amend Table 1 of the policy:

*'That the Council REQUESTS the Acting Chief Executive Officer to prepare a report to initiate an amendment to Planning and Building Policy No. 7.6.2, to amend Table 1 so that the 'Further Action' requirements under 'Moderate level of Significance' be separated for residential and commercial properties and allow that a commercial property be placed on the City's MHI without the consent of the owner.'*

In accordance with the above Notice of Motion, an amendment to Policy No. 7.6.2 is proposed, as outlined in the "Details" section of this report.

The proposed change to Policy No. 7.6.2, has triggered a review of other existing Heritage Management policies to ensure relevance, consistency and transparency across the management of heritage within the City. This has resulted in a proposal to rescind the existing Policy No. 7.6.5 Heritage Management – Amendments to the Municipal Heritage Inventory (MHI) and an initiation of a new Policy No. 7.6.5 to replace the existing policy.

**History:**

Date	Comment
22 July 2014	Council at its Ordinary Meeting resolved a Notice of Motion to initiate an amendment to Policy No. 7.6.2 Heritage Management – Assessment
9 December 2014	The proposed changes to the Heritage policies were presented to Elected Members at a Council Forum. The discussion that ensued indicated that the proposed changes and format of the policies as proposed are acceptable.

**DETAILS:**

**1. Policy No. 7.6.2 Heritage Management – Assessment**

In accordance with the Notice of Motion on 22 July 2014, Table 1 of the policy has to be amended as follows:

...

Level of Significance	Description	Further Action	Management Category
Moderate	Contributes to the heritage of the locality. Has some altered or modified elements, not necessarily detracting from the overall significance of the place.	<p><del>Consider for inclusion on the MHI (Heritage List) if owner/applicant consents to inclusion.</del></p> <p><u>Commercial properties* - Consider for inclusion on the MHI (Heritage List).</u></p> <p><u>Residential properties - Consider for inclusion on the MHI (Heritage List) if owner/applicant consents to inclusion.</u></p>	Management Category B – Conservation Recommended

\* "Commercial property" refers to the building which contains an approved commercial use.

**2. Policy No. 7.6.5 Heritage Management – Amendments to Municipal Heritage Inventory**

Policy No. 7.6.5 relating to Heritage Management – Amendments to the MHI was adopted on 21 June 2006. It has guided the process for making amendments to the MHI including adding, deleting and amending (Management category) places on the MHI.

The current policy provides direction for amendments to the MHI under the following different scenarios:

1. Nominations from owners/community members;
2. Amendments through the Development Application process; and
3. MHI Review.

While the intent of the new policy and the provisions within the policy has largely remained unchanged only incorporating minor amendments, the format in which these provisions are presented has changed considerably.

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period: 28 days

Consultation Type: Advert in local paper, notice on the City’s website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre.

**LEGAL/POLICY:**

- City of Vincent Town Planning Scheme No. 1 and associated policies;
- Heritage of Western Australia Act 1990; and
- State Planning Policy 3.5 – Historic Heritage Conservation.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** Providing a sound approach to heritage management is important to ensure consistency and transparency for landowners, applicants and the community.

Owners of commercial properties that are, or are proposed to be added to the MHI regardless of the owner’s sentiments, may be aggrieved by the inclusion of their properties on the MHI and may in turn seek to challenge the validity of that listing. This element of the proposed policy amendment is likely to generate some specific feedback during the consultation period, which would be considered by Council in due course.

**STRATEGIC IMPLICATIONS:**

In keeping with the City’s *Strategic Plan 2013-2017* – Objective 1.1 and 1.2 states:

“Improve and Maintain the Environment and Infrastructure:

1.1 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision; and*

1.2 *Enhance and maintain the character and heritage of the area.”*

The City’s Heritage Strategic Plan 2013-2017 Key Result Area One – Community and Heritage states:

*“Educating, Promoting and Celebrating Vincent’s Heritage.”*

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**SUSTAINABILITY IMPLICATIONS:**

**ENVIRONMENTAL**

The City's policies relating to Heritage Management serve to promote the City's commitment to environmental sustainability outcomes being achieved through the reduction on the waste of building material associated with full demolition and redevelopment.

**SOCIAL**

The City's heritage policies serve to promote and celebrate the City's heritage and sense of place particularly through mechanisms that retain places with recognised heritage significance.

**ECONOMIC**

The City's policies assist in the conservation and retention of the City's heritage places, particularly those that contribute to the economic vibrancy and character of the City's Town Centres.

**FINANCIAL/BUDGET IMPLICATIONS:**

Expenditure for updating the policy will be paid out of the operating budget, *Town Planning Scheme Amendments and Policies*.

**COMMENT:**

**1. Policy No. 7.6.2 Heritage Management – Assessment**

The Notice of Motion to include commercial properties on the MHI without owner's consent is supported by Administration for the following reasons:

It will:

- (a) Enable the City to be a leader in protecting heritage values by providing heritage funding for commercial property and promoting good conservation practice through the City's heritage programmes;
  - (b) Retain the heritage and integrity of the character of the City's Town Centres;
  - (c) Contribute to the adaptive reuse of buildings for local businesses;
  - (d) Activate Town Centres and be more appealing to visitors;
  - (e) Engender a strong sense of community belonging;
  - (f) Ensure the City's unique commercial heritage assets remain vibrant and dynamic;  
and
  - (g) Ensure good public access to a wide range of character properties and further enhance the social base of the City.
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**2. Policy No. 7.6.5 Heritage Management – Amendments to Municipal Heritage Inventory**

Policy No. 7.6.5 has been operating effectively; however, the policy itself contains much repetitive and superfluous wording that makes it confusing and unnecessarily verbose for policy users.

The newly formatted policy includes flowcharts for a variety of scenarios which serve to provide policy users with a clear mechanism to guide amendments to the MHI. The current policy provisions have been consolidated and are largely contained within the flow charts.

The proposed new Policy No. 7.6.5 will also ensure consistency with the amended provision of Table 1 of Policy No. 7.6.2 Heritage Management – Assessment.

**CONCLUSION:**

The City's Policy No. 7.6.2 relating to Heritage Management – Assessment has been amended as a result of a Notice of Motion adopted by Council at its meeting on 22 July 2014.

In addition, the City's existing Policy No. 7.6.5 is proposed to be rescinded and a new Policy No. 7.6.5 is proposed to replace the existing policy. The new policy provides a clearer, more, concise and transparent mechanism to guide the process of amending the MHI.

In light of the above, it is recommended that Council initiates the process to amend to Policy No. 7.6.2 Heritage Management – Assessments and to introduce a new Policy No. 7.6.5 Heritage Management – Amendments to MHI; to replace the existing Policy No. 7.6.5 Heritage Management – Amendments to MHI.

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### 9.1.4 CEEP Progress Report and Termination of Funding Agreement

<b>Ward:</b>	Both Wards	<b>Date:</b>	9 January 2015
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	SC489
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Marriott, Sustainability Officer		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

#### OFFICER RECOMMENDATION:

That Council:

1. **RECEIVES** the progress report on Community Energy Efficiency Program (CEEP) activities;
2. **AUTHORISES** the Chief Executive Officer to:
  - 2.1 **Terminate the CEEP Funding Agreement by mutual agreement with the Department of Industry and return unspent grant funding to the Department;**
  - 2.2 **Defer the geothermal heating ventilation air conditioning (HVAC) upgrade of Beatty Park Leisure Centre until the existing geothermal pool heating system is operating effectively, to the Chief Executive Officer's satisfaction;**
  - 2.3 **Complete the lighting and energy monitoring projects commenced under CEEP using the residual funds within the City's 2014-2015 CEEP Budget account; and**
3. **APPROVES BY ABSOLUTE MAJORITY** the reallocation savings resulting from the termination of the CEEP Funding Agreement and deferment of the geothermal HVAC upgrade (approximately \$241,126) toward an independent audit of the pool heating system and subsequent rectification works.

#### PURPOSE OF REPORT:

The purpose of this report is to:

1. Provide a progress report on energy efficiency upgrades under CEEP;
2. Seek Council's endorsement to terminate of the CEEP Funding Agreement due to the inability to complete the key CEEP project, being the geothermal HVAC upgrade within the term of the Agreement; and
3. Seek Council's approval to reallocate funds from the CEEP Budget account to identify and rectify faults within the existing geothermal pool heating system at Beatty Park Leisure Centre.

**BACKGROUND:**

The following table summarises the history of the City's CEEP-related activities.

Date	Milestone
20 August 2013	CEEP Funding Agreement executed with the Department of Industry for delivery of geothermal HVAC, energy efficient lighting and real-time energy monitoring at City-owned facilities.
11 March 2014	Tender awarded for energy efficient lighting upgrades.
8 April 2014	Tender awarded for geothermal HVAC upgrade.
17 April 2014	Real-time energy monitoring contract awarded following quotation process.
19 May 2014	CEEP Project Plan submitted for approval by the Department of Industry.
12 August 2014	CEEP Project Plan acceptance received from the Department of Industry.
13 August 2014	Lighting upgrade commenced at Beatty Park Leisure Centre.
22 September 2014	Lighting upgrade completed at Beatty Park Leisure Centre.
28 September 2014	Real-time energy monitoring equipment installed at the Library and Local History Centre building.
18 October 2014	Real-time energy monitoring equipment installed at the Administration and Civic Centre building.
22 November 2014	Real-time energy monitoring equipment installed at Beatty Park Leisure Centre.
Current	The geothermal HVAC upgrade of Beatty Park Leisure Centre (scheduled to start in August 2014) has been delayed by ongoing underperformance and recurring faults within the existing geothermal pool heating system. Administration has not yet engaged the contractor who was awarded the tender (in April 2014) to carry out the geothermal HVAC upgrade, due to the need to first rectify the existing system's faults.

**DETAILS:**

**1. Progress Report**

**a. CEEP Activities**

On 20 August 2013, the City entered into a Funding Agreement with the Federal Department of Industry to undertake the following energy efficiency upgrades to the City's facilities:

Project	Scheduled Completion Date	Current Status
Geothermal HVAC upgrade – Beatty Park Leisure Centre	October 2015	On hold pending rectification of existing system and updated system documentation.
Energy Efficient Lighting Upgrade – Beatty Park Leisure Centre, Loftus Recreation Centre, Robertson Park Tennis Centre	June 2015	Beatty Park Leisure Centre completed in September 2014. Work commenced at Loftus Recreation Centre in October 2014 and is due for completion in April 2015. Robertson Park Tennis Centre scheduled to be upgraded between April and June 2015.
Real-time Energy Monitoring – Beatty Park Leisure Centre, Library and Local History Centre, Administration and Civic Centre	October 2014	Energy monitoring equipment installed at all three sites in scope. Public screens for display of real-time energy data to be installed at each facility in early 2015.

Under the terms of the CEEP Funding Agreement, the City is also required to complete the following adjunct activities:

Activity	Scheduled Completion Date	Current Status
Pre-Upgrade and Post-Upgrade Energy Audit and Energy Efficiency Reporting	Pre-Upgrade: August 2014 Post Upgrade: January 2016	Delayed due to ongoing problems with the existing geothermal pool heating system. For a valid energy baseline to be generated, the system needs to be fully operational.
Community Engagement and Encouragement (marketing campaign and series of community events)	Range of activities to be completed between October 2014 and January 2016	The City's Sustainable Design Expo delivered in October 2014 focused on energy efficiency and incorporated a community energy efficiency survey as set out in the CEEP Project Plan.  Development of CEEP marketing material and the official CEEP launch have remained on hold pending confirmation that the geothermal upgrade can proceed.
CEEP Administration	June 2016	Administration activities completed to date include preparation of the CEEP Project Plan, end of financial year reporting to the Department, preparation of contracts, management of contractors and the planning and delivery of community engagement activities.

**b. CEEP Expenditure**

The City's CEEP Budget approved by the Department of Industry in accordance with the CEEP Funding Agreement is set out in the following table. CEEP expenditure to date is shown in the far right-hand column.

Project/Activity	CEEP Grant Funding by Project/Activity (ex GST)	City of Vincent contribution by Project/Activity (ex GST)	SUB-TOTAL by Project/Activity (ex GST)	Expenditure to date by Project/Activity (ex GST)
HVAC Upgrade using Geothermal Energy	\$137,002	\$274,005	\$411,007	\$0
Lighting System Retrofits	\$98,829	\$188,939	\$287,768*	\$118,928
Real Time Energy Monitoring	\$14,400	\$28,800	\$43,200	\$37,926
Community Engagement and Encouragement	\$18,333	\$36,667	\$55,000	\$3,798
Energy Audit and Energy Efficiency Reporting	\$10,000	\$20,000	\$30,000	\$0
Project Management/Administration	\$16,667	\$33,333	\$50,000	\$3,000
<b>TOTAL (ex GST)</b>	<b>\$295,231.00</b>	<b>\$581,744</b>	<b>\$876,975</b>	<b>\$163,652</b>

\* The figure of \$287,768 represents the total value of lighting retrofits across the three facilities (Beatty Park Leisure Centre, Library and Local History Centre and Robertson Park Tennis Centre) (being \$594,644), less \$306,876 for leased lighting upgrades, which is financed through Leasing and does not attract CEEP co-funding. There is no budget allocation for this leased lighting upgrade in the CEEP account as the lease repayments are cash-flow neutral and directly funded by the energy cost savings achieved through the lighting upgrades.

## **2. Termination of CEEP Funding Agreement and its implications**

The geothermal HVAC upgrade at Beatty Park Leisure Centre has not been able to proceed due to ongoing performance issues with the existing geothermal pool heating system and the continuing need for rectification works. Until such time that all rectification works are completed and the new system design is finalised and documented, HVAC contractors cannot commence the design work required to expand the existing geothermal system to space heating at the site.

Extensive communications with the various contractors previously involved in the design and construction of the existing geothermal system have failed to identify culpability for and the underlying cause/s of the system's underperformance and repeated breakdowns. Having exhausted this course of enquiry, an independent audit of the system's design and construction will now be required to discover the source of ongoing problems, identify responsible parties and determine corrective actions.

The geothermal HVAC upgrade is the key project upon which the City's CEEP funding hinges. The City has kept the Department continually informed about project delays with the aim of renegotiating the timeline of delivery once problems with the current system are rectified and a new project commencement date could be set. However, the project is currently five months behind schedule with no prospect of commencing in the near future and no possibility of delivery within the currently approved timeline. Without a firm commencement date, renegotiation of the project timeline is not an option. Additionally, the Department has advised that if the project were to proceed, the Funding Agreement end date of 1 June 2016 could not be extended to accommodate late completion as the entire CEEP program terminates at that time.

The Department has given the City until 30 January 2015 to advise whether it wishes to terminate its Funding Agreement by mutual agreement with the Department or whether it will attempt to meet its obligations under the current terms of the Agreement. Pending Council's decision regarding the termination, the City's CEEP activities and reporting requirements have been placed on hold by the Department.

Termination of the Funding Agreement would require unspent grant funding currently held by the City to be returned to the Department. This unspent portion is calculated to be \$112,781. It is possible that minor peripheral project expenditure to the value of \$1,984 may be disputed by the Department, in which case, the unspent portion to be returned to the Department would be a maximum of \$114,765.

However, termination at this time will also save the City approximately \$56,000 of its own funds currently earmarked for adjunct CEEP activities (Community Engagement and Encouragement and Energy Audit and Efficiency Reporting) and approximately \$30,000 in CEEP administration costs. Additionally, the City's share of funds earmarked for the geothermal HVAC upgrade (\$274,005 as shown in the CEEP Expenditure table on the previous page) will become available for other purposes. \$32,879 of this \$274,005 would be required to offset the grant funding no longer available to complete the lighting upgrades and energy monitoring displays, leaving \$241,126 for reallocation.

Failing to terminate at this time will result in the reactivation of project delivery and reporting timelines and require further expenditure on adjunct activities. At the same time, inability to proceed with the geothermal upgrade would cause the City to default on its CEEP commitments. The outcome would be greater cost to the City, a less amicable Termination for Fault initiated by the Department and the risk of a greater proportion of grant funding having to be returned.

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**3. Reallocation of Funds**

Following the return of unspent grant funding to the Department, the balance of funds in the City's 2014-2015 CEEP Budget account can be used to complete the lighting retrofits already committed at the Loftus Recreation Centre and Robertson Park Tennis Centre, and the installation of public display screens for energy monitoring. This would leave around \$241,000 available for reallocation. The following table summarises this scenario:

2014-2015 CEEP Budget Allocation (including \$167,331 grant funding received to date)	\$684,867
Balance of 2014-2015 CEEP Budget Allocation following return of unspent grant funding (\$112,781)	\$572,086
Total cost of completing Lighting Retrofit (\$287,768) and Energy Monitoring activities (\$43,200)	\$330,960
<b>Balance of CEEP Budget account for 2014-2015</b>	<b>\$241,126</b>

Given that the underperformance and repeated breakdowns of the geothermal pool heating system continue to cost the City in terms of increased energy consumption, ongoing repairs and valuable staff time, an effective use of reallocated CEEP funds would be the independent assessment and subsequent rectification of this system. An independent assessment may also identify contractors responsible for faults in the design and construction of the existing system and allow the City to pursue such parties for rectification or reimbursement.

Following full rectification of the existing system, the geothermal HVAC upgrade planned under CEEP would become feasible. Funds remaining from the assessment and rectification works could be directed toward this purpose.

Alternatively the City can opt to undertake this upgrade without the need for capital expenditure. Recent developments in finance for infrastructure projects mean that the City can enter a lease arrangement whereby the cost of payments is less than the energy savings achieved by the upgrade. The project would be cash-flow positive from day one and the City could choose to own the infrastructure outright at the end of the lease term or continue leasing with the option of continued equipment upgrades.

**CONSULTATION/ADVERTISING:**

No consultation is required in this instance.

**LEGAL/POLICY:**

The City's CEEP activities are subject to the terms of the CEEP Funding Agreement, which include compliance with the Project Plan, Project Budget and project delivery timelines approved by the Department.

**RISK MANAGEMENT IMPLICATIONS:**

If the City fails to advise the Department by 30 January 2015 of its intention to terminate the Funding Agreement by mutual agreement, the City's CEEP activities and reporting requirements will be reactivated. The City must then fulfil its commitments in accordance with project timelines previously approved by the Department. This being infeasible, the City would default on its commitments, causing the Department to initiate action in accordance with clause 15.2 of the Funding Agreement – Termination for Fault. This latter form of termination would be a less amicable process and would expose the City to legal, financial and reputational risk.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

*"Natural and Built Environment*

- 1.1 *Improve and maintain the natural and built environment and infrastructure*
  - 1.1.3 *Take action to reduce the City's environmental impacts 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.*

*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."*

**SUSTAINABILITY IMPLICATIONS:**

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

*"Air and Emissions*

- 1.2 *Monitor the City's energy use and greenhouse gas emissions and generate and implement recommendations to achieve or exceed reduction targets.*
- 1.7 *Continue to investigate and implement the use of alternative lighting technologies, including solar-powered lights and LEDs, in lighting owned by the City."*

**ENVIRONMENTAL**

Completion of the monitoring and lighting projects commenced under CEEP will enable the City to meet its fifty per cent (50%) energy reduction targets for lighting at three of its most lighting-intensive facilities. Rectification of the existing geothermal system at Beatty Park Leisure Centre will deliver the energy and greenhouse gas reduction targets originally set out for this system.

**SOCIAL**

Implementation of these measures will directly benefit facility users, demonstrate leadership on energy efficiency and climate change mitigation and provide opportunities to engage and inform the City's community.

**ECONOMIC**

As the cost of energy continues to increase, the economic value of energy efficiency measures implemented now will continue to increase into the future. Rectification of the existing geothermal system will also create immediate savings on energy use and ongoing repairs, while opening the way for further savings via a geothermal HVAC upgrade.

**FINANCIAL/BUDGET IMPLICATIONS:**

Expenditure for this matter will be incurred under the following budgeted item: CEEP Grant - Geothermal/Led Lighting

Budget Amount: \$684,867 (including grant funding)  
Spent to Date: \$163,652  
Balance: \$521,215 (including grant funding)

2014-2015 CEEP Budget Allocation (including \$167,331 grant funding received to date)	\$684,867
2014-2015 CEEP Budget Allocation less unspent grant funding (\$112,781)	\$572,086
Total cost of completing Lighting Retrofit (\$287,768) and Energy Monitoring activities (\$43,200)	\$330,960
<b>Balance of CEEP Budget available for reallocation</b>	<b>\$241,126</b>

**COMMENTS:**

**1. Progress**

With the exception of the geothermal HVAC upgrade and the adjunct CEEP activities dependent upon it, the remainder of the energy efficiency upgrades have progressed well and remain on schedule for completion by the end of the current financial year.

**2. Termination of the CEEP Funding Agreement**

As the City is poised to default on its project milestones in relation to the geothermal HVAC upgrade and cannot commit to an alternative timeline for project completion within the term of its Funding Agreement, the only viable course of action is to terminate the Funding Agreement at this time by mutual agreement with the Department of Industry.

This will allow for:

- No-fault termination allowing the City to retain grant funds already expended;
- Completion of energy efficiency upgrades already under way;
- Reallocation of the balance of the CEEP budget for other uses.

Termination by mutual agreement at this time represents the lowest-cost and lowest - risk option for the City. With the retention of grant funding already expended, it allows the City to benefit financially from the CEEP program despite its early termination, while avoiding the risks associated with termination for fault.

**3. Reallocation**

Given the ongoing costs (and unrealised forecast savings) incurred by the City as a result of continuing problems with its existing geothermal system, it is recommended that reallocation of CEEP funds be directed in the first instance to the identification and rectification of faults within this system. Not only would this reduce ongoing energy and repair costs, but potentially allow the City to claim restitution from responsible parties involved in the system's original design and construction.

**CONCLUSION:**

In light of the above, it is recommended that Council authorises termination of the CEEP Funding Agreement by mutual agreement with the Department of Industry, defers the planned geothermal HVAC upgrade, reallocates savings to the audit and rectification of the existing geothermal system and completes the lighting and monitoring projects already under way using the remaining funds in the CEEP budget.

## 9.2 TECHNICAL SERVICES

### 9.2.1 Proposed Amendments to Parking Bays - Angove Street, North Perth from Fitzgerald to Woodville Streets

<b>Ward:</b>	North	<b>Date:</b>	9 January 2015
<b>Precinct:</b>	North Perth Centre (9)	<b>File Ref:</b>	SC976, SC228
<b>Attachments:</b>	<a href="#">001</a> – Proposed Plan No. 3175-PP-01		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

#### OFFICER RECOMMENDATION:

That Council:

- APPROVES** Option 2 which includes amending the existing 30min parking restrictions, including two (2) of the existing 15 min restricted bays, to 1P 8am to 5.30pm Monday to Friday and 8am to 12 noon Saturday and retaining one of the existing 15min parking bays closest to Fitzgerald Street on the North Side of Angove Street between Woodville and Fitzgerald Street, North Perth as shown on Plan No. 3175-PP-01 included as Attachment 001; and
- PLACES** a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signage.

#### PURPOSE OF REPORT:

To inform Council of the outcome of the public consultation undertaken regarding a proposal to amend parking restrictions in a portion of Angove Street, North Perth.

#### BACKGROUND:

The existing parking restrictions on the north side of Angove Street, North Perth between Fitzgerald and Woodville Streets comprise 30 min restrictions (8am to 5.30pm Monday to Friday and 8am to 12 noon Saturday) with three (3) 15 min bays at the eastern end of the street (also 8am to 5.30pm Monday to Friday and 8am to 12 noon Saturday).

In late 2014, the City received requests to amend the current parking restrictions on this section of Angove Street, as it was considered to no longer suit the existing mix of businesses in the street.

#### DETAILS:

##### Consultation:

Consultation to amend the current restrictions on the north side of Angove Street between Woodville and Fitzgerald Streets was undertaken from 27 November to 12 December 2014.

Forty Five (45) letters were sent out to which the City received eight (8) responses

The City proposed the following two (2) options as shown on Plan No. 3175-PP-01, included as Attachment 001.

Option 1: convert two (2) of the three (3) existing 15min parking bays to match the existing 30min parking restrictions on the northern side and retain the bay closest to Fitzgerald Street as a 15min bay; or

Option 2: Convert the existing 30min parking bays and two (2) of the 15min bays to 1P and retain the bay closest to Fitzgerald Street as a 15min bay.

In favour of option 1:	1
Against option 1:	1
In favour of option 2:	5
Against option 2:	2
Other:	0

Related Comments *In Favour* of Option 1:

- We are retailers increasing the limit would be a real benefit for us.

Related Comments *In Favour* of Option 2:

- 1 x in favour of Option 2 with no further comment.
- We are retailers....Increasing the limit would be a real benefit for us.
- all parking should be undertaken in this area, namely the following; additional Acrod parking, installation of loading bays, better signage of available parking, restrictions in the Rosemount carpark as those in View street carpark, additional parking bays on Woodville Street from Angove to Leake Streets, review the intersection of Angove/Woodville its dangerous (stop U turns etc.).
- 2 x could you also take into consideration the parking issues on Woodville Street, North Perth between Angove and View Streets. There is angled parking at the Angove St end but Street parallel parking at the View Street end which makes it difficult for 2 cars to pass each other. This could be solved by making parking angled as per the Angove St end and would also increase the amount of bays for parking.

Related Comments *Against* Option 1:

- Objection received against both options – I already have problems with people parking on my premises parking bays. It takes time to get the Ranger out to fine them. I have to deal with aggressive people parking and inconveniencing my tenants, with limited parking times my problems will get worse.

Related Comments *Against* Option 2:

- Objection received against both options – I already have problems with people parking on my premises parking bays. It takes time to get the Ranger out to fine them. I have to deal with aggressive people parking and inconveniencing my tenants, with limited parking times my problems will get worse.
- 1 objection with no further comments.

Related Comments *Neither in Support nor Objecting*:

Nil

Officer Comment:

The majority of respondents were in favour of changing the parking restrictions from 30min to 1P and retaining one (1) 15min bay.

This would result in a consistent parking restriction in the street, as the south side of Angove Street already has a 1P restriction along both sides of Angove Street west of Woodville Street

Other comments relating to parking on Woodville Street were received, however this was not part of this proposal and was previously dealt with by Council.

**CONSULTATION/ADVERTISING:**

Consultation was undertaken in accordance with the Council's Community Consultation Policy No. 4.1.5. All residents will be informed of the Council's decision.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

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

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The inclusive cost to install signage (in all three locations) is estimated to be \$500.

**COMMENTS:**

There is no practical reason why a 30 min parking restriction should apply to the north side of Angove Street (between Woodville and Fitzgerald Street's) when the remainder of the street in this vicinity has a 1P restriction. Also the 3 x 15min bays on the north side of the Street seem excessive when one (1) bay would suffice.

During the recent community consultation exercise, and depicted in option 2 the majority of respondents were in favour of implementing changes as recommended.

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**9.2.2 Hyde Street Reserve, Mount Lawley – Requested Improvements**

<b>Ward:</b>	South	<b>Date:</b>	9 January 2015
<b>Precinct:</b>	Norfolk (10)	<b>File Ref:</b>	SC2000
<b>Attachments:</b>	<a href="#">001</a> –Proposed Closure Plan No. 3181-CP-01		
<b>Tabled Items:</b>	Nil.		
<b>Reporting Officers:</b>	R Lotznicker, Director Technical Services J van den Bok, Manager Parks and Property Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That Council:

- DOES NOT SUPPORT** the request received to extend and make a number of improvements to the Hyde Street Reserve at the corner of Forrest Street and Hyde Street, Mount Lawley, for the reasons outlined in the Officer’s Report;
- LISTS FOR CONSIDERATION** in the 2015/16 draft budget the following improvements requested by residents; and

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

- ADVISES** the respondent of its decision.

**PURPOSE OF REPORT:**

To advise Council of requests received from a number of residents to extend and make a number of improvements to the Hyde Street Reserve.

**BACKGROUND:**

The Mayor, Director Technical Services and Manager Parks and Property Services met several residents on 26 November 2014 at the Hyde Street Reserve (corner Hyde and Forrest Street Mount Lawley).

The residents who attended the meeting requested that a number of matters be investigated, as outlined in the proceeding section of this report.

**DETAILS:**

The Hyde Street reserve is a small park located at the corner of Hyde and Forrest Street in Mount Lawley. A portion of the park is well shaded by trees and comprises a playground, small gazebo and landscaped areas.

The residents in attendance at the meeting on 26 November 2014 advised that the playground in the park attracts many small children (usually under 8 years old) and is extensively used as an informal mothers / parents group.

<b>Residents requests</b>	<b>Administration Comments/Recommendations</b>	<b>Estimated Cost</b>
<i>Closing Hyde Street at Forrest Street to allow for safer parking and space for kids to get in and out of the park (refer Plan No. 3181-CP-01).</i>	<u>Not supported:</u> The request to close a portion of Hyde Street and extend the reserve is estimated to cost \$100,000 and is not supported as it is considered this would have minimal benefit to the wider community. It would also traffic flows and access in the broader area. As an alternative, traffic calming could be introduced to improve the safety and amenity of park users.	\$100,000
<i>Consider closing Forrest Street at William or at least making one way – is major thoroughfare at the moment and not compatible with the playground – or child care or aged care.</i>	<u>Not supported:</u> Forrest Street is no different to other streets in the road network which service a large residential catchment.  <u>Supported:</u> Additional traffic calming could be considered.	\$50,000  \$20,000
<i>Signage on Forrest St and Alma Street – children crossing (also help with childcare centre on Forrest Street).</i>	<u>Supported:</u> MRWA could be requested to install additional signage if warranted?	N/A
<i>Lighting at night – to deter people gathering (throwing projectiles – leaving cigarette butts that babies pick up)</i>	<u>Supported:</u> To be listed for consideration in the 2015/2016 draft budget.	\$20,000
<i>Replace ‘asbestos’ fencing – fencing is cracking – also privacy issued for adjoining owner/occupiers.</i>	<u>Supported in principle:</u> The fence is an asbestos boundary fence on the western perimeter of the park. The City could consider funding 50% of the replacement cost of the fence, although would have no legal obligation to do so under the Dividing Fences Act.	\$3,000
<i>A shade sail in summer to stop babies burning their feet on soft fall and plastic.</i>	<u>Not supported :</u> The Park is only small and has ample natural shade from existing trees. Planting of additional trees can be considered in 2015/2016	\$1,000
<i>Consider removing hedge as potential dumping ground for bottles, needles etc.</i>	<u>Not supported:</u> The removal of the hedge is not supported, however, the hedge has now been trimmed back some 400mm as requested by adjoining owner/occupiers.	N/A
<i>Consider proper child safe locking mechanism on Hyde Street side (there is one on Forrest St side)</i>	<u>Completed:</u> ‘Magna’ child proof gate latches installed.	N/A

<i>A park bench near the play equipment to keep an eye on children.</i>	<u>Completed:</u> Two (2) benches installed and funded from the parks furniture budget	N/A
<i>Some artwork on the wall to brighten the place up a bit</i>	<u>Supported:</u> Funds to be listed for consideration in the 2015/2016 draft budget.	\$5,000
<i>Swings – perhaps instead of the little spring rocking things that aren't used that much – or where the kangaroo paws are.</i>	<u>Supported:</u> To be investigated with funds to be listed for consideration in the 2015/2016 draft budget.	\$9,000
<i>Bocce/Petanque – consider making a bocce / petanque court on the north western corner to attract older people to the playground.</i>	<u>Not supported:</u> There would only be enough space for either a Swing set or a Bocce/Petanque court and given the anticipated popularity of the former over the latter, it was considered that a swing set would be the better option.	N/A
<i>Residents see the playground as a meeting place and an important part of building their local community – how can they work with the City of Vincent to make the most of the playground.</i>	Manager Parks and Property Services to liaise with the residents group.	N/A

**CONSULTATION/ADVERTISING:**

The community in streets surrounding the Reserve would be consulted regarding traffic calming initiatives and other improvements, should they be adopted in the 2015/16 budget.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** No material risk management implications arising from consideration of the residents' requests.

**STRATEGIC IMPLICATIONS:**

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

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

*1.1.5: 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 following improvements as requested by the residents are to be listed for consideration in the 2015/2016 draft budget;

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

**COMMENTS:**

The Hyde Street reserve is a small park located at the corner of Hyde and Forrest Streets in Mount Lawley. A portion of the park is well shaded by trees and comprises a playground, small gazebo and landscaping.

A number of improvements, as requested are supported by Administration and are recommended for consideration in the 2015/2016 draft budget. The request to close a portion of Hyde Street and extend the park is not supported for the following reasons:

- The anticipated cost in the order of 4100,00 cannot be justified in terms of broader public benefit;
  - The cost of extending the park would need to compete for funding with other projects and initiatives of greater priority, public benefit and offering a greater return on investment of the 'public purse';
  - Closing the road would displace traffic and create other traffic management issues to be addressed in the locality;
  - Extending the park could create an undesirable and unsustainable precedent.
  - The already completed improvements and suggested additional works recommended for consideration in the 2015/16 draft budget would (if adopted) significantly enhance the amenity of the park, as requested by residents.
-

**9.2.3 Proposed Installation of Traffic Calming Measures in Tasman, Federation and Egina Streets, Mount Hawthorn - Outcome of Public Consultation**

<b>Ward:</b>	North	<b>Date:</b>	9 January 2015
<b>Precinct:</b>	Mount Hawthorn (1)	<b>File Ref:</b>	SC960, SC768, SC782, SC228
<b>Attachments:</b>	<a href="#">001</a> – Plan No. 3172-CP-01A - Location of Proposed Speed Humps		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	C Wilson, Manager Asset and Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

**That Council:**

1. **NOTES** the outcome of the public consultation regarding the proposed installation of traffic calming measures in Tasman, Federation and Egina Streets, Mount Hawthorn;
2. **LISTS** for consideration on the 2015/16 draft Budget on amount of \$20,000 for the traffic calming proposal for Tasman, Federation and Egina Streets, Mount Hawthorn, as shown on Plan No. 3172-CP-01A (with the actual speed hump design/location located outside 131 Egina Street to be determined on site), included as Attachment 001; and
3. **ADVISES** the respondents of its decision.

**PURPOSE OF REPORT:**

To consider the outcome of the public consultation process regarding the proposed installation of traffic calming measures in Tasman, Federation and Egina Streets, Mount Hawthorn and the possible inclusion of those works in the 2015/16 draft Budget.

**BACKGROUND:**

At its Ordinary Meeting of 21 October 2014 Council received a report on a proposal to implement traffic calming measures in Tasman, Federation and Egina Streets, Mount Hawthorn.

The report to Council on 21 October 2014 noted that the matter had previously been discussed by the City's Integrated Transport Advisory Group (ITAG) meeting of 27 August 2014 and that a 120 signature petition in support of traffic calming measures was subsequently presented to Council prior to the Ordinary Meeting of 21 October 2014. A significant volume of traffic data and an overview of the current situation was provided in the report upon which the proposed traffic calming scheme was based.

In considering the report on this matter on 21 October 2014, Council resolved as follows:

*“That Council:*

1. *NOTES that:*
  - 1.1 *the Tasman, Federation and Egina Streets matter was considered by the Integrated Transport Advisory Group (ITAG) at its meeting held on 27 August 2014; and*

- 1.2 *installation of upgraded/enhanced 'No Stopping' line-marking and stencilling at the intersections of the aforementioned streets has been implemented and;*
- 1.3 *residents have been requested not to park on the verge within ten (10) metres of the intersection to improve sight distances;*
2. *APPROVES IN PRINCIPLE the installation of speed humps in Tasman, Federation and Egina Streets, Mount Hawthorn, as shown in Attachment 002 (Drawing No. 3172-CP-01), subject to:*
  - 2.1 *An additional speed hump in Tasman Street on the western side of Egina Street in as close proximity to the intersection as possible while allowing the bus to turn safely;*
3. *APPROVES IN PRINCIPLE a ban on verge parking within ten (10) metres of the Tasman and Federation Street intersection and the Tasman and Egina Street Intersections;*
4. *CONSULTS with affected residents in Tasman, Federation and Egina Streets regarding the proposal, as outlined in 2 above, in accordance with Community Consultation Policy No. 4.1.5; and*
5. *RECEIVES a further report at the conclusion of the formal consultation period."*

**DETAILS:**

As previously advised, Tasman and Federation Streets are classified as Access Roads under the City's Functional Road Hierarchy while Egina Street is a Local Distributor Road. Technically, Tasman and Federation Streets can carry up to 3,000 vehicles per day (vpd) and Egina Street 6,000 vpd. The posted speed limit for all three roads is 50 kph.

Tasman Street, from Egina Street to Brady Street is approximately a 430m long straight with a consistent grade down towards Brady Street and no traffic calming devices.

Federation Street grades down from Milton Street, through the Tasman Street intersection, to Purslowe Street.

Egina Street is relatively level at Tasman Street with a grade down towards Purslowe Street and Berryman Street. There is a raised plateau at the Purslowe Street intersection and roundabout at Berryman Street intersection.

In respect of accidents, for the five year period from 1 January 2009 to 31 December 2013 there were three reported accidents at the intersection of Tasman and Egina Streets, and one at Federation and Tasman Streets. Neither location qualifies as a 'Black Spot' (which requires a minimum of five reported accidents over five years) and both locations are therefore ineligible for State funding.

The accident that precipitated the resident's original submission and petition occurred on 1 August 2014 with the severity having been classified as 'major property damage'.

The Transperth No. 15 bus service traverses Tasman Street between Brady Street and Egina Street, and Egina Street south of Tasman Street.

Traffic data for the respective streets is as per the following tables.

<b>Tasman Street</b>	<b>85% speed</b>	<b>Weekday Volume</b>	<b>% heavy vehicles</b>
Brady St to Federation St	57.2 kph	712	16.8*
Federation St to Egina St	49.3 kph	716	14.7
Egina St to Buxton St	40.3 kph	363	2.7

\*Predominately Transperth buses.

<b>Egina Street</b>	<b>85% speed</b>	<b>Volume</b>	<b>% heavy vehicles</b>
Purslowe St to Tasman St	46.8 kph	1233	8.1*

\*Predominately Transperth buses.

Officer Comment:

When the above data is taken into consideration with the traffic volumes, there is understandably a perception in the community that speed is an issue when a significant percentage of drivers are consistently travelling above the 50 kph speed limit. The Tasman Street (mid-block) 85% speed of 57.2 kph is of concern and the location of the proposed speed hump mid-way between Federation and Brady Streets (as shown on drawing No. 3172-CP-01A) is intended to address this issue. The speed humps on approach to the intersections are not only intended to slow vehicles down but also to ensure that the driver is aware of the road environment. One of the resident's concerns raised at the ITAG and in their petition, was driver inattention when approaching four-way intersections, which they believe to be a contributing factor in the accidents.

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

**Community Consultation:**

IN FAVOUR:	20
AGAINST:	3
OTHER:	1

On the 26 November one hundred and fifty (150) letters were sent out to which the City received twenty four (24) responses by the close of the consultation period on 12 December 2014.

**Related Comments *In Favour* of the proposal:**

- 11 in support of the proposal with no further comment.
- I have no objection to the proposed traffic calming...I comment on the difficulties as a driver, to the parked cars on the road and verges that obscure the roads. I also use public transport. My understanding is a parked car must be 10mtrs from a corner or intersection. 20mtrs from the approach side of a bus stop and 10mtrs from the departure side of a bus stop...cars parked close to a corner/verge block the view...
- I support the proposal and strongly agree that something needs to be done to improve the safety in these streets. A suggestion for improvement is that the cars in Egina St are parked too close to Tasman St and blocks the view when trying to turn into Egina St from Tasman St. Given Egina St is a main thoroughfare the safety could be improved if the cars weren't able to park so close to the intersection
- The proposed calming measures look good, many thanks for your action.
- Hopefully this will have an impact to a dangerous intersection.
- I think it is a brilliant idea and fully support speed humps in our street. We have young children and cars coming off Brady onto Tasman St are often speeding and 'rat running' through! Hopefully this will be reduced.
- Firstly, I support the proposal. However, I would like to suggest a minor change. I have attached the Plan of the proposed changes. One of the proposed speed humps on Tasman St is at the front of .... Tasman St, which is my house (Owner & Occupier). As I have marked up on the plan, would it be possible to move the speed hump so it is in the middle of my block adjacent to the power pole and verge tree? This would avoid potential interference with a future driveway on the right hand side of the block, as I intend to rebuild in the future.
- Concerned that more traffic will now divert from Scarborough Beach Road through Federation Street, into Milton or Tasman so road calming devices (humps) are needed in Federation near both Milton and Tasman (as proposed).
- I believe that traffic calming should also be looked at for Purslowe Street as well.
- Tasman Street definitely needs traffic calming measures. Too many people speed up and down the street. Also too many people use it to cut thru off Brady.

**Related Comments *Against* the proposal:**

- Speed humps impact on the local residents and in particular occupants living in the specific street. It has minimal impact on the itinerant vehicle/driver. Speed is not the issue in the street... A roundabout at intersections is my preferred option.
- ...my concern is the noise of wheels going over the speed humps...I certainly don't want the Farmer St option. If people were to stick to the speed limit = no problem. Policing from time to time would be better than speed humps.
- Whilst we, in principle agree with the proposal we strongly object to the installation of the speed hum to the immediate west of the Egina/Tasman St corner....adjacent to our bedrooms.

**Related Comments *Neither in Support nor Objecting*:**

- ...I believe that it would be a waste of ratepayer's money to install traffic calming speed humps at these places as outlined in the attached plan. It would be beneficial to extend the "no standing" distance from the corners and prohibit cars from being parked on the verges of the corners. A more beneficial measure to deter so called "rat runners" I believe would be if speed humps were installed in Federation St near the corner of Scarborough Beach Road. This would slow down motorists who use Federation St and Milton Streets to avoid the intersection of Main St and Scarborough Beach Road. Also, I know that this may be a separate issue but as I also use the Braithwaite Park I am concerned at the number of speeding motorists along Purslowe St. I have been alarmed on a number of occasions the speed of some cars and motorbikes where there are many children and families.

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

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

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

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no funds currently allocated in the budget for this project and the *Traffic Management – Miscellaneous Requests* budget has been fully expended for the current financial year. Therefore it is the Officer Recommendation that an allocation of \$20,000 be listed for consideration in the 2015/16 draft Budget.

**COMMENTS:**

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

In this instance, 120 residents signed a petition seeking some form of traffic calming in the subject streets. While only 24 responses were received to the City's 150 invitations to comment on this proposal (16% response rate), 20 of those 24 respondents were in favour of the traffic calming (representing 83% of all respondents being in favour of the proposal). However, as there are no funds to undertake the works in the current financial year, unless the Council decides otherwise, then it is recommended that the project be listed for consideration in the 2015/16 draft Budget.

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### 9.3 CORPORATE SERVICES

#### 9.3.1 Investment Report as at 30 November 2014

<b>Ward:</b>	Both	<b>Date:</b>	9 January 2015
<b>Precinct:</b>	All	<b>File Ref:</b>	SC1530
<b>Attachments:</b>	<a href="#">001</a> – Investment Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	N Makwana, Acting Accountant		
<b>Responsible Officer:</b>	B Tan, A/Director Corporate Services		

**OFFICER RECOMMENDATION:**

That Council **NOTES** the Investment Report for the month ended 30 November 2014 as detailed in Attachment 001.

**PURPOSE OF REPORT:**

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

**BACKGROUND:**

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

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.2.4.

**DETAILS:**

Total Investments for the period ended 30 November 2014 were \$21,111,000 compared with \$22,411,000 at 31 October 2014. At 30 November 2013, \$19,811,000 was invested.

Investment comparison table:

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

Total accrued interest earned on Investments as at 30 November 2014:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$292,600	\$152,206	\$165,910	56.70
Reserve	\$292,300	\$111,291	\$119,610	40.92

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

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

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

**COMMENT:**

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

The funds invested have reduced from the previous period due to payments to creditors.

The report included as Attachment 001 comprises of:

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

**9.3.2 Authorisation of Expenditure for the Period 1 – 30 November 2014**

<b>Ward:</b>	Both	<b>Date:</b>	9 January 2015
<b>Precinct:</b>	All	<b>File Ref:</b>	SC347
<b>Attachments:</b>	<a href="#">001</a> – Creditors Report <a href="#">002</a> – Credit Card Report		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	O Dedic, Accounts Payable Officer; B Tan, A/Director Corporate Services		
<b>Responsible Officer:</b>	B Tan, A/Director Corporate Services		

**OFFICER RECOMMENDATION:**

That Council **CONFIRMS** the:

1. **Schedule of Accounts for the period 1 November – 30 November 2014 and the list of payments including credit cards;**
2. **direct lodgement of payroll payments to the personal bank account of employees;**
3. **direct lodgement of PAYG taxes to the Australian Taxation Office;**
4. **direct lodgement of Child Support to the Australian Taxation Office;**
5. **direct lodgement of creditors payments to the individual bank accounts of creditors; and**
6. **direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;**

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

**DECLARATION OF INTEREST**

<b>Members/Officers</b>	<b>Voucher</b>	<b>Extent of Interest</b>
Nil.		

**PURPOSE OF REPORT:**

To present to Council the expenditure and list of accounts approved by the Chief Executive Officer under Delegated Authority for the period 1 November – 30 November 2014.

**BACKGROUND:**

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

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

**DETAILS:**

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

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Automatic Cheques	77225 – 77394	\$227,030.54
Cancelled Cheques	77264, 77324, 77325	
Transfer of Creditors by EFT Batch	1724 – 1726, 1729 – 1730, 1732	\$2,802,732.64
Transfer of PAYG Tax by EFT	November 2014	\$330,805.49
Transfer of GST by EFT	November 2014	
Transfer of Child Support by EFT	November 2014	\$1,370.88
Transfer of Superannuation by EFT:		
• City of Perth	November 2014	\$26,306.99
• Local Government	November 2014	\$133,561.99
<b>Total</b>		<b>\$3,521,808.53</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$10,099.69
Lease Fees		\$15,778.67
Corporate MasterCards		\$17,825.18
Loan Repayment		\$162,968.63
Rejection fees		\$7.50
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$206,679.67</b>
<b>Less GST effect on Advance Account</b>		<b>0.00</b>
<b>Total Payments</b>		<b>\$3,728,488.20</b>

**LEGAL POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

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

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**STRATEGIC IMPLICATIONS:**

Strategic Plan 2013-2023:

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

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

**ADVERTISING/CONSULTATION:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**COMMENT:**

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

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

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### 9.3.3 Financial Statements as at 30 November 2014

<b>Ward:</b>	Both	<b>Date:</b>	9 January 2015
<b>Precinct:</b>	All	<b>File Ref:</b>	SC357
<b>Attachments:</b>	<a href="#">001</a> – Financial Reports		
<b>Tabled Items:</b>	<a href="#">002</a> – Significant Accounting Policies		
<b>Reporting Officers:</b>	N Makwana, Acting Accountant;		
<b>Responsible Officer:</b>	B C Tan, Acting Director Corporate Services		

#### OFFICER RECOMMENDATION:

That Council **RECEIVES** the Financial Statements for the month ended 30 November 2014 as shown in Attachment 001.

#### PURPOSE OF REPORT:

The purpose of this report is to present the Financial Statements for the period ended 30 November 2014.

#### BACKGROUND:

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

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

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

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

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

**DETAILS:**

The following documents represent the Statement of Financial Activity for the period ending 30 November 2014:

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

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**1. SIGNIFICANT ACCOUNTING POLICIES AND NOTES**

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

Comments on the financial performance are set out below:

**2. As per Attachment 001.****3. Statement of Financial Activity by Programme Report (Note 2)****Summary of Financial Activity as at 30 November 2014**

	Original Budget \$	Revised Budget \$	Year to date Budget \$	Actual 2014/2015 \$	Variance \$	Variance %
<b>Operating Revenue</b>	30,810,822	30,818,072	10,710,533	10,363,023	(347,510)	-3%
<b>Operating Expenditure</b>	(51,659,410)	(51,334,021)	(22,124,431)	(21,673,411)	451,021	-2%
Add Deferred Rates Adjustment	-	-	-	17,655	17,655	0%
Add Back Depreciation	8,566,790	8,566,790	3,569,540	4,680,076	1,110,536	31%
(Profit)/Loss on Asset Disposal	(3,833,120)	(3,840,370)	(12,790)	15,132	27,922	-218%
<b>Net Operating Excluding Rates</b>	<b>(16,114,918)</b>	<b>(15,789,529)</b>	<b>(7,857,148)</b>	<b>(6,597,524)</b>	<b>1,259,624</b>	<b>-16%</b>
Proceeds from Disposal of Assets	4,455,000	5,605,000	21,000	76,628	55,628	265%
Transfer from Reserves	5,789,800	5,758,752	5,216,627	3,291,464	(1,925,163)	-37%
	<b>10,244,800</b>	<b>11,363,752</b>	<b>5,237,627</b>	<b>3,368,092</b>	<b>(1,869,535)</b>	<b>-36%</b>
Capital Expenditure	(16,895,834)	(13,291,534)	(8,221,956)	(3,944,985)	4,276,971	-52%
Repayments Loan Capital	(1,743,478)	(1,743,478)	(353,110)	(353,111)	(1)	0%
Transfers to Reserve	(5,599,370)	(4,248,453)	(695,190)	(1,020,220)	(325,030)	47%
	<b>(24,238,682)</b>	<b>(19,283,465)</b>	<b>(9,270,256)</b>	<b>(5,318,316)</b>	<b>3,951,940</b>	<b>-43%</b>
<b>Net Capital</b>	<b>(13,993,882)</b>	<b>(7,919,713)</b>	<b>(4,032,629)</b>	<b>(1,950,224)</b>	<b>2,082,405</b>	<b>-52%</b>
<b>Total Net Operating and Capital</b>	<b>(30,108,800)</b>	<b>(23,709,242)</b>	<b>(11,889,777)</b>	<b>(8,547,749)</b>	<b>3,342,028</b>	<b>-28%</b>
Rates	26,909,021	26,909,021	26,728,925	27,241,899	512,974	2%
Opening Funding Surplus/ (Deficit)	3,199,779	(3,199,779)	(3,199,779)	(4,758,710)	(1,558,931)	49%
<b>Closing Surplus/(Deficit)</b>	<b>-</b>	<b>-</b>	<b>11,639,369</b>	<b>13,935,441</b>	<b>2,296,071</b>	<b>20%</b>

**Comments on Summary of Financial Activity:**

**Operating Revenue**

Revenue as a whole is operating at 100% to budget, whereby some service areas have a variance that is favourable and other service areas have a variance that is unfavourable as per the following:

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

**Operating Expenditure**

The positive variance is currently at two percent.

**Depreciation**

This unfavourable variance is a result of the increase in depreciation following Fair Value valuation on the City's Land and Buildings. It should be noted that depreciation is a non cash item. This item is being reviewed to ensure that the valuations are not over stated.

**Transfer from Reserves**

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

**Capital Expenditure**

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

**Transfer to Reserves**

Variance due to transfer of Leederville Gardens Surplus from 2011 – 2012 financial year.

**Rates**

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

**Closing Surplus/(Deficit)**

There is currently a positive variance of \$2.29M.

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

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

**5. Statement of Financial Position (Note 4) and**

**6. Statement of Changes in Equity (Note 5)**

The statement shows the current assets of \$30,039,079 and non-current assets of \$244,094,631 for total assets of \$274,133,710.

The current liabilities amount to \$10,565,357 and non-current liabilities of \$18,112,002 for the total liabilities of \$28,677,359.

The net asset of the City or Equity is \$245,456,351.

**7. Net Current Assets (Note 6)**

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

The net current funding position as at 30 November 2014 is \$13,935,441.

**8. Capital Expenditure and Funding Summary (Note 7)**

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

	Revised Budget \$	Year to date Budget \$	Actual to Date \$	Variance %
Furniture & Equipment	153,625	89,575	5,467	6%
Plant & Equipment	1,065,167	502,340	765,305	152%
Land & Building	1,038,275	559,275	176,468	32%
Infrastructure	11,034,467	7,070,766	2,957,480	42%
<b>Total</b>	<b>13,291,534</b>	<b>8,221,956</b>	<b>3,904,721</b>	<b>47%</b>

	Revised Budget \$	Year to date Budget \$	Actual to Date \$	Variance %
Capital Grant and Contribution	3,048,092	0	0	0%
Cash Backed Reserves	3,710,800	4,057,978	3,291,464	81%
Other (Disposal/Trade In)	134,000	106,000	92,221	87%
Own Source Funding – Municipal	6,398,642	4,057,978	521,036	13%
<b>Total</b>	<b>13,291,534</b>	<b>8,221,956</b>	<b>3,904,721</b>	<b>47%</b>

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

**9. Cash Backed Reserves (Note 8)**

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

The balance as at 30 November 2014 is \$6,422,835. The balance as at 31 October 2014 was \$6,485,520.

**10. Receivables (Note 9)**

Other Receivables are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Receivables of \$726,542 are outstanding at the end of November 2014.

Out of the total debt, \$466,724 (70.3%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangements for more than one year.

The Receivables Report identifies significant balances that are well overdue.

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

**11. Rating Information (Note 10)**

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

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

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

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

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

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

Rates outstanding as at 30 November 2014 including deferred rates was \$6,548,495 which represents 23.75% of the outstanding collectable income compared to 24.19% at the same time last year.

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

As at 30 November 2014 the operating deficit for the Centre was \$299,278 in comparison to the year to date revised budgeted deficit of \$86,486. The revised November budget estimates for Beatty Park Leisure Centre were mostly under or less than the actual expenditure incurred or revenue received, therefore the overall actual deficit figure was higher than anticipated. This has been detailed in the variance comments report in Attachment 001.

The cash position showed a current cash surplus of \$17,682 in comparison year to date revised budget estimate of a cash surplus of \$134,369. The cash position is calculated by adding back depreciation to the operating position.

**13. Explanation of Material Variances (Note 12)**

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

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

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

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

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

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2013-2023:

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENT:**

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

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**9.3.4 Lease for Margaret Kindergarten – No 45 (Lot 10349 D/P: Swan L),  
Richmond Street, Leederville**

<b>Ward:</b>	South	<b>Date:</b>	9 January 2015
<b>Precinct:</b>	Oxford Centre (4)	<b>File Ref:</b>	SC351/SC589
<b>Attachments:</b>	<a href="#">001</a> – Map of proposed leased area		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	K Davies, Executive Secretary Corporate Services		
<b>Responsible Officer:</b>	J Anthony, A/Director Corporate Services		

**OFFICER RECOMMENDATION:**

**That Council:**

1. **APPROVES** a lease from 1 February 2015 to 31 July 2020 with a further five (5) year option over the premises at 45 Richmond Street, Leederville being granted to Department of Education on behalf of Margaret Kindergarten, for the area depicted in Attachment 001, and subject to the following minimum conditions:
  - 1.1 **Term:** five (5) years plus five (5) year option;
  - 1.2 **Rent:** \$4,200 per annum inc GST indexed to CPI;
  - 1.3 **Parking Permits:** Payment of \$1,650 per annum per bay  
Maximum six (6) bays to be used weekdays  
between 8am and 5pm;
  - 1.4 **Outgoings:** to be paid by the Lessee;
  - 1.5 **Rates & Taxes:** to be paid by the Lessee;
  - 1.6 **Permitted Use:** Child Care Facility; and
2. **APPROVES** twenty (20) car parking bays on the western-most side of the Loftus Centre car park (abutting Margaret Kindergarten, as shown in Attachment 001) being designated and sign-posted as being “ticket exempt 8.30am - 9.00am and 2.30pm – 3.00pm weekdays” with all associated costs to be paid by the Department of Education.
3. **AUTHORISES** the Chief Executive officer to finalise negotiations with the Department of Educations, consistent with 1 and 2 above, and to executive the lease documentation accordingly.

**PURPOSE OF REPORT:**

To consider entering into a new lease with the Margaret Kindergarten at 45 Richmond Street, Leederville, together with their request for alterations to the existing ticket parking requirements.

**BACKGROUND:**

At the Ordinary Council Meeting held on 11 August 2009, the following was resolved;

*“That the Council;*

- (i) *APPROVES;*
  - (a) *the lease for the property located at No. 45 (Lot 10349 D/P Swan L) Richmond Street, Leederville, known as the Margaret Kindergarten for a period of five and half (5½) years from 1 July 2010 to 31 December 2015, subject to satisfactory negotiations being carried out by the Chief Executive Officer; and*

- (b) *the lease for the property located at No. 4 (Part Lot 141 and Part of Land D12533) Broome Street, Highgate known as the Highgate Pre-Primary School (Little Citizens) for a period of five (5) years from 25 September 2011 to 24 September 2016 subject to satisfactory negotiations being carried out by the Chief Executive Officer;*
- (ii) *subject to (i) above being approved, AUTHORISES the Mayor and Chief Executive Officer to sign the new leases and AFFIX the Council's Common Seal; and*
- (iii) *EXPRESSES its strong concern at the exclusion of children who live close to the Margaret Kindergarten from this facility and asks the Department of Education and Training to investigate ways of improving their access."*

Margaret Kindergarten has held a lease over the premises located at 45 Richmond Street, Leederville for a period of 14½ years. The current lease is due to expire on 31 December 2015.

In previous years, the City had issued about 120 parking permits for the parents and up to 20 permits were requested for the staff per annum at no cost. The parking permits for parents were requested for convenience, despite the free 3P ticketed parking available throughout the car park. This previous arrangement has been cancelled following a review of the permits and to ensure a consistent and equitable approach.

**DETAILS:**

Margaret Kindergarten has approached the City and requested six (6) permits for staff parking and 20 bays for parents.

The staff permits will be conditional on:

- Payment of \$165 per month per bay, or \$1,650 per annum per bay as per the City's Fees and Charges; and
- The Permits will only be valid in the Loftus Centre Car Park on weekdays between 8am and 5pm.

The bays for parents will be conditional on:

- 20 bays on the most western side of the Car Park adjacent to the Kindergarten's fence to be designated and sign-posted as being "ticket exempt 8.30am - 9.00am and 2.30pm – 3.00pm weekdays";
- These bays will be the only "exempted" bays for use;
- Any cars parked without a ticket outside these times will be infringed;
- Three (3) additional signs would be required at an approximate cost of around \$60 each;
- This arrangement does not include Richmond Street paid parking or other 3P Loftus Centre parking bays; and
- The bays are not quarantined for Kindergarten staff exclusive use.

The payment for the permits, signs and associated conditions is intended to be included in the revised Lease Agreement.

The Department of Education have agreed in principle to these changes and conditions, indicating their preference to enter into an initial period of five (5) year lease with two options each to renew for a further five (5) years at the discretion of the lessee.

**CONSULTATION/ADVERTISING:**

Not applicable.

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**LEGAL/POLICY:**

City of Vincent Policy 1.2.1 – Policy Statement:

1. Any new lease granted by the Council shall usually be limited to a five (5) year period, and any option to renew shall usually be limited to no more than a ten (10) year period.
2. Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term.

**RISK MANAGEMENT IMPLICATIONS:**

**Low** Margaret Kindergarten have been excellent tenants during their lease period.

**STRATEGIC IMPLICATIONS:**

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

2.1.3 *Develop business strategies that reduce reliance on rates revenue*

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The current annual lease payment for Margaret Kindergarten is \$4,180.02 per annum (GST inclusive) and is linked to the annual Consumer Price Index (CPI).

The charge for the parking bays is based on the annual car park permit fee in the City's Fees and Charges 2014/15. A maximum of six (6) permits will be provided at a combined annual cost of \$9,900 and will be linked to CPI increases. All costs associated with the additional signage at the Loftus Centre car park to assist parents with drop off and pick up will also be borne by the Department of Education.

**COMMENTS:**

Margaret Kindergarten provides a valuable service to families in the Leederville and areas and it is recommended that the lease be extended for a further five (5) years, with an option to renew, and with the inclusion of six paid parking permits for teachers.

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**9.4 COMMUNITY SERVICES**

Nil.

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## 9.5 CHIEF EXECUTIVE OFFICER

### 9.5.1 Information Bulletin

<b>Ward:</b>	-	<b>Date:</b>	9 January 2015
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a> – Information Bulletin		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	J Highfield, Executive Assistant		
<b>Responsible Officer:</b>	Len Kosova Chief Executive Officer		

#### OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Information Bulletin dated 9 January 2015, as distributed with the Agenda.

#### DETAILS:

The items included in the Information Bulletin dated 9 January 2015 are as follows:

ITEM	DESCRIPTION
IB01	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 19 November 2014
IB02	Unconfirmed Minutes of the Britannia Reserve Masterplan Reference Group held on 26 November 2014
IB03	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 3 December 2014
IB04	Mindarie Regional Council Ordinary Meeting of Council held on 11 December 2014
IB05	Tamala Park Regional Council Ordinary Meeting of Council held on 11 December 2014
IB06	Forum Notes Meeting held on 9 December 2014

**9.5.2 LATE ITEM: Proposed Amendment to “Policy No. 4.2.3 – Council Meetings and Forums – Format, Procedures and Maximum Duration”- Recognition of Council Briefings**

**TO BE ISSUED PRIOR TO THE MEETING**

## 10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 10.1 NOTICE OF MOTION: Mayor John Carey – Enhancing Governance and Transparency in Council Member dealings with Developers

That Council REQUESTS the Chief Executive Officer to present a report to a Council Forum to consider introducing a public register of all Council Member meetings and telephone conversations with developers and applicants regarding planning and development proposals within the City of Vincent.

#### REASON:

From time to time all Council Members may need to engage in meetings and phone conversations with developers for the purpose of carrying out their duties on Council. Sometimes these engagements are planned and anticipated and sometimes they are spontaneous; sometimes they involve several Council Members and staff and sometimes they do not.

Meetings and phone conversations with developers, objectors, submitters and applicants are a normal and legitimate part of a Council Member's role in assisting each Member to develop a comprehensive view of a particular issue or proposal. However, these meetings and conversations, if not recorded, have the potential to unduly compromise the integrity of the Council Member(s) and expose them to allegations of bias.

To guard against these risks and to enhance the transparency and accountability surrounding these types of interactions, it is recommended that a report be submitted to an upcoming Council Forum for Council to consider introducing a public register (and any other related 'rules') relating to Council Member contact with developers and applicants.

This proposed Motion does not infer or imply any current issue with City of Vincent Council Members' contact with developers and applicants. But, if a report is presented to a Council Forum to consider the merits of introducing a public register of those interactions and if Council ultimately decides to do so, then the City of Vincent will continue to lead by example by introducing new, higher standards of accountability and transparency than what typically or currently exist in local government.

#### ADMINISTRATION COMMENT:

The CEO has no objection to the proposed motion.

The Department of Local Government (in 2006) released its Local Government Guideline Number 12 – Elected Members' Relationship with Developers, which offers the following Conclusion –

*"It is vital that applicants, objectors, members of the community and other levels of government have trust in the ability of a local government to make a decision free of influence or the perception of influence. To achieve a high degree of trust local governments need to establish guidance for elected members on how they should undertake their town planning and development decision-making role in an objective and impartial manner.*

*The development of transparent decision-making processes will encourage accountability and reduce the opportunities for allegations of influence or even worse, corruption. Part of that transparent process should be the standards on how elected members deal with approaches from applicants and what gifts or benefits they may accept without prejudicing the trust a local government has achieved."*

The proposed Motion would provide the catalyst for Council Members to begin the conversation on whether a public register of developer/applicant contact should be introduced and, if so, whether this should be supplemented by any additional rules or requirements.

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**11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

**12.1 Nominations – Panel Members and Alternative Members for Local Government Development Assessment Panel**

<b>Ward:</b>	-	<b>Date:</b>	9 January 2015
<b>Precinct:</b>	-	<b>File Ref:</b>	SC1016
<b>Attachments:</b>	<a href="#">001</a> – Panel Nomination Form		
<b>Tabled Items:</b>			
<b>Reporting Officer:</b>	G Poezyn, Director Planning Services		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

**OFFICER RECOMMENDATION:**

That:

1. \_\_\_\_\_ and \_\_\_\_\_ be nominated as the Local Government Development Assessment Panel (DAP) Members;
2. \_\_\_\_\_ be nominated as the Local Government Development Assessment Panel (DAP) first Alternate Member; and
3. \_\_\_\_\_ be nominated as the Local Government Development Assessment Panel (DAP) second Alternative Member.

**BACKGROUND:**

The City was recently advised that the terms for the current representatives to the MetroWest Joint Development Assessment Panel (MetroWest JDAP) expire on 26 April 2015, and was requested to provide new nominations.

The City's current members are:

- Mayor John Carey;
- Cr Joshua Topelberg;
- First Alternative Member – Cr Matt Buckels; and
- Second Alternative Member – Cr Roslyn Harley.

Development Assessment Panels consist of:

- Three members with specialist knowledge in the areas of planning, architecture, or other related disciplines; and
- Two Council Members from a Local Government authority.

The MetroWest JDAP determines proposals in the Towns of Cambridge, Claremont, Cottesloe and Mosman Park, the Cities of Nedlands, Subiaco and Vincent and the Shire of Peppermint Grove.

The three specialist DAP members will assess applications for all Local Governments covered by the relevant DAP, however, the Local Government members will only assess applications on the DAP for items relevant to their own Local Government locality.

**LEGAL/POLICY:**

**Legislation:** Planning and Development Act 2005; and

Planning and Development (Development Assessment Panels) Regulations 2011.

On 24 March 2011, Part 11A of the *Planning and Development Act 2005* commenced operation. This part contains the heads of power required to introduce DAPs in Western Australia.

The *Planning and Development (Development Assessment Panels) Regulations 2011* also became effective on this date, which set out provisions including the operation of DAPs and membership of DAPs.

In particular, the following regulations apply:

**23. LDAP members**

(1) *The members of a LDAP are:*

- (a) *2 persons appointed to the LDAP as Local Government members; and*
- (b) *3 persons appointed to the LDAP as specialist members.*

(2) *The members must be appointed in writing by the Minister.*

(3) *Regulation 24 applies to the appointment of Local Government members.*

(4) *Regulation 37 applies to the appointment of specialist members.*

**24. Local Government members of LDAP**

(1) *Whenever it is necessary to make an appointment under regulation 23(1)(a), the Minister must:*

- (a) *in writing, request the Local Government of the district for which the DAP is established to nominate a member of the council of the Local Government for appointment; and*
- (b) *unless subregulation (2) applies, appoint the person so nominated.*

(2) *If, within 40 days after the date on which the Minister makes a request to a Local Government under subregulation (1) or such longer period as the Minister may allow, the Local Government fails to nominate a person for appointment in accordance with the request, the Minister may appoint under regulation 23(1)(a) a person who:*

- (a) *is an eligible voter of the district for which the LDAP is established; and*
- (b) *the Minister considers has relevant knowledge or experience that will enable that person to represent the interests of the local community of that district.*

(3) *For the purposes of subregulation (2)(a) a person is an eligible voter of a district if that person is eligible under the Local Government Act 1995 section 4.29 or 4.30 to be enrolled to vote at elections for the district.*

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**28. Alternate members**

- (1) *The Minister may, in writing, appoint:*
  - (a) *an alternate member for any person appointed under regulation 23(1)(a); and*
  - (b) *an alternate member for any person included on the Local Government register under regulation 26; and*
  - (c) *such number of persons eligible to be appointed as specialist members as the Minister considers necessary to form a pool of alternate members for specialist members.*
- (2) *Regulation 24 applies in relation to an appointment under subregulation (1)(a).*
- (3) *Regulation 26 applies in relation to an appointment under subregulation (1)(b).*
- (4) *An alternate member for a Local Government member of a DAP may act in the place of the Local Government member if the Local Government member is unable to perform the functions of the member by reason of illness, absence or other cause.*
- (5) *If a specialist member other than the presiding member is unable to perform the functions of the member by reason of illness, absence or other cause, an alternate member from the pool referred to in subregulation (1)(c) may, on the request of the presiding member, act in the place of the specialist member.*
- (6) *A person cannot act in the place of a specialist member of a DAP if the person is:*
  - (a) *employed under the Local Government Act 1995 section 5.36 by the Local Government of a district for which the DAP is established; or*
  - (b) *a member of the council of the Local Government of a district for which the DAP is established.*
- (7) *An alternate member acting under this regulation may despite anything in these regulations, continue to act, after the occasion for so acting has ceased, for the purpose of completing any determination of a DAP application.*
- (8) *An alternate member, while acting in the place of a DAP member, has the same functions and protection from liability as a DAP member.*
- (9) *No act or omission of a person acting in place of another under this regulation is to be questioned on the ground that the occasion for so acting had not arisen or had ceased.*

**29. Term of office**

- (1) *A DAP member holds office for the term specified in the member's instrument of appointment.*
  - (2) *The term of office specified in an instrument of appointment must not exceed 2 years.*
  - (3) *A person's eligibility for reappointment as a DAP member or the term for which a person may be reappointed is not affected by an earlier appointment.*
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**RISK MANAGEMENT IMPLICATIONS:**

**Low:** If no nominations are made, the Director General can appoint a person who is an eligible voter of the city and has relevant knowledge and experience to represent the local community. Similar to applications determined by Council, the proponent will hold a right of review against the DAPs decision, or any conditions included therein, in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*. The DAP, as the decision maker, will defend the decision at the State Administrative Tribunal (SAT).

**FINANCIAL/BUDGET IMPLICATIONS:**

The DAP Process does not require the City to make additional budget provisions. However, as the City collects the application fee for DAP applications and forwards to the DAP Secretariat, the City incurs administration costs, as well as costs such as Secretarial support and other minor costs when the DAP Meetings are held at the City.

DAP Members, including Local Government Members are paid a fixed amount by the DAP Secretariat for each meeting of the DAP that they attend.

**13. URGENT BUSINESS**

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

**14.1 CONFIDENTIAL ITEM: Nos. 169-173 (Lots: 5 and 99) Scarborough Beach Road and Nos. 60-62 (Lot 98) Coogee Street, Mount Hawthorn – Proposed Introduction of a Fee Paying Car Park to Existing Car Park – Reconsideration under s31 of the State Administrative Tribunal (SAT) Act 2004 (DR 75 of 2014)**

<b>Ward:</b>	North	<b>Date:</b>	9 January 2015
<b>Precincts:</b>	Mount Hawthorn Centre, P02 & Mount Hawthorn P01	<b>File Ref:</b>	PRO0156 and PRO3795; 5.2013.382.1
<b>Attachments:</b>	Confidential – Property Information Report Confidential – Development Application Plans Confidential – Applicant Parking Management Plan Confidential – DVC Review of Parking Survey Data Confidential – Parking Study Report Confidential – Letter from McLeods		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	P Mrdja, Manager Planning Services		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

*“2.14 Confidential business*

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

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

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

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

<b>14.2 CONFIDENTIAL ITEM: Disposal of the Property at No. 291 and 295 Vincent Street, Leederville – Major Land Transaction</b>
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## **TO BE ISSUED PRIOR TO THE MEETING**

### **15. CLOSURE**

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