



CITY OF VINCENT

AGENDA

Council Briefing

15 August 2017

Time: 6pm
Location: Administration and Civic Centre
244 Vincent Street, Leederville

Len Kosova
Chief Executive Officer

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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.
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Order Of Business

1	Declaration of Opening / Acknowledgement of Country	7
2	Apologies / Members on Leave of Absence	7
3	Public Question Time and Receiving of Public Statements	7
4	Declarations of Interest	7
5	Development Services	8
5.1	No. 143 (Lot: 6 D/P: 5631) Edward Street, Perth - Change of Use from Showroom and Office to Drop-in-Centre (Unlisted Use) and Office (Including Alterations) [ABSOLUTE MAJORITY DECISION REQUIRED]	8
5.2	No. 53-65 (Lots: 134, 135, 136 & PT Lot: 12; D/P: 2355 & 73684) Wasley Street and No. 90 (Lot 2; SP 36283) Forrest Street, North Perth - Amendment to Existing Approvals: Independent Living Units and Nursing Home	17
6	Technical Services	22
6.1	Proposed Safe Active Streets Project Phase Two - Shakespeare Street, Leederville/Mount Hawthorn (Scarborough Beach Road to Richmond Street) Progress Report Two.....	22
6.2	Proposed Parking Restrictions in Broome Street, Highgate between Smith and Lord Streets	27
6.3	Proposed Parking Restrictions in Galwey Street, Leederville between Scott/Shakespeare and Loftus Streets	30
7	Corporate Services	33
7.1	Financial Statements as at 30 June 2017	33
7.2	Authorisation of Expenditure for the Period 01 July 2017 to 28 July 2017	39
7.3	Licence for use of land comprising portion of bike path - Swan River, under Windan Bridge, East Perth	42
7.4	Dedication of spite strip (pedestrian footpath) as road - Lot 151, 62 Robinson Ave, Perth.....	45
7.5	Investment Report as at 31 July 2017	52
7.6	LATE REPORT: Adoption of Long Term Financial plan for the Period 2017/18-2026/27	55
8	Community Engagement	56
8.1	Petition for a Multipurpose Court at Birdwood Square, Perth	56
8.2	Adoption of Policy No 3.10.7 - Art Collection and Policy No 3.10.11 - Public Art.....	61
8.3	Unrecoverable Parking Infringements - 1 January 2011 to 30 June 2017	63
8.4	Proposed Parking and Parking Facilities Amendment Local Law 2017 [ABSOLUTE MAJORITY DECISION REQUIRED]	65
9	Chief Executive Officer	69
9.1	Information Bulletin	69
10	Motions of Which Previous Notice Has Been Given	70
10.1	Notice of Motion - Cr Jonathan Hallett - To Investigate Reduction or Elimination of Single Use Plastics	70
10.2	Notice of Motion - Cr Susan Gontaszewski – Strategies to Improve Participation and Accessibility by Women and Girls	72
11	Representation on Committees and Public Bodies	73
12	Confidential Items/Matters For Which The Meeting May Be Closed ("Behind Closed Doors")	74
12.1	Partial Write-Off of Rates Owing for Perth Mosque Development at 433 William Street, Perth.....	74

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

“The City of Vincent would like to acknowledge the Traditional Owners of the land, the Whadjuk people of the Noongar nation and pay our respects to Elders past, present and emerging”.

2 APOLOGIES / MEMBERS ON LEAVE OF ABSENCE

Nil

3 PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS

4 DECLARATIONS OF INTEREST

5 DEVELOPMENT SERVICES**5.1 NO. 143 (LOT: 6 D/P: 5631) EDWARD STREET, PERTH - CHANGE OF USE FROM SHOWROOM AND OFFICE TO DROP-IN-CENTRE (UNLISTED USE) AND OFFICE (INCLUDING ALTERATIONS)**

TRIM Ref: D17/78681








Author: Remajee Narroo, Senior Statutory Planning Officer

Authoriser: John Corbellini, Director Development Services

Ward: South

Precinct: 13 – Beaufort

Attachments:

1. Attachment 1 - Consultation and Location Map 
2. Attachment 2 - Details of Application 
3. Attachment 3 - Development Application Plans 
4. Attachment 4 - Summary of Submissions and Administration's Response 
5. Attachment 5 - Applicant's Response to Submissions 
6. Attachment 6 - Operational Management Plan 
7. Attachment 7 - Determination Advice Notes 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY ABSOLUTE MAJORITY the application for development approval for a Change of Use from Showroom and Office to Drop-in-Centre (Unlisted Use) and Office (Including Alterations) at No. 143 (Lot: 6; D/P: 5631) Edward Street, Perth, in accordance with the plans shown as Attachment 3, subject to the following conditions, with the associated determination advice notes in Attachment 7:

1. Use of Premises

- 1.1. A maximum of 27 persons, including a maximum of seven staff, shall be permitted to attend the Drop-in-Centre at any one time;
- 1.2. The Drop-in-Centre shall only be open to clients between the hours of 9:00am and 4:30pm Monday to Friday;
- 1.3. Drop-in-Centre staff shall arrive at the premises 30 minutes before it is opened to clients and shall remain on-site for one hour after the Drop-in-Centre is closed to clients to ensure that no person is loitering on site or on the pavement near to the site before or after the premises is open to clients;
- 1.4. The Office shall only operate between the hours of 8:00am and 5:30pm Monday to Friday; and

2. Interactive Front & Fencing

- 2.1. The proposed fencing modifications as depicted on the approved plan shall be visually permeability as defined by State Planning Policy No. 3.1 Residential Design Codes prior to occupancy or commencement of the use, to the satisfaction of the City;

3. Operational Management Plan

Use of the premises shall be carried out in accordance with the Operational Management Plan date stamped 17 July 2017 or any revised Management Plan approved by the City. The Management Plan shall be reviewed every 12 months, with any changes identified during this review or by the City, being incorporated into an updated Management Plan approved by the

City as part of the review; and

4. **External Fixtures**

4.1. Revised plans shall be submitted to and approved by the City prior to the commencement of the development depicting the air conditioning unit shown on south-west elevation of the approved plans, relocated to the ground level or other such location to the satisfaction of the City. The development shall be undertaken in accordance with the revised plans approved by the City; and

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

5. **Waste Management**

A plan indicating the location of a bin store of sufficient size and suitably accessible to accommodate the City's maximum bin requirement shall be lodged with and approved by the City prior to the commencement of the development. The bin store shall be provided in accordance with the plan approved by the City prior to the occupation or use of the development and to the satisfaction of the City;

6. **Landscape and Reticulation Plan**

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

6.1.1. The location and type of existing and proposed trees and plants, including tree planting in the 'outdoor breakout area' and along the boundaries of the car park; and

6.1.2. Areas to be irrigated or reticulated;

6.1.3. Canopy coverage of the rear and side setback areas and open-air car park at maturity; and

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

7. **Bicycle Bays**

A plan shall be submitted to and approved by the City prior to the commencement of the development detailing the location on-site of a minimum of 2 bicycle bays (1 Class 1/2 or 1 Class 3). The bicycle bays shall be provided in accordance with the approved plan prior to the occupation or use of the development and thereafter shall be maintained to the satisfaction of the City;

8. **Stormwater**

Prior to occupation or use of the development all storm water collected on the subject land shall be retained onsite, by suitable means to the satisfaction of the City; and

9. **General**

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

PURPOSE OF REPORT:

To consider an application for development approval for change of use from Showroom and Drop-In-Centre (Unlisted Use) and Office (including Alterations) at No. 143 Edward Street, Perth.

BACKGROUND:

Landowner:	M and P Dinelli
Applicant:	ARKITEK 10 – Beatrice Cervi
Date of Application:	17 January 2017
Zoning:	MRS: Urban TPS1: Zone: Residential/Commercial R-Code: R80 TPS2: Zone: Residential/Commercial R-Code: R80
Built Form Area:	Mixed Use
Existing Land Use:	Showroom and Office
Proposed Use Class:	Drop-In-Centre – Unlisted Use Office - "P" Use
Lot Area:	766m ²
Right of Way (ROW):	Not applicable
Heritage List:	No

The subject site is located at the corner of Edward Street and Pier Street, Perth and is zoned Residential/Commercial with and R-Code of R80. The location of the subject site is illustrated in **Attachment 1**.

The subject site is occupied by a single storey commercial building, which is currently vacant. The site includes ten car parking bays at the rear of the property with access from Pier Street. The zoning in the immediate locality shares the same Residential/Commercial zoning and R80 coding as the subject site. The site is generally surrounded by non-residential uses except on the eastern boundary which has a semi-detached federation cottage which is being used as a residence. On the southern side, the subject site abuts a consulting room and offices. The property to the west on the other side of Pier Street is a self-storage warehouse. On the northern side, at the corner of Pier Street and Edward Street, the subject site fronts a lunch bar and a consulting room. There are two multi-storey residential complexes approximately 50 metres north of the subject site along Pier Street. There is a mix of newer commercial/mixed use buildings among numerous semi-detached cottages, in particular along Edward Street, which have been converted to non-residential uses such as offices.

The application proposes to relocate the existing Passages Service, which is an at risk youth Drop-in-Centre run by the St Vincent De Paul Society (Vinnies) at No. 22 Palmerston Street, Northbridge, within the City of Perth, to the subject site. The letter accompanying the application is included as **Attachment 2** with the development plans included as **Attachment 3**.

The proposed Drop-in-Centre and Office is proposed to be operated by St. Vincent De Paul Society and will be used as a safe place for homeless young people aged between 12-25 years. It will offer practical assistance and support, while identifying their individual needs and issues commonly to do with homelessness and unemployment, but can also include legal problems, health concerns, financial issues, counselling and general day to day living.

The application proposes to provide needs like food, showers, laundry and a meeting point for external services such as youth workers, government agencies and outreach support workers to meet with homeless young people. The application outlines that there will be a maximum number of 27 persons on the premise at any one time inclusive of seven support officers and that the ratio of staff to clients will be a minimum of one staff for every four clients. The use is proposed to occupy the area highlighted yellow/green on the submitted plan as included as **Attachment 3**. The Drop-in-Centre is proposed to operate between 9:00am to 4:30pm from Monday to Friday.

The proposed Drop-In-Centre and Office does not align with any other use as defined in the City Scheme and has been assessed as an unlisted use.

The application also proposes the area highlighted grey on the submitted plan, as included as **Attachment 3**, to accommodate the administration office. The office will accommodate a maximum of seven staff and is proposed to operate between 8:00am to 5:30pm from Monday to Friday. In order to accommodate the proposed uses some alterations to the existing building form part of this application and include:

- Conversion of part of the existing office into a kitchen, two new bathrooms with toilet and shower facilities, a toilet and a laundry facility;
- New universal access ramps;
- An outdoor breakout area along Pier Street;
- A new door/window between the new bathrooms and the outdoor breakout area;
- Relocation of the existing air conditioning unit;
- Part of the fencing facing Pier Street being modified to new timber slats and a new brick pier to match the existing fence; and
- New roof cover to the bin store area.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1 (TPS1), the City's Policy No. 7.1.1 – Built Form. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use		✓
Parking & Access	✓	
Bicycle Facilities		✓
Ground Floor Design		✓
External Fixtures		✓
Landscaping		✓

The deemed-to-comply assessment of the element that requires the discretion of Council is as follows:

Land Use	
Deemed-to-Comply Standard	Proposal
Town Planning Scheme No.1	
"P" Use	Unlisted Use – Drop-in-Centre
Bicycle Facilities	
Deemed-to-Comply Standard	Proposal
Policy No. 7.7.1 – Parking and Access	
2 bicycle bays (one Class 1/2 and one Class 3)	Nil
Ground Floor Design	
Deemed-to-Comply Standard	Proposal
Policy No. 7.1.1 – Built Form Policy – Clause 1.4	
Façade Design	
Maximise the width of active frontage including glazing, openings and operable windows to ensure activity, interaction and surveillance of the street.	The existing glazing to the building has a reflective material and does not provide for any interaction with the street.
Materials	
Ground Floor glazing and/or tinting to be a minimum of 70% visually permeable to provide unobscured visibility.	The existing glazing to the building has a reflective material and does not provide for

Fences	visibility into the development.
Street walls and fences which front the street not accepted	Proposed alterations relate to a small portion of the existing fence along Pier Street. The proposal provides for the installation of an additional pier, and infill to match the existing fence.
External Fixtures	
Deemed-to-Comply Standard	Proposal
Policy No. 7.1.1 – Built Form Policy – Clause 1.11	
External fixtures are required to be concealed from the street and surrounding properties, located on the roof, basement or at the rear of the development.	Air conditioning unit is proposed to be relocated high on the wall at the rear of the building and is visible from Pier Street and adjoining properties.
Landscaping	
Deemed-to-Comply Standard	Proposal
Policy No. 7.1.1- Built Form Policy- Clause 1.5	
Minimum area for Deep Soil Zone= 3m ²	The plan depicts existing landscaping which is reduced as a result of the additional 'outdoor breakout area' and now provides 8.5% of the site as deep soil zone, however no details are provided for canopy cover.
15% of the site area is to be provided with Deep Soil Zone	
80% of the rear or side setback area and open-air car parks to be provided as canopy coverage at maturity.	

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

CONSULTATION/ADVERTISING:

Consultation was undertaken for a period of 21 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 6 May 2017 until 26 May 2017. The method of consultation being a sign on site, a notice in the local newspaper 'The Voice', and letters being mailed to all owners and occupiers as shown on **Attachment 1**, in accordance with the City's Policy No. 4.1.5 – Community Consultation.

A total of 91 submissions were received in relation to the proposal comprising of 86 objections, three neither object nor support and two submissions of support. The concerns raised in the submissions were as follows:

- Anti-social behaviour and the impact on the amenity of the area and community safety; and
- Redevelopment and revitalisation of the area.

The main issues raised in the submissions are discussed in the Comment section below. A summary of the submissions received and Administration's response to each is contained in **Attachment 4**. The applicant has provided a response to the submissions in **Attachment 5**.

In addition to the City's community consultation process above the applicant held their own information session on 20 July 2017.

Comments were also sought from the City of Perth on the operation of the existing Drop-in-Centre. The City of Perth advised that generally there have been only a few complaints about the Drop-in-Centre even though it is surrounded by residential and commercial uses. Complaints have related to customers waiting for the services and have subsequently been managed by staff.

Design Advisory Committee (DAC):

Referred to DAC: No

LEGAL/POLICY:

The applicant will have the right to have Council's decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.
Town Planning Scheme No. 1

The general objectives of the Scheme as outlined in Clause 6 are applicable, specifically Subclause 3(c) which is outlined as follows:

"...3(c) to ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which –
(i) recognises the individual character and needs of localities within the Scheme zone area;
and
(ii) can respond readily to change. ...".

Draft Local Planning Scheme No 2 (Draft LPS 2)

Draft LPS 2 is a relevant consideration and any decision should have regard to any applicable provisions however, it cannot form the basis for which the application is determined. Draft LPS 2 sets out objectives for the Residential/Commercial zones, which are outlined as follows:

"(b) Residential/Commercial
(i) to provide for a compatible mix of high density residential and commercial development;
(ii) to promote residential use as a vital and integral component of these mixed use zones;
(iii) to ensure development design incorporates sustainability principles, with particular regard to waste management and recycling and including, but not limited, to solar passive design, energy efficiency and water conservation; and
(iv) to ensure the provision of a wide range of different types of residential accommodation, including affordable, social and special needs, to meet the diverse needs of the community."

Delegation to Determine Applications:

This matter is being referred to Council for determination as the proposal is for an Unlisted Use which requires an Absolute Majority decision.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

Land Use

The subject site is zoned 'Residential/Commercial' with an R-Code of 'R80' which is consistent with the zoning of properties in the locality. All of the adjoining properties are operating as commercial uses, with the exception of the eastern adjoining property, which is residential. The zoning of the site as well as the adjoining properties is not contemplated to change should the Draft LPS 2 be finalised. The proposed

'Drop-In-Centre' land use is not specifically mentioned in the TPS1 and cannot reasonably be determined as falling within the interpretation of one of the Use Class Categories of TPS1. As such Council is required to consider if the use is consistent with the objectives and purposes of the 'Residential/Commercial' zone, following community consultation.

The main concerns raised during advertising related to the potential for anti-social behaviour to occur by the clients of the Drop-in-Centre and the flow on impact this may have on the safety of residents, property values and the redevelopment and revitalisation of the area. The Drop-in-Centre is proposed to be proposed to only operate during week days between the hours of 9:00am and 4:30pm with a stringent operational management plan, which is included in **Attachment 6**, proposed as part of the application. The Operational Management Plan sets out clearly how the centre will be run, with all clients attending the facility undertaking an induction and being made aware of the opening and closing times, the maximum capacity of the centre and that they cannot loiter or sleep in front of the building when not using the Drop-in-Centre or when the centre is closed. Staff will be on site one hour after closing of the Drop-in-Centre to ensure that the people move on from the property and do not loiter or sleep outside the centre. Staff of the centre will also be trained to deal with any situation of anti-social behaviour and CCTV will be installed to further address and discourage these activities.

The proposed Drop-in-Centre and office are considered to be compatible with both the existing commercial uses as well as the adjoining and future range of residential uses likely to develop in the surrounding area in the short to medium term. The limited number of people proposed to attend the Drop-in-Centre as well as the weekday daylight operating hours (9:00am to 4:30pm Monday to Friday) and the stringent operational management plan proposed as part of the application are considered to address any perceived impacts of the development on the amenity of the area. On this basis the land uses proposed are considered to be consistent with the objectives and purposes of the 'Residential/Commercial' zone and are supported.

Ground Floor Design

The proposed Drop-in-Centre is located in the portion of the building which fronts Pier Street and separated from the adjoining residential property. The applicant is proposing to modify a portion of the existing open style tubular fence along pier street, including adding an additional pier, a gate and modifying the infill panels. Although the City's Built Form Policy does not contemplate fencing to street frontages the fencing is existing and the applicant has outlined that the fence will maintain visual permeability in accordance with the Built Form Policy standards for the 'Residential' built form area. In this instance the retention of the fence is supported and a condition is recommended to ensure it maintains visual permeability.

External Fixtures

The existing air conditioning unit is proposed to be relocated to accommodate a proposed new door and window at the rear of the property. However the proposed location higher up on the building side wall will result in the air conditioning unit being visible from the street and adjoining properties which will have an adverse visual impact. It is recommended that the air conditioning unit be located on the ground level or such other location on site so it is not visible from these areas. A condition has been included in the officer's recommendation accordingly.

Landscaping

Though the application is for a change of use, the application proposes to convert a portion of the site's existing landscape area into an 'outdoor breakout area'. Given this, the application has been assessed against the City's Built Form Policy, which requires 15 percent of the site area to be provided with Deep Soil Zone and 80 percent of the rear or side setback areas and open-air car parks to be provided as canopy coverage at maturity. The proposal has not provided a detailed landscaping plan, however the site plan depicts existing landscaping which provides 8.5 percent of the site as deep soil zone. No details are provided for canopy cover. There are existing mature trees, pencil pines and cocos palm planted on site, however, there is scope to provide additional mature trees in the 'outdoor breakout area' and along the side/rear boundaries. It is recommended that a condition be included on any approval requiring additional mature trees to be provided as part of the landscaping plan.

Bicycle Parking

The City's parking and access policy requires provision of two bicycle bays. The subject plans do not depict any bays. It is considered that there is sufficient space on-site to accommodate the required bays and as a result it is recommended that a condition be imposed on any approval requiring these bays to be provided.

Conclusion

The proposed use is considered to be consistent with existing land uses within the locality, and given the limited scale, operating hours and comprehensive management proposed, it is not considered that the development will impact on the current or future amenity of the locality. It is recommended that the application be approved subject to conditions.

5.2 NO. 53-65 (LOTS: 134, 135, 136 & PT LOT: 12; D/P: 2355 & 73684) WASLEY STREET AND NO. 90 (LOT 2; SP 36283) FORREST STREET, NORTH PERTH - AMENDMENT TO EXISTING APPROVALS: INDEPENDENT LIVING UNITS AND NURSING HOME

TRIM Ref: D17/96627

Author: Rob Sklarski, A/Coordinator Statutory Planning

Authoriser: John Corbellini, Director Development Services

Ward: South

Precinct: Precinct 10 – Norfolk

Attachments:

1. Attachment 1 - Location Plan 
2. Attachment 2 - Applicant Letter 
3. Attachment 3 - Approved Subdivision Plan/Deposited Plan 
4. Attachment 4 - Approved Plans (combined approvals) 

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 to amend the existing development approvals:

1. For Independent Living Units and Nursing Home at No. 53-65 (Lots: 134, 135, 136 & PT Lot: 12; D/P: 2355 & 73684) Wasley Street, and No. 90 (Lot 2, SP 36283) Forrest street, North Perth granted on 8 April 2003 and numbered 5.2002.1092.1, subject to the following condition:

1.1. All conditions, requirements and advice notes detailed on the previous approval dated 8 April 2003 numbered 5.2002.1092.1 shall remain with the exception of condition (ii) which is to be amended to read as follows:

“Lots Nos. 53-65 (Lots: 134, 135, 136 & PT Lot 12) Wasley Street shall be amalgamated into one lot on Certificate of Title; OR alternatively the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City’s solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s).”;

2. For Independent Living Units and Nursing Home at No. 53-65 (Lots: 134, 135, 136 & PT Lot: 12; D/P: 2355 & 73684) Wasley Street, and No. 90 (Lot 2, SP 36283) Forrest Street, North Perth, granted on 25 July 2006 and numbered 5.2004.2476.1, subject to the following condition:

2.1. All conditions, requirements and advice notes detailed on the previous approval dated 25 July 2006 numbered 5.2004.2476.1 shall remain with the exception of condition (xiii) which is to be amended to read as follows:

“Lots Nos. 53-65 (Lots: 134, 135, 136 & PT Lot 12) Wasley Street shall be amalgamated into one lot on Certificate of Title; OR alternatively the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City’s solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s).”; and

3. For Independent Living Units and Nursing Home at No. 53-65 (Lots: 134, 135, 136 & PT Lot: 12; D/P: 2355 & 73684) Wasley Street, and No. 90 (Lot 2, SP 36283) Forrest Street, North Perth, granted on 18 December 2007 and numbered 5.2007.508.1, subject to the following condition:

- 3.1. All conditions, requirements and advice notes detailed on the previous approval dated 18 December 2007 numbered 5.2007.508.1 shall remain with the exception of condition (xiii) which is to be amended to read as follows:

(a) *“Lots Nos. 53-65 (Lots: 134, 135, 136 & PT Lot 12) Wasley Street shall be amalgamated into one lot on Certificate of Title; OR alternatively the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City’s solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s).”*

PURPOSE OF REPORT:

To consider a development application to amend a condition of approval that was applied to three previous development approvals granted by Council for independent living units and nursing home at No. 53-65 (Lots: 134, 135, 136 & PT Lot: 12) Wasley Street, North Perth.

BACKGROUND:

Landowner:	Iles Investments Pty Ltd
Applicant:	Rowe Group
Date of Application:	17 May 2017
Zoning:	MRS: Urban TPS1: Zone: Residential R Code: R40 TPS2: Zone: Residential R Code: R40
Built Form Area:	Residential
Existing Land Use:	Institutional Building
Proposed Use Class:	Not Applicable
Lot Area:	8082m ²
Right of Way (ROW):	5.03m wide to the south of Lot 12
Heritage List:	Not Applicable

The subject site contains the St Michaels Residential Aged Care facility. A hospital and nursing home has been operating on the subject site since the 1930’s, with St Michaels Aged Care commencing management of the premises in the early 1980’s, and incrementally expanding and upgrading the facility to the present day. The subject site is bounded by Wasley Street to the north, Norfolk Street and residential properties to the east, Forrest Street to the south and residential properties to the west, as illustrated in **Attachment 1**.

The subject site is comprised of No. 53-65 Wasley Street and No. 90 Forrest Street. No. 90 Forrest Street forms part of Strata Plan 36283, which also includes a separate strata lot at No. 88 Forrest Street, which fronts Forrest Street and does not form part of the St Michaels Aged Care Facility. No. 88 Forrest Street (Strata Lot 1), accommodates a single house which fronts Forrest Street and is in separate unrelated ownership to. No. 90 Forrest Street (Strata Lot 2) obtains vehicle access from a ROW which runs off Norfolk Street and though the buildings on this lot do not cross its boundaries, it is used as part of the St Michaels Aged Care Facility. **Attachment 3** illustrates the location of Nos. 88 and 90 Forrest Street. There is an existing sewer line which runs through Strata Lot 1 to service Lot 2 which is protected by an easement.

On 17 May 2017 Rowe Group lodged an application with the City on behalf of the owner of the St Michaels Aged Care facility to amend the existing approvals for the site so that No. 90 Forrest Street (Strata Lot 1) would not be required to be amalgamated into the same lot as the rest of the Aged Care Facility at No. 53-65 Wasley Street.

Council has previously granted planning approval on three previous occasions for the use and development of the St Michaels Aged Care Facility on these lots. The approval details are summarised follows:

1. Application 5.2002.1092.1 – Demolition of two existing dwellings and alterations and additions to, and partial demolition of existing nursing home, approved by Council on 8 April 2003 and included in **Attachment 4**.
2. Application 5.2004.2476.1 – Demolition of existing independent living units and nursing home and construction of additional nursing home, part undercroft car parking, shade sails and carports to the existing independent living units and nursing home, approved by Council 25 July 2006 and included in **Attachment 4**.
3. Application 5.2007.508.1 Demolition of existing independent living units and nursing home and construction of additional nursing home, part undercroft car parking, shade sales and carports to the existing independent living units and nursing home (reconsideration of condition), approved by Council on 18 December 2007 and included in **Attachment 4**.

The aforementioned approvals each contained a condition requiring the amalgamation of all of the titles comprised within the subject site, which was historically made up of six freehold lots being:

- Lot 136 Wasley Street on Plan 2355;
- Lot 135 Wasley Street on Plan 2355;
- Lot 134 Wasley Street on Plan 2355;
- Lot 12 Wasley Street on Diagram 73684;
- Lot 2 Forrest Street on Strata Plan 36283 (Parent Lot 4 on Diagram 4029); and
- Lot 66 Wasley Street and Forrest Street on Diagram 4029.

The condition on all three approval reads as follows:

“prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town’s solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s).”

At the time that the previous applications were considered, the proposed development straddled the lot boundaries of the various lots as summarised above, thus the condition was imposed requiring the amalgamation of the titles in accordance with the City’s Amalgamation Condition on Planning Approvals Policy.

DETAILS:

The application seeks approval to amend the previous development approvals issued by Council by amending the amalgamation condition on each of the approvals granted for the site so that No. 90 Forrest Street (Strata Lot 1) would not be required to be amalgamated into the same lot as the rest of the Aged Care Facility at No. 53-65 Wasley Street. The applicant’s justification for this application is included in **Attachment 2**.

The current planning approvals for the site included No. 90 Forrest Street (portion of former Lot 4) as it was identified that the building situated on this property would be used as an ‘Education Centre’ associated with the Nursing Home. This meant that this property was included within the lots that were required to be amalgamated in accordance with the condition of the development approval. The application to amend the amalgamation condition is predicated on No. 90 (Lot 2 on Strata Plan 36283) Forrest Street not forming part of the overall amalgamation given the buildings on this strata lot do not cross its boundaries.

CONSULTATION/ADVERTISING:

As the proposal does not involve a development or use and the application to amend the condition of approval does not materially impact adjoining properties, no community consultation was undertaken as set out in the City’s Community Consultation Policy.

Design Advisory Committee (DAC):

Referred to DAC: Not Applicable

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- City of Vincent Town Planning Scheme No. 1; and
- Policy No. 3.5.19 – Amalgamation Condition on Planning Approvals Delegation to Determine Applications.

The request to amend the aforementioned conditions of development approval is made in accordance with Clause 77(1)(b) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, which enables an application to be made requesting the local government amend or delete any condition to which a development approval is subject to.

The City's Policy No. 3.5.19 – Amalgamation Condition on Planning Approvals, provides that the amalgamation condition the applicant is seeking to have amended shall be imposed in the following instances:

- (i) where any proposed development straddles a lot boundary;
- (ii) where any proposed development does not comply with the relevant requirements of the National Construction Code Series; or
- (iii) where car parking bays and car parking manoeuvring areas straddle a lot boundary. Alternatively, the car parking bays and car parking manoeuvring area can be dealt with as a grant of easement in favour of the City registered on the certificate of title.

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

Delegation to Determine Applications:

This matter is being referred to Council as the application proposes to modify an application Council.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The landowner has satisfied in part the amalgamation conditions of the development approvals to the extent that approval has been granted by the Western Australian Planning Commission (WAPC) to amalgamate all of the lots in order to create a separate allotment for the existing Nursing Home and Retirement Village, with the exception of a No. 90 Forrest Street (Lot 2 on Strata Plan 36283). The applicant proposes to retain a separate allotment for the education centre at No. 90 Forrest Street, as no buildings cross this boundary and so this facility can be held on a separate lot.

The approved plan that forms part of the WAPC's approval to amalgamate the remaining lots is provided in **Attachment 3**. The landowner has progressed the amalgamation application and it is expected that new titles will be issued in late August 2017 as illustrated in the final survey plan (Deposited Plan) also provided in **Attachment 3**.

In accordance with the applicable Landgate requirements, it is not possible for a strata lot to be amalgamated into another lot without having to terminate the Strata Plan, and re-subdivide the parent lot to create two freehold lots. This process would require the consent of the owner of Strata Lot 1 (No. 88 Forrest Street) which is in separate unrelated ownership. The need to amalgamate No. 90 Forrest Street into the larger development site would be reliant on a third-party approval process which in this instance is unable to be progressed.

The termination of the existing Strata Plan and re-subdivision of the parent lot to create two freehold lots will also create problems with the location of an existing sewer line which runs through Strata Lot 1 to service Lot 2. This sewer line is protected by an easement that covers the sewer line only. Under the Water Corporation's requirements, should the tenure of the land change from strata title to freehold title, this sewer line would need to be protected via a three metre wide sewer easement clear of buildings and structures which would not be possible to achieve given the configuration of the existing development on Strata Lot 1.

The fact that a portion of the existing institutional facility falls within one strata lot, with the other strata lot owned by a separate entity and containing a separate land use (Residential) is consistent with the City's Policy No. 3.5.19 – Amalgamation Condition on Planning Approvals, as the development and car parking on the lots does not straddle this lot boundary and complies with the relevant requirements of the National Construction Code Series.

The application seeks approval to amend the amalgamation condition from the three development approvals so as not to require No. 90 Forrest Street (Strata Lot 2) to be amalgamated in to the larger development site. There is a need to amalgamate the lots of the nursing home as the development straddles several of the lot boundaries that are comprised within the overall site. The exclusion of Strata Lot 2 will not adversely affect the ability for the facility to operate and will not have any impact on the surrounding locality. In this instance, it is recommended that the amalgamation condition remain however the wording be amended to ensure it only includes the lot comprising the nursing home facility at 50-65 Wasley Street.

6 TECHNICAL SERVICES**6.1 PROPOSED SAFE ACTIVE STREETS PROJECT PHASE TWO - SHAKESPEARE STREET, LEEDERVILLE/MOUNT HAWTHORN (SCARBOROUGH BEACH ROAD TO RICHMOND STREET) PROGRESS REPORT TWO****TRIM Ref:** D17/81006**Author:** Francois Sauzier, TravelSmart Officer**Authoriser:** Craig Wilson, A/Director Technical Services**Attachments:** 1. Safe Active Streets - Shakespeare / Scott Map **RECOMMENDATION:****That Council:**

1. **NOTES** that Administration and the Department of Transport have held further discussions regarding the project delivery of the Shakespeare Street, Safe Active Streets Project, Phase Two;
2. **CONSIDERS** this report on the proposed roles and responsibilities, funding, scope and timeframes for design, community consultation and project delivery; and
3. **AUTHORISES** the Chief Executive Officer to enter into an agreement with the Department of Transport to progress the delivery of the Shakespeare Street, Safe Active Streets Project, Phase Two, in accordance with the items outlined in clause two above.

PURPOSE OF REPORT:

To outline the roles and responsibilities of the respective parties, being the City and the Department of Transport (DoT), in regards to the funding, scope and timeframes for the design, community consultation, project delivery, and to progress entering into a formal agreement with the DoT, for the delivery of the Shakespeare Street, Safe Active Streets Project.

BACKGROUND:

At the Ordinary Meeting of Council held on 30 May 2017 (Item 10.2), Council endorsed the progression of the Shakespeare Street, Safe Active Streets Project (formerly known as Bike Boulevards), Phase Two, and resolved (in part) that:

3. *Prior to entering into a formal agreement with the Department of Transport, regarding delivery of the Phase Two Shakespeare/Scott Street Bike Boulevard Project, RECEIVES a further report outlining responsibilities, funding, scope, and timeframes for design, community consultation, and project delivery.*

Following Council's decision, Administration met with the DoT to progress this matter and clarify the above details.

DETAILS:

This report now addresses the above Council resolution and outlines the following elements relating to this project:

1. Roles and responsibilities;
2. Funding;
3. Scope; and
4. Timeframes for
 - 4.1 Design
 - 4.2 Community consultation, and
 - 4.3 Project delivery

1. Roles and responsibilities of the respective Parties:

The City is to:

- take the lead on all aspects of the design, community consultation and construction of Phase Two;
- submit draft plans for design, consultation and construction to the DoT for consideration and approval prior to progressing each element;
- consider alternative design elements that were developed for the City of Bayswater and Belmont bike boulevard projects;
- make the proposed concept and construction design available for peer review;
- in conjunction with DoT, form a project team including a representative from Main Roads WA and schedule project team meetings;
- develop a plan to manage how changes to key elements are achieved (e.g. changing priority at an intersection);
- project manage the construction of Phase Two, to aim for a project completion prior to the end of the 2017/18 financial year; and
- work constructively and proactively with the DoT to complete the project.

The DoT is to:

- set up a Project Governance framework to guide decision making and the resolving of issues between parties, including Main Roads WA;
- conduct traffic counts and video surveys of the proposed route of Shakespeare and Scott Streets;
- confirm reporting frequency and draft the Terms of Reference;
- provide an external Communications consultant to provide communications guidance;
- promptly review draft plans for design, consultation and construction prior to progression; and
- work constructively and proactively with the City to complete the project.

2. Funding:

DoT is funding 100% of the design, community consultation and construction of the Phase Two, with the monies to be disbursed at three key milestones:

Funding Milestone 1: Council approves progressing the design of the project and authorises the City's Chief Executive Officer to enter into a formal contract for the design, community consultation and construction of the Shakespeare Street, Safe Active Streets Phase Two.

Funding Milestone 2: Council approves the final design and construction timeline and construction commences.

Funding Milestone 3: Construction is completed and a final road safety audit conducted. Project Acquitted.

3. Scope:

The project scope includes:

- conducting a preliminary Road Safety Audit of the route;
- design and construction of a bicycle transition area at Shakespeare Street and Scarborough Beach Road intersection, connecting with the Shakespeare Street Phase One works;
- design and construction of Safe Active Streets treatment on Shakespeare Street, between Scarborough Beach Road and connecting onto Scott Street through to Richmond Street;
- identifying opportunities for planting of trees/greening spaces as part of the works;
- design and construction of bicycle infrastructure on Richmond Street, east of Scott Street, to connect with the planned Loftus Street bike lanes; and
- consideration of design and construction of improvements to Bourke Street, west of Scott Street which will allow connections to the Mitchell Freeway Principal Shared Path.

4. Time Frames:

The following broad timeframes are being applied to the project:

- Design August/September/October 2017
- Community consultation November/December 2017
- Project Delivery March to July 2018

The table below outlines broad steps and recommend timeframes.

Broad Steps	Recommended Time Frame	Funding
1 Design		
<ul style="list-style-type: none"> • Report 1: Council approved progressing further discussion with DoT regarding roles/responsibilities. 	As adopted at the Ordinary Meeting of Council held on 30 May 2017	Funding Milestone 1. 40% funding payment made in July 2017 (funds held in trust pending Council approval in August)
<ul style="list-style-type: none"> • Report 2: Council considers role and responsibilities of parties, funding, scope and timetable for approval 	Ordinary Meeting of Council 22 August 2017	
<ul style="list-style-type: none"> • Formal contract signed • Project Team created and meetings scheduled • Design of infrastructure developed • Marketing plan developed • Consultation materials developed 		Funds held in trust are released
<ul style="list-style-type: none"> • Report 3: Council presented with proposed design, project budget and consultation approach for approval prior to community consultation 	Ordinary Meeting of Council 17 October 2017	
2 Community Consultation		
<ul style="list-style-type: none"> • Consultation with community • Administration collects feedback • Design is updated following consultation • Design is peer reviewed 	November / December 2017	
<ul style="list-style-type: none"> • Report 4: 1. Council presented with reviewed design for approval. • Community Advised of decision 	Ordinary Meeting of Council February 2018	
3 Project Delivery		
<ul style="list-style-type: none"> • Construction commences • Council and local community regularly updated with Information Bulletins 	March 2018	Funding Milestone 2. Second 40% payment of grant monies released.
<ul style="list-style-type: none"> • Construction completed * 	May/June 2018	
<ul style="list-style-type: none"> • Construction reviewed and Road Safety Audit conducted 		
<ul style="list-style-type: none"> • Grant Acquitted 	June/July 2018	Funding Milestone 3. Final 20% grant monies released.

* Ideally, the project is to be completed by the end of the 2017/18 financial year so that funds can be fully acquitted.

CONSULTATION/ADVERTISING:

The City's role is to prepare the community consultation materials, in conjunction with the DoT and provide an opportunity for residents and local stakeholders, such as Aranmore Catholic College on Shakespeare Street, to provide feedback on the design of the project. The consultation pack will include a summary of the project, a map outlining works planned on the street and a feedback form. In addition, the City will make use of digital communications to advise the community of progress.

LEGAL/POLICY:

Shakespeare Street is an access road under the care, control and management of the City. The initiative aligns with the City's *Strategic Plan 2013-2023*, *Physical Activity Plan 2013-2017* and the *Sustainable Environment Strategy 2011-2016*.

RISK MANAGEMENT IMPLICATIONS:

Low: Will improve the amenity for both local residents and their visitors, and the wider community while providing the City an opportunity to enhance the streetscape and upgrade its infrastructure, creating a safer road environment for all road users.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

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

SUSTAINABILITY IMPLICATIONS:

An increased cycling participation rate by both residents and the wider community should lead to improved general health and wellbeing of the community, while reducing carbon emissions and the dependence on motorised transport. In addition, tree plantings will be done in the proposed slow points leading to a marked increase in greening along Shakespeare/Scott Streets.

FINANCIAL/BUDGET IMPLICATIONS:

The Department of Transport will be fully funding the project, including the design, community consultation, budgeting and construction, under the understanding that the City will be the lead on the project. While a detailed budget is yet to be prepared the DoT have allocated up to \$1,100,000 for the project.

An initial funds transfer of 40% has been made to the City (prior to 30 June 2017) and is being held in trust pending Council's decision. If Council decides to approve progressing the project, the funds will be released from trust. The second 40% instalment will be made once the final design is approved and construction is about to commence. The final 20% instalment will be made once the Grant is acquitted.

COMMENTS:**Labelling the project:**

The Department of Transport is prefixing the Bike Boulevard projects with the label Safe Active Streets. This provides a broader view of the changes to infrastructure, identifying that reducing the street speed to 30kmh improves the safety of all road users including people – especially children - who ride bikes, pedestrians and drivers. The additional street planting and landscaping opportunities also make them more attractive places to walk or ride.

Learning from Completed Projects:

The City's involvement with the Stage One project, as well as the infrastructure implemented in the Cities of Bayswater and Belmont, has provided the opportunity to gain the following key insights:

- Consultation plan – rather than a high level concept plan leading to more questions, affected residents need to see a detailed plan which tells them what will happen in their section of the street and the impact upon their own property;
- Location of pinch points – to be effective in reducing speed, pinch points should be spaced at approximately 100 metres apart wherever possible;
- Design of pinch points – use of raised kerbs and a planted tree in the pinch points, as per those of the City of Bayswater, provide a visible traffic calming effect and a more effective greening outcome. The deflection created by the raised kerbing has also been found more effectively in slowing traffic;



Fig 1 – Typical Shakespeare Street pinch point



Fig 2 – Typical City of Bayswater pinch point



Fig 3 – Close-up of a City of Bayswater pinch point

Project team – all partners would benefit from the creation of a project team including representatives from the City, DoT and Main Roads WA, to expedite approvals.



Capacity to Undertake Works:

The City will work collaboratively with the DoT and its Peer Review Team to develop a design that reflects the positive outcomes achieved by both the City's Phase One works and also the technologies and design criteria used by other Local Governments currently involved in Safe Active Streets projects (City of Bayswater and City of Belmont).

The City's Engineering Operations team has the capacity to deliver the proposed works in 2018, pending Council's decision.

The City's Administration has met with the DoT on several occasions and determined each parties' roles and responsibilities in the design, community consultation and construction of the Shakespeare Street, Safe Active Streets Phase Two project. Building on the positive outcomes of Phase One of the project, and DoT's recent experience with other Local Governments in developing Safe Active Streets, a number of steps have been identified which will improve the initial data collection, design review and governance of Phase Two of the Shakespeare Street project.

6.2 PROPOSED PARKING RESTRICTIONS IN BROOME STREET, HIGHGATE BETWEEN SMITH AND LORD STREETS

TRIM Ref: D17/99752
Author: Craig Wilson, A/Director Technical Services
Authoriser: Craig Wilson, A/Director Technical Services
Attachments: 1. Summary of Comments 
2. Plan No. 3443-PP-01 

RECOMMENDATION:**That Council:**

1. **NOTES** the comments received regarding the proposed implementation of parking restrictions in Broome Street, Highgate between Smith and Lord Streets (Attachment 1);
2. **DOES NOT APPROVE** the introduction of new 2P parking restrictions, from 8.00am to 6.00pm Monday to Friday in Broome Street, Highgate between Smith and Lord Streets, as shown on Plan No. 3443-PP-01 (Attachment 2); and
3. **ADVISES** the respondents of its decision.

PURPOSE OF REPORT:

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

BACKGROUND:

A request was received from a Broome Street resident to have timed parking restrictions introduced in the section between Smith and Lord Streets as a means of deterring all day 'free' commuter and TAFE student parking.

DETAILS:

Broome Street, between Smith and Lord Streets, comprises a 10.0m wide carriageway and is classified as an Access Road under the Functional Road Hierarchy. Currently there are no parking restrictions in the aforementioned section of the street other than a 10 minute restriction area adjacent the Highgate Pre-primary School at No. 4 Broome Street, a short section of 2P 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturdays, and an on-road Acrod bay adjacent No. 361 Lord Street (Medical Consulting Rooms) as shown on Plan No. 3443-CP-01 (**Attachment 2**).

Following the request, a parking demand survey was undertaken by Administration over a number of working days with an average take-up, or occupancy rate, of 40% (26 of approximately 65 on-road spaces available). As would be expected the most congested area was toward the Lord Street end which allows an easy walk to the East Perth station and/or Lord Street bus services. There was also a suggestion that the sections adjacent Jack Marks Reserve and Brigatti Gardens were more congested as commuters are trying to avoid parking in front of residential properties, potentially making it difficult for park users to find a parking space during the working week. However this varied considerably over the course of the surveys.

To address the residents' concerns the City consulted on installing a 2P, 8.00am to 6.00pm Monday to Friday restriction between Smith and Lord Streets, as shown on Plan No. 3443-PP-01 (**Attachment 2**), with residents being eligible for parking permits as per the City's policy.

In respect of restrictions in surrounding streets there is a 1P 8.00am to 8.00pm seven days per week restriction on the western side of Wright Street, Broome Harold Streets, but nothing between Broome and Lincoln Streets. Similarly for Smith Street, there is a 2P (8.00am to 5.30pm Monday to Friday) restriction on the western side only, Broome to Harold Streets, but again nothing between Broome and Lincoln Streets.

For the remainder of Broome Street, Smith to Beaufort Streets, there are no restrictions until the perpendicular parking near Beaufort Street. Further, neither Plunkett Street nor Joinery Mews has parking restrictions.

Note: All the aforementioned streets are subject to the nib Stadium restrictions.

CONSULTATION/ADVERTISING:

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

In June 2017 residents were consulted regarding a proposal to implement parking restrictions, for the section of Broome Street between Smith and Lord Streets, in accordance with the City's Community Consultation policy.

A total of 33 consultation packs were distributed to potentially affected residents, requesting their comments. At the close of consultation five responses were received with four in favour and one against. (Refer **Attachment 1**).

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Low: While this proposal would improve the amenity of the immediate residents it would potentially have a detrimental impact upon the amenity of the residents of the surrounding streets.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Description	Budget	% year	% spent
2017/2018 Budget supply and installation of parking signs and street name blades	\$91,000	8%	2%
Expenditure to date	\$ 1,680		
Estimated cost to install new signage in Broome Street	\$ 800		



COMMENTS:

In light of the above, and taking into the consideration the low response rate it is difficult to justify parking restrictions in Broome Street at this time. Further, it would likely result in a flow-on effect in the surrounding streets as some of existing commuters simply move to the next street.

Given that all of the currently unrestricted streets, as discussed in the body of the report, are surrounded by parking restrictions, effectively creating a donut effect, it would be preferable to consider parking restrictions 'holistically'

To this ends, at its Ordinary Meeting held on 30 May 2017, Council received a report on the *Relocation of Capital Budget Funds* in which it approved funds being reallocated for 'consultancy work on the review of the City's Car Parking Strategy and preparation of an Integrated Transport Plan', to inform the future works to be undertaken during the 2017/18 and 2018/19 financial years, including that of the Highgate area.

6.3 PROPOSED PARKING RESTRICTIONS IN GALWEY STREET, LEEDERVILLE BETWEEN SCOTT/SHAKESPEARE AND LOFTUS STREETS

TRIM Ref: D17/99810
Author: Craig Wilson, A/Director Technical Services
Authoriser: Craig Wilson, A/Director Technical Services
Attachments: 1. Summary of Comments 
2. Plan No. 3442-PP-01 

RECOMMENDATION:**That Council:**

1. **NOTES** the comments received regarding the implementation of the proposed parking restrictions in Galwey Street, Leederville between Scott/Shakespeare and Loftus Streets (Attachment 1);
2. **APPROVES** the introduction of 2P parking restrictions 8.00am to 5.30pm Monday to Friday, in Galwey Street, Leederville between Scott/Shakespeare and Loftus Streets, as shown on Plan No. 3442-PP-01 (Attachment 2);
3. **DOES NOT APPROVE** the introduction of a 'Residents Only' parking restrictions as requested in the petition presented to Council at its Ordinary Meeting of 25 July 2017; and
4. **ADVISES** the respondents of its decision.

PURPOSE OF REPORT:

To consider the outcome of the recent consultation regarding the proposal to implement timed parking restrictions in Galwey Street, Leederville, between Scott/Shakespeare Streets and Loftus Street.

BACKGROUND:

A request was received in late 2016, and again in early 2017, from a number of residents of Galwey Street, Leederville, to introduce parking restrictions in the section between Scott/Shakespeare and Loftus Streets as a means of deterring all day 'free' commuter and TAFE student parking.

To address the residents' concerns the City consulted on installing a 2P, 8.00am to 5.30pm Monday to Friday, restriction between Scott/Shakespeare Streets and Loftus Street to match that of the existing restrictions between Oxford Street and Scott/Shakespeare Streets, as shown on Plan No. 3442-PP-01 (**Attachment 2**). Further, residents would be eligible for parking permits as per the City's policy.

However, the property on the corner of Galwey and Loftus Streets, No. 161 Loftus Street, has a current granted a Development Approval for a 10 residential unit development. As a consequence a petition was presented to the Ordinary Meeting of Council held on 25 July 2017, with 29 signatories, all of whom resident in Galwey Street. The petition is seeking to have the proposed parking restrictions amended to a 'Residents Only' restriction. The petition specifically calls for '24 hour permit parking at the top end of Galwey Street closest to Loftus Street end Leederville'.

DETAILS:

Galwey Street, between Scott/Shakespeare and Loftus Street, comprises a 6.0m wide carriageway and is classified as an Access Road under the Functional Road Hierarchy. Currently there are no parking restrictions in the aforementioned section of the street.

Following the residents initial request, a parking demand survey was undertaken by the Administration over a number of working days with an average take-up or occupancy rate of 58% (15 of approximately 26 on-road spaces available). As would be expected the most congested area was toward the Loftus Street end which allows an easy walk to the Loftus Street bus services.

In respect of restrictions in surrounding streets there is a 2P, 8.00am to 5.30pm Monday to Friday, restriction on the western side of Scott Street*, between Galwey and Bourke Streets, implemented in October 2016, while Shakespeare Street north of Galwey Street is unrestricted. Similarly for Galwey Street, west of Scott Street to Oxford Street, there is a 2P, 8.00am to 5.30pm Monday to Friday restriction inclusive of both sides of the road, introduced in February 2016. Austen Lane, the immediate parallel street to the south, and Tennyson Street, the parallel street to the north currently have no restrictions.

* the eastern side is 'No Parking'.

Further, there is a development approval for a 10 unit residential development at No. 161 Loftus Street, corner of Galwey Street. As a consequence the residents voiced their concerns that under the current *Residential Design Codes* the developer is only required to provide one car parking bay per unit whereas the residents will likely have two cars, potentially resulting an additional 10 vehicles competing for the limited 'on-road' parking spaces. A number of the respondents also ventured that if the parking in Galwey Street was fully occupied that the displaced unit residents would likely park in Austen Lane. In order to address these concerns the residents are requesting a 'Residents Only' restriction in the knowledge that permits would not be issued to the owner/occupiers of the new development, effectively banning them from parking in the street*

* Vehicles are able to park on Loftus Street, outside Clearway times, but are generally deterred by the volume and speed of the traffic.

However, under the City's existing and 'pending' Town Planning Scheme the same development potential would apply for the majority of properties fronting Loftus Street. Therefore it could be expected that if a 'Residents Only' restriction were approved in Galwey Street it would create an expectation that the same would apply in those streets adjacent any new multi residential unit development on Loftus Street.

The Council has in the past only supported 'Resident Only' restrictions in specific locations heavily impacted upon by the surrounding activities, with the most recent example being Moir Street, Perth where Council amended a 'Resident Only' restriction. Whereas, Pennant Street, North Perth is an example where the City removed the 'Resident Only' restrictions.

Moir Street, Perth:

Given its proximity to the Northbridge area, street parking is in high demand throughout the day, but particularly in the evenings. Prior to 2012 Moir Street was exclusively a 'Resident Only' parking zone. However it was recognised the greatest impact upon residents was at night with the parking dominated by patrons of the nearby William Street entertainment precinct, whereas during the weekdays it tended to be commuter parking. Commuter parking is more easily controlled than that of 'leisure' parking with timed restrictions generally sufficient. As a consequence Council, at its Ordinary meeting of 27 March 2012, approved the installation of 1P, 8.00am to 6.00pm Monday to Friday, and 'Permit Holders Only' at all other times restrictions. This ensures a turnover of parking throughout the weekday while affording the residents some protection and amenity in the evenings and on weekends.

Pennant Street, North Perth:

Pennant Street, until late 2011, was also an exclusively 'Resident Only' parking zone. This was as a consequence of a commercial premises in Howlett Street, which at the time had a large number of staff, who in-turn dominated parking in the surrounding streets. In mid-2011 the City consulted with the residents about the need to maintain the 'Resident Only' restriction given that the same control could be achieved with weekday timed restrictions. In addition it would free up weeknights and weekends for their visitors without the need to display a permit. The majority of residents agreed and in October 2011 the 'Permit Holders Only' signs were removed, to be replaced by a 2P 8.00am to 5.30pm Monday to Friday restriction.

CONSULTATION/ADVERTISING:

In June 2017 residents were consulted regarding a proposal to implement parking restrictions, for the section of Galwey Street between Scott/Shakespeare Streets and Loftus Street, in accordance with the City's Community Consultation policy.

A total of 55 consultation packs were distributed to potentially affected residents, requesting their comments-

At the close of consultation on 30 June 2017, 16 (individual) responses were received, as well as a petition with 29 signatures. Of these responses, inclusive of the petition there were 36 against* the 2P restriction as proposed, five were in favour as presented, two were against and two neither for nor against.

* the majority of those against the proposed restrictions are seeking to have them replaced with a 'Resident Only' restriction, with several residents also submitting individual responses.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Low/Medium: While this proposal will improve the amenity of the immediate residents the alternative proposal of a 'Resident Only' restriction would potentially have a detrimental impact upon the surrounding streets.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Description	Budget	% year	% spent
2017/18 Budget supply and installation of parking signs and street name blades	\$91,000	8%	2%
Expenditure to date	\$ 1,680		
Estimated cost to install new signage in Galwey Street	\$ 600		

COMMENTS:

While taking into the consideration the resident's petition requesting a 'Resident Only' restriction it is recommended that the 2P 8.00am to 5.30pm Monday to Friday, restriction be approved. It not only maintains a consistent approach to parking restrictions in the immediate area but will also afford the residents some protection against the on-road parking being dominated by commuters, TAFE students and building contractors if, or when, No.161 Loftus Street is developed.

7 CORPORATE SERVICES

7.1 FINANCIAL STATEMENTS AS AT 30 JUNE 2017

TRIM Ref: D17/101489
 Author: Nilesh Makwana, Accounting Officer
 Authoriser: John Paton, Director Corporate Services
 Attachments: 1. Financial Statements as at 30 June 2017 

RECOMMENDATION:

That Council **RECEIVES** the Financial Statements for the month ended 30 June 2017 as shown in Attachment 1.

PURPOSE OF REPORT:

To present the Provisional Financial Statements for the period ended 30 June 2017.

BACKGROUND:

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

As stated above the financial reports as presented are provisional copies to provide an estimate of the year-end position. There are still a number of year end transactions, and adjustments that need to be completed before the year end accounts can be finalised.

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

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

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

DETAILS:

The following documents, included as **Attachment 1** represent the Statement of Financial Activity for the period ending 30 June 2017:

Note	Description	Page
1.	Statement of Financial Activity by Programme Report and Graph	1-3
2.	Statement of Comprehensive Income by Nature and Type Report	4
3.	Net Current Funding Position	5
4.	Summary of Income and Expenditure by Service Areas	6-64
5.	Capital Expenditure and Funding and Capital Works Schedule	65-81
6.	Cash Backed Reserves	82
7.	Rating Information and Graph	83-84
8.	Debtor Report	85
9.	Beatty Park Leisure Centre Financial Position	86

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

Summary of Financial Activity By Programme as at 30 JUNE 2017

	Revised Budget	YTD Budget	YTD Actual	Variance	Variance
	2016/17	Jun-17	Jun-17	Jun-17	Jun-17
	\$	\$	\$	\$	%
REVENUE	26,739,078	26,739,078	25,793,764	(945,314)	-4%
EXPENDITURE	(55,377,260)	(55,377,260)	(53,466,729)	1,910,531	-3%
Add Deferred Rates Adjustment	0	0	32,864	32,864	0%
Add Back Depreciation	9,833,560	9,833,560	9,684,742	(148,818)	-2%
(Profit)/Loss on Asset Disposals	(1,020,686)	(1,020,686)	(582,742)	437,944	-43%
	8,812,874	8,812,874	9,134,865	321,991	4%
"Percent for Art" and "Cash in Lieu" Funds Adjustment	1,544,740	0	0	0	0%
NET OPERATING EXCLUDING RATES	(18,280,568)	(19,825,308)	(18,538,099)	1,287,209	-6%
CAPITAL REVENUE					
Proceeds from Disposal of assets	1,519,273	1,519,273	1,260,172	(259,101)	-17%
Transfers from Reserves	1,168,944	1,168,944	784,200	(384,744)	-33%
	2,688,217	2,688,217	2,044,372	(643,845)	-24%
Capital Expenditure	(13,763,904)	(13,763,904)	(9,105,307)	4,658,597	-34%
Repayments Loan Capital	(818,840)	(818,840)	(818,840)	0	0%
Transfers to Reserves	(5,112,045)	(5,112,045)	(3,614,461)	1,497,584	-29%
	(19,694,789)	(19,694,789)	(13,538,607)	6,156,182	-31%
NET CAPITAL	(17,006,572)	(17,006,572)	(11,494,236)	5,512,336	-32%
TOTAL NET OPERATING AND CAPITAL	(35,287,140)	(36,831,880)	(30,032,335)	6,799,545	-18%
Rates	31,208,530	31,208,530	31,234,580	26,049	0%
Opening Funding Surplus	4,251,223	4,251,223	4,251,223	0	0%
CLOSING SURPLUS/(DEFICIT)	172,613	(1,372,127)	5,453,468	6,825,594	-497%

Comments on Summary of Financial Activity by Programme:**Operating Revenue**

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

Revenue by programme is showing a negative variance of 4% (\$945k), despite this including Revenue of \$583k received in advance for the 2017/18 Financial Assistance Grant (FAG) from the State Government. This is due to reduced revenue in Recreation and Culture \$545k, Transport \$210k, Law, Order, Public Safety \$159, Community Amenity \$171k, and Education and Welfare \$71k. This result is generally in line with the 2016/17 forecast actual utilised to estimate the Opening Balance in the recently adopted 2017/18 Budget.

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

Operating Expenditure

Expenditure by programme is showing a favourable variance of 3% (\$1.9m). This is due to lower expenditure in Community Amenities \$723k, Recreation and Culture \$264k, Governance \$299k, Transport \$258k, Other Property and Services \$47k, and Law, Order, Public Safety \$61k. Further costs and accruals are yet to be allocated and included in the final position for 2016/17, however it is anticipated the result will be in line with forecasts reflected in the 2017/18 Budget.

Transfer from Reserves

This is in an unfavourable position as the Transfer from Reserves is aligned with the timing of Capital Works projects that are Reserves funded. Some of these projects have been carried forward to 2017/18 financial year.

Capital Expenditure

The variance is attributed to the projects that have savings, not complete and have been carried forward to 2017-18 financial year. It should be noted that \$3,206,465 has been carried forward to 2017/18. For further detail, refer to Note 5 on **Attachment 1**.

Transfer to Reserves

Monthly transfer to reserves commenced in July 2016, based on budget phasing.

Opening Funding Surplus/(Deficit)

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

Closing Surplus/(Deficit)

There is currently a surplus of \$5,453,468, compared to year to date budget deficit of \$172,613. This is substantially attributed to the positive variance in operating expenditure, current level of Capital Expenditure and provides for the carry forward funding.

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

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

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

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

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

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

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

Net Current Asset is the difference between the current asset and current liabilities, less committed assets and restricted assets. This amount indicates how much capital is available for day to day activities. The net current funding position as at 30 June 2017 is \$5,453,469.

4. Summary of Income and Expenditure by Service Areas (Note 4 Page 6 – 64)

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

5. Capital Expenditure and Funding Summary (Note 5 Page 65 - 81)

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

	Original Budget	Revised Budget	YTD Budget	YTD Actual	Budget Remaining
	\$	\$	\$	\$	%
Land and Buildings	1,597,398	1,995,624	1,995,624	1,294,040	35%
Infrastructure Assets	7,890,081	7,457,868	7,457,868	4,441,684	40%
Plant and Equipment	3,537,050	3,219,989	3,219,989	2,716,330	16%
Furniture and Equipment	737,070	1,090,423	1,090,423	653,252	40%
Total	13,761,599	13,763,904	13,763,904	9,105,307	34%

	Original Budget	Revised Budget	YTD Budget	YTD Actual	Budget Remaining
	\$	\$	\$	\$	%
Own Source Funding – Municipal	9,389,210	9,266,292	9,263,806	5,382,950	42%
Cash Backed Reserves	1,287,534	1,166,458	1,168,944	785,200	33%
Capital Grant and Contribution	2,551,355	2,728,547	2,728,547	2,594,691	5%
Other (Disposals/Trade In)	533,500	602,607	602,607	343,506	43%
Total	13,761,599	13,763,904	13,763,904	9,105,307	34%

Note: Detailed analysis are included on page 65 - 81 of Attachment 1.

6. Cash Backed Reserves (Note 6 Page 82)

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 June 2017 is \$9,051,676.

7. Rating Information (Note 7 Page 83 - 84)

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

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

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

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

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

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

The Rates debtors balance as at 30 June is \$288,300 (this includes deferred rates of \$120,365). This represents 0.91% of the collectable income compared to 0.38% at the same time last year.

8. Receivables (Note 8 Page 85)

Receivables of \$4,029,759 are outstanding at the end of June 2017, of which \$2,605,649 has been outstanding over 90 days. This is comprised of:

- \$2,136,886 (81.9%) relates to unpaid infringements (plus costs) over 90 days. Infringements that remain unpaid for more than two months are sent to Fines Enforcement Registry (FER), who then collect the outstanding balance and return the funds to the City for a fee.
- \$367,224 (14%) relates to Cash in Lieu Parking. Some Cash in Lieu Parking debtors have special payment arrangements over more than one year.
- \$72,428 (4%) relates to Other Receivables, including recoverable works and property.

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

9. Beatty Park Leisure Centre – Financial Position Report (Note 9 Page 86)

As at 30 June 2017 the operating deficit for the Centre was \$273,280 in comparison to the year to date budgeted deficit of \$34,480.

The cash position showed a current cash surplus of \$836,535 in comparison to year to date budget estimate of a cash surplus of \$592,740.

10. Explanation of Material Variances

All material variance as at 30 June 2017 has been detailed in the variance comments report in **Attachment 1**.

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

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

Year to date actuals (preliminary) for June 2017 shows operating revenue of \$25,793,764. This is in line with estimated actuals of \$25,884,602 listed in the 2017/18 budget documents.

Year to date actuals for June 2017 shows operating expenditure of \$53,466,729. This is less than the estimated actuals of \$54,424,547 in the 2017/18 budget documents, however it should be noted that there are still final invoices, provisions and accruals to be posted to 2016/17.

Capital expenditure is reflecting \$9,105,307 which is \$521,991 less as compared to estimated actuals at 2017/18 budget adoption. As stated above final invoices and accruals are yet to be posted. Once this is completed a final end of year financial position will be prepared and submitted to council reflecting true position of 2016/17 financial year.

7.2	AUTHORISATION OF EXPENDITURE FOR THE PERIOD 01 JULY 2017 TO 28 JULY 2017
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TRIM Ref: D17/102609
Author: Nikki Hirrill, Accounts Payable Officer
Authoriser: John Paton, Director Corporate Services
Attachments:

1. Payments by EFT July 17 
2. Payments by Cheque July 17 
3. Payments by Credit Card July 17 

RECOMMENDATION:

That Council RECEIVES the list of accounts paid under delegated authority for the period 1 July 2017 to 28 July 2017 as detailed in attachment 1, 2 and 3 as summarised below:

Cheque Numbers 81413 – 81470	\$131,191.19
Cancelled Cheques 81422, 81424 and 81433	-\$2,285.34
EFT Documents 2106 - 2118	\$2,460,597.95
Payroll	\$1,142,736.59

Direct Debits

- Lease Fees \$139,666.47
- Loan Repayments \$201,425.88
- Bank Fees and Charges \$18,145.27
- Credit Cards \$4,716.58

Total Direct Debit	\$363,954.20
Total Accounts Paid	\$4,096,194.59

PURPOSE OF REPORT:

To present to Council the expenditure and list of accounts paid for the period 1 July 2017 to 28 July 2017.

BACKGROUND:

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

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

DETAILS:

The Schedule of Accounts paid for the period 1 July 2017 to 28 July 2017, covers the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account (Attachment 1, 2 and 3)		
Cheques	81413 – 81470	\$131,191.19
Cancelled Cheques	81422, 81424 and 81433	-\$2,285.34
EFT Payments	2106 - 2118	\$2,460,597.95

Sub Total		\$2,589,503.80
Transfer of Payroll by EFT	11/07/17	\$565,539.88
	21/07/17	\$3,910.03
	25/07/17	573,286.68
	July 2017	\$1,142,736.59
Bank Charges and Other Direct Debits		
Lease Fees		\$139,666.47
Loan Repayments		\$201,425.88
Bank Charges – CBA		\$18,145.27
Credit Cards		\$4,716.58
Total Bank Charges and Other Direct Debits (Sub Total)		\$363,954.20
Total Payments		\$4,096,194.59

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

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

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

13. *Lists of Accounts*

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.



FINANCIAL/BUDGET IMPLICATIONS:

All Municipal Fund expenditure included in the list of payments is in accordance with Council’s Annual Budget.

COMMENTS:

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

7.3 LICENCE FOR USE OF LAND COMPRISING PORTION OF BIKE PATH - SWAN RIVER, UNDER WINDAN BRIDGE, EAST PERTH

TRIM Ref: D17/81552
Author: Meluka Bancroft, Property Leasing Officer
Authoriser: John Paton, Director Corporate Services
Attachments: 1. Plan of Licence area - Windan Bridge, East Perth 
2. Plan of proposed licence area (Aerial View) 

RECOMMENDATION:

That Council

1. **APPROVES** the City entering into a licence with the Public Transport Authority of Western Australia (PTAWA) for the City to occupy a 210m² portion of land adjacent to the Swan River and under the Windan Bridge, East Perth, for the purpose of a walk/bike path, on the following key terms:
 - 1.1. **Term:** 10 years, commencing 1 August 2017;
 - 1.2. **Permitted use:** Walk / bike path;
 - 1.3. **Licence fee:** \$1.00 pa;
 - 1.4. **Outgoings:** City to pay any outgoings (utilities & rates);
 - 1.5. **Maintenance:** City responsible to keep area clean and to repair and maintain;
 - 1.6. **Indemnity:** City to indemnify PTAWA in respect to any loss or damage;
 - 1.7. **Insurance:** City to effect & maintain public liability and building insurance;
 - 1.8. **Termination:** PTAWA may terminate provided 6 months' notice given;
 - 1.9. **Make Good:** City required to make good premises at expiry of term; and
 - 1.10. **Preparation fee:** City to pay licence preparation fee of \$350 plus GST.
2. **Subject to final satisfactory negotiations being carried out by the Chief Executive Officer, AUTHORISES** the Mayor and Director Corporate Services to affix the common seal and execute the licence in 1 above.

PURPOSE OF REPORT:

To seek approval from Council to enter into a licence with the Public Transport Authority of Western Australia (**PTAWA**) for the City to occupy a 210m² portion of land adjacent to the Swan River and under the Windan Bridge, East Perth for the purpose of providing and maintaining the shared path.

BACKGROUND:

The City maintains a portion of the Regional Recreation Path (the Path) along the Swan River foreshore within Banks Reserve and that portion of Reserve 43459 which is under the care control and management of the City. The Path runs from Mount Lawley to East Perth and crosses under Windan Bridge, over a small area of land being Reserve 43278 controlled by PTAWA. This Reserve comprises 958m², of which 210m² (the Land) is within the City of Vincent boundary.

The Land forms part of Crown Reserve 43278, which is formally identifiable as Lot 1064 on Deposited Plan 191864 and being the land comprised within Crown Land Certificate of Title Volume 3103 Folio 881. The City of Perth holds a licence for the balance of Reserve 43278.

On 1 August 2007, the City entered into a licence with PTAWA to utilise the Land. The key terms of the current licence to occupy the Land are as follows:

Term:	10 years;
Permitted use:	Bicycle path;
Licence Fee:	\$1.00;
Outgoings:	City to pay utilities, rates & taxes and any administration costs;
Maintenance:	City responsible to keep area clean and to repair and maintain;
Indemnity:	City to indemnify PTAWA in respect to any loss or damage;
Insurance:	City to effect and maintain public liability insurance, minimum \$10,000,000 and building insurance;
Termination:	PTAWA may terminate licence at any time by providing 6 months' notice in writing; and
Make Good:	City must remediate area at end of term.

DETAILS:

The PTAWA contacted the City on 8 February 2017 to advise that the licence would expire on 31 July 2017. The City confirmed by email on 21 February 2017 that it was interested in entering into a new licence for the use of the Land. On 10 July 2017 the PTAWA provided the City with the proposed terms to be included in a new licence, which would commence on 1 August 2017.

Administration has considered the proposed terms and confirms that the terms are consistent with the terms contained in the current licence. On this basis, Administration recommends that the City enter into the proposed licence with the PTAWA.

CONSULTATION/ADVERTISING:

The City has discussed the proposed Licence terms with the PTAWA and notes that the proposed terms are consistent with the existing terms.

Administration confirms that there is no requirement for the City to advertise its intention to enter into the proposed licence for the use of the Land.

LEGAL/POLICY:

N/A

RISK MANAGEMENT IMPLICATIONS:

Low: The City has occupied the land for a period of 10 years pursuant to a licence and has had no issues in terms of the use, maintenance or repair of the Land. The Land is required for the Regional Recreation Path and therefore it is important that the City enters into a new licence to govern the City's use of the Land for a shared Path.

STRATEGIC IMPLICATIONS:

In accordance with Objectives 1 and 2 of the City's Strategic Plan 2013-2023:

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;*

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

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.*

In accordance with Objective 3.1 of the City's Sustainable Environment Strategy 2011-16:

Air and Emissions

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

SUSTAINABILITY IMPLICATIONS:

The proposed licence to use the Land is required to enable the City to provide a shared Path between Mt Lawley and East Perth. The Path is a means of encouraging the use of alternative means of transport, which assists in reducing carbon emissions, and is therefore consistent with the City's Sustainable Environment Strategy 2011-2016.

FINANCIAL/BUDGET IMPLICATIONS:

The licence fee is \$1.00 per annum, so in respect to costs relating to the right to use the land, the only fee payable is the initial licence preparation fee of \$350 plus GST.

COMMENTS:

The Land has been used by the City to locate a portion of the Regional Recreation Path connecting Mount Lawley with East Perth, and therefore providing an important public transit pathway, for at least 10 years. The City currently has a right to use the Land pursuant to a licence granted by the PTAWA, which expires on 31 July 2017. It is considered important to maintain the use of the land and continuity of the Licence. Therefore, Administration recommends that Council approves entering into the proposed licence for a further 10 years on consistent terms as set out above and for the Permitted purpose of 'Regional Recreation Path'.








7.4 DEDICATION OF SPITE STRIP (PEDESTRIAN FOOTPATH) AS ROAD - LOT 151, 62 ROBINSON AVE, PERTH

TRIM Ref: D17/79445

Author: Meluka Bancroft, Property Leasing Officer

Authoriser: John Paton, Director Corporate Services

Attachments:

1. Street Plan for Robinson Avenue Perth 
2. Plan 1648 showing lots 151-154 
3. Certificate of title for Lot 151 
4. Survey-Strata Plan 69968 
5. Certificate of Title for Lot 152 
6. Certificate of Title for Lot 153 
7. Certificate of Title for Lot 154 

RECOMMENDATION:

That Council:

1. **REQUESTS** the Minister for Transport; Planning; Lands to dedicate as a road Lots 151-154 Robinson Avenue, which form a 0.2m wide strip of land located adjacent to Robinson Avenue, to become part of Robinson Avenue, pursuant to section 56(1)(c) of the *Land Administration Act 1997*, subject to the City:
 - 1.1. advising the Lot 152-154 owners of the proposal to dedicate these lots as a road;
 - 1.2. advertising its intention to dedicate Lots 151-154 as a road in the local paper;
 - 1.3. considering and responding to any submissions received; and
 - 1.4. advising the Department of Planning, Lands and Heritage of the proposed dedication.
2. **NOTES** that any submissions received in response to the advertising in 1.2 above will be considered by Administration and incorporated into the request to the Minister.
3. **LISTS** for consideration in the 2018/19 – 2021/22 Corporate Business Plan a project to identify and investigate other 'spite strips' within the City of Vincent, that are currently used and managed as if they formed part of the road reserve, with the intent of the City dedicating the 'spite strips' as road, where possible, or resuming for public access where dedication is not possible in order to formalise and enable public access and use.

PURPOSE OF REPORT:

For Council to consider the dedication (as a road) of the 0.2m wide strip of land adjacent to Robinson Avenue, known as Lots 151-154 on Plan 1648 as a road pursuant to section 56(1)(c) of the *Land Administration Act 1997* (Act).

BACKGROUND:

A number of properties on the north side of Robinson Avenue between Lake Street and Brisbane Place are affected by a 0.2m wide strip of privately owned land on the edge of the road reserve (see **Attachment 1**). These residual parcels of land were originally intended to prevent access between Robinson Avenue and the properties abutting this narrow strip of land, otherwise known as a 'spite strip'.

Background to the Spite Strip – Lot 151

The 0.2 m wide strip of land as shown on Plan 1648, a copy of which is attached to this report at **Attachment 2** (spite strip) was created by the initial developer of the land which surrounds Robinson Avenue (formerly Cicely Street) in approximately 1895 in order to prevent landowners to the north of the then Cicely Street from accessing Cicely Street without paying for the right to use it. Cicely Street was a private road owned by the developer at this time, and therefore any land owners were required to request a right of carriageway over Cicely Street. In 1900 Cicely Street became a vested public road and therefore granting a right of carriageway for use of Cicely Street was no longer possible. However, access to Cicely Street by the lots north of Cicely Street was not possible by virtue of the spite strip, and therefore these landowners were required to request and pay for a right of access over the spite strip in order to access Cicely Street.

In 1920 the developer transferred land, including the spite strip (a portion of which became Lot 151 on Plan 1648 and being the whole of the land comprised within Certificate of Title Volume 2024 Folio 474), to the City of Perth. Lot 151 was then transferred to the City (formerly Town) of Vincent on 9 February 1996.

Lot 151 is currently separated into four sections, as shown highlighted in green on the Certificate of Title, which is shown on **Attachment 3**, and runs from Lake Street to Wellman Street. The lengths of each section are 40.74m; 39.43m; 20.07m and 9.88m. The total length of Lot 151 is 110.12m, which equates to an area of 22m².

The portion of Lot 151 at the Brisbane Place end affects access between the land north of Robinson Avenue (which is Lot 1, No 62 Robinson Avenue) and Robinson Avenue. 62 Robinson Avenue is proposed to be developed as grouped dwellings, however, Lot 151 technically prevents access between Robinson Avenue and a portion of the proposed grouped dwellings, requiring the City as owner to grant access over Lot 151.

Background to development at Lot 1 (No 62) Robinson Avenue, Perth

On 10 April 2015 the owner of Lot 1 Robinson Avenue, Perth submitted a planning application to the City to construct four, three storey grouped dwellings (Development). At the Ordinary Meeting of Council held on 31 May 2016 (Item 9.1.4) Council resolved to grant conditional approval for the Development, on the terms and conditions contained in the Development Approval.

Advice Note 3 of the Development Approval provided as follows:

- “3. *With reference to Condition 2.3, all new crossovers to the development site are subject to a separate application to be approved by the City.*”

The owner has submitted a Building Permit application, which includes a plan of the crossovers. Administration is currently considering the application, including the fact that Lot 151 is technically not road reserve and would require approval of the owner (the City) for a portion of Lot 1 (No 62) Robinson Avenue, being Lot 3 on Survey-Strata Plan 69968 to build the crossover to gain access to Robinson Avenue. A copy of the Survey-Strata Plan is provided as **Attachment 4**. It is not possible for Lot 3 to be developed unless it has access to Robinson Avenue. The fact that the Western Australian Planning Commission approved the Survey-Strata Plan appears to indicate that Lot 151 is considered to already form part of the road reserve (Robinson Avenue).

As Lot 151 is used as a pedestrian footpath and contains crossovers it is appropriate for the City to dedicate it as road. This will resolve the anomaly of the land being treated as part of the road reserve, but actually being owned in fee simple by the City.

Background to Spite Strip – Lots 152-154 on Plan 1648

Plan 1648 delineates the extent of the spite strip which runs adjacent to Robinson Avenue. The original length was approximately 170m, however the portion in front of 98 Robinson Avenue was dedicated in 1933, while the 10.1m portion in adjacent to 72-74 Robinson Avenue was included in Strata Plan 8595 in 1966, and therefore now forms part of the strata lots. The spite strip lots 152-154 are all in separate and distinct ownership to the adjacent lots and therefore unless access rights were granted to the lot owners on development of the lots, the spite strip continue to affect access between the dwellings and Robinson Avenue.

Lot 152 on Plan 1648 is the whole of the land comprised in certificate of Title Volume 1737 Folio 173 and is 0.2m in width and 20m in length. A copy of the Certificate of Title, with a sketch of the spite strip, is included as **Attachment 5**. The registered proprietors are Placate Nominees Pty Ltd and Alexander Temelcos. The registered proprietors formally owned the adjacent lots 12 and 13 Robinson Avenue, and in 1986 these lots were subdivided by Plan 15515. Subsequently the lots created on Plan 15515 were strata titled in accordance with strata plans 16761 and 16762. The four strata lots created are all owned by third parties.

Lot 153 on Plan 1648 is the whole of the land comprised in Certificate of Title Volume 1553 Folio 671 and is 0.2m in width and 10m in length. A copy of the certificate of title, which includes a sketch of the spite strip, is included as **Attachment 6**. This lot is owned in fee simple by Bertmonda Pty Ltd and is located between Robinson Avenue and strata lots 1 and 2 on Strata Plan 20293, which was formally the land comprised within Lot 21 on Plan 861. Lot 21 was also owned by Bertmonda Pty Ltd until the time that the land was subdivided. The strata lots are now separately owned and do not have any right of access over Lot 153. The carports for the strata lots are located adjacent to Robinson Avenue, so it is clear that the owners / occupiers pass over Lot 153.

Lot 154 on Plan 1648 is the whole of the land comprised in Certificate of Title Volume 226 Folio 157 and is 0.2m in width and 10m in length. A copy of the certificate of title, which includes a sketch of Lot 154, is included as **Attachment 7** and identifies the lot is currently owned in fee simple by Benjamin Schwieger. The lot is between Robinson Avenue and lots 1 and 2 on Strata Plan 20794, which are under different ownership. The carports for the strata lots are located adjacent to Robinson Avenue, so it is clear that the owners / occupiers pass over Lot 154.

DETAILS:

Dedication of Lot 151 as road

Administration has received legal advice in respect to the background to and purpose of the spite strip. The legal advice confirms that the original purpose of the spite strip (focus of legal advice is on Lot 151) was to restrict use of the then private road (Cicely Street, now Robinson Avenue). As Robinson Avenue is a public road, the use of the spite strips for this purpose is now redundant. Furthermore, Lot 151 is owned by the City in fee simple and currently comprises a portion of the pedestrian footpath, which is accessed by the public and includes crossovers to various lots on Robinson Avenue. Consequently, the City proposes that the lots should be dedicated as road, pursuant to section 56(1)(c) of the Act. This section allows the dedication of a private road which the public has had uninterrupted use of for a period of not less than 10 years. The Act defines a private road to include "...*alley, court, lane, road, street, thoroughfare or yard on alienated land... which is not dedicated... is shown on a plan or diagram... and which forms a common access to land...*" Lots 151-154 all fall within this scope, as they comprise a pedestrian pathway open to the public and provide access between the road reserve and privately owned land.

The process for dedicating Lot 151 (and lots 152-154) as a road is as follows:

- Council resolves that Lot 151 should be dedicated as a road pursuant to section 56(1)(c) of the Act, subject to Administration advertising the intention and considering any submissions;
- The City advertises its intention in the local paper for a 35 day period (see section 58 of the Act) to dedicate Lot 151 as a road and considers any submissions received;
- The City contacts the Department of Planning seeking comments in respect to the proposed dedication;
- The City makes a request to the Minister for Lands for Lot 151 to be dedicated as a road, which includes the following details:
 - Confirmation that the public has had uninterrupted use of the private road for a period not less than 10 years;
 - A description of the section or sections of the public who have had use of Lot 151;
 - A description of how the private road is constructed;
 - City's comments in response to any submissions received in respect to proposed dedication;
 - Plan of Lot 151 showing the dimensions; and
 - Written confirmation that the City has complied with section 56(2) of the Act.
- The City will be liable to indemnify the Minister in respect to all reasonable costs and expenses incurred in considering and granting the request. These costs include a document preparation fee of \$137 and lodgement costs of \$169.

Administration considers that there is sufficient evidence to show that use of Lot 151 satisfies the requirements of the Regulations and therefore a request to the Minister to dedicate Lot 151 as road should be made, subject to Administration first advertising and inviting submissions and subsequently considering and responding to all submissions.

Dedication of Lots 152-154 as a road

Lots 152-154 form part of the pedestrian accessway and have been used and managed by the City as if they formed part of the road reserve for at least 25 years. A number of the properties abutting the lots have crossovers to Robinson Avenue, and therefore the owners and occupiers of the adjacent properties are using the spite strip as if it was part of the road reserve. Lots 152-154 are all privately owned, and therefore prior to the City requesting the Minister to dedicate the lots as a road pursuant to section 56(1)(c) of the Act, the City must take all reasonable steps to inform the owners.

The City will endeavour to contact the owners of lot 152-154 by mailing a letter to their last known address and allowing 35 days for objections to be received. If the owners are deceased, the City will undertake a probate search. Administration will also provide notice of the proposed dedication of the spite strip in the local paper and allow 35 days for objections or submissions to be received. The City will provide responses to any submissions received from the general public.

It is noted that if the owners of Lots 152-154 object to the proposed dedication, that does not prevent the Minister dedicating the lots as a road. It is the responsibility of the City to justify to the Minister that it is appropriate for the spite strip to be dedicated. The City's justification is that the spite strip is currently used as road reserve (pedestrian path with crossovers to the lots on Robinson Avenue) and the City manages and maintains the land as if it was part of the road reserve. The spite strip is also indistinguishable from the road reserve.

Administration confirms that the Lot 152-154 owners are not entitled to any compensation pursuant to section 56(6) of the Act, as the lots are currently used as a private road and are being dedicated as a road pursuant to section 56(1)(c).

Following the City contacting the Lot 152-154 owners and advertising the proposed dedication, the City can make a request to the Minister for the lots to be dedicated as a road pursuant to section 56(1)(c) of the Act. The process for requesting the Minister to dedicate the lots as road is the same process as for Lot 151. Therefore the City can make a single request for the dedication of lots 151-154.

Administration recommends that there is sufficient evidence to show that the use of Lots 152-154 satisfies the requirements of the Regulations and therefore a request to the Minister to dedicate the whole of the spite strip as road should be made, subject to Administration first advertising and inviting submissions and subsequently considering and responding to all submissions.

Spite strips within City of Vincent

The City has a number of privately owned parcels of land which currently restrict or prevent access of some lots to public roads and rights of way. The background to these parcels of land is similar to Lot 151 – originally land was subdivided and developed and the developer created 0.2m wide strips of land as separate parcels of land to prevent other developers accessing a right of way or private road. Some of these parcels have been transferred to City ownership, as in the case of Lot 151, while others remain in private ownership. The spite strips prevent some developments / subdivisions from accessing public rights of way or roads, and therefore hinder high density development. It should be noted that a number of developments have been approved without access over spite strips being expressly resolved. Therefore Administration recommends that the City initiate a process of identifying and resolving all spite strip issues.

CONSULTATION/ADVERTISING:

It is necessary for Administration to contact the owners of Lots 152-154 as part of the dedication process, and provide 35 days for submissions or objections to be received. The City must demonstrate that it has made all reasonable efforts to contact the owners of Lots 152-154.

The City will also advertise the proposed dedication in the local paper and on the City's website, and allow 35 days for submissions. Once the advertising and consideration of submissions has been completed, Administration will be in a position to make a request to the Minister for the dedication of all lots as a road.

Administration notes that it has liaised with the Department of Lands to clarify what the relevant processes and requirements are.

LEGAL/POLICY:

Section 56 of the *Land Administration Act 1997* sets out the process for dedicating land as road and provides:

- “(1) *If in the district of a local government –*
- (a) *land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or*
 - (b) *in the case of land comprising a private road constructed and maintained to the satisfaction of the local government –*
 - (i) *the holder of the freehold in that land applies to the local government, requesting it to do so; or*
 - (ii) *those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;*
- or*
- (c) *land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years;*
- and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.*
- (2) *if a local government resolves to make a request under subsection (1), it must –*
- (a) *in accordance with the regulations prepare and deliver the request to the Minister; and*
 - (b) *provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.*
- (3) *On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then –*
- (a) *subject to subsection (5), by order grant the request; or*
 - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he thinks fit to mention in that direction; or*
 - (c) *refuse the request.*
- (4) *On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.*
- (5) *To be dedicated under subsection (3)(a), land must immediately before the time of dedication be –*
- (a) *unallocated crown land or, in the case of a private road, alienated land; and*
 - (b) *designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.*
- (6) *If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.*

Regulation 8 of the *Land Administration Regulations 1998* sets out the requirements for a local government to dedicate land as road pursuant to section 56 of the LAA. The local government must include with its request –

- “(a) *written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require;*

- (b) *if an application has been made to the local government under section 56(1)(b)(ii) of the Act, a copy of the application and details of the rateable value of all the rateable land relevant to the application; and*
- (c) *if the request is made in respect of a private road referred to in section 56(1)(c) of the Act –*
 - (i) *written confirmation that the public has had interrupted use of the private road for a period of not less than 10 years; and*
 - (ii) *a description of the section or sections of the public who have had that use; and*
 - (iii) *a description of how the private road is constructed; and*
- (d) *copies of submissions relating to the request that the local government has received, and the local government's comments on those submissions; and*
- (e) *any other information the local government considers relevant to the Minister's consideration of the request; and*
- (f) *written confirmation that the local government has complied with section 56(2) of the Act."*

RISK MANAGEMENT IMPLICATIONS:

High: Lots 151-154 currently comprise a pedestrian footpath and are treated as if they are part of the road reserve, which the City has care, control and management of. The fact that Lots 152-154 are owned privately in freehold raises significant liability and indemnity issues for the City, and also prevents legal rights of access between the dwellings located along Robinson Avenue, and Robinson Avenue. It is therefore necessary for the City to request the Minister to dedicate all lots, so that the land can form part of the road reserve and be used and managed in an appropriate manner.

STRATEGIC IMPLICATIONS:

The City's Strategic Community Plan 2013-2017 includes the following as strategic objectives:

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

SUSTAINABILITY IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

Administration will manage the dedication processes and therefore the only costs the City may be liable to pay are the Minister's reasonable costs and expenses incurred in considering and granting the request for dedication of the lots as a private road. These costs include a document preparation fee of \$137 and document lodgement fee of \$169. In addition, there is the cost of a local notice, however that cost is to be incurred for Lot 151, regardless of whether lot 152-154 is included in the process.

The City has already obtained legal advice in respect to the background to the lots, which had a cost of approximately \$900.


No compensation is payable to the owners of Lots 152-154.

COMMENTS:

The spite strip (Lots 151-154) currently serves no proper purpose and is used as a pedestrian pathway and crossover, indicating that the public and the City treats the lots as if it is the road reserve. Lot 151 is owned in freehold by the City, while lots 152-154 are privately owned. Therefore the public does not have express access to the lots (cannot access private land without the landowner's consent), and consequently a number of the dwellings on Robinson Avenue do not have legal access to Robinson Avenue by virtue of the spite strip.

Consequently Administration recommends that the City request the Minister to dedicate lots 151-154 as a road. Given that the City can show that the public has accessed the lots for at least 25 years and during this time have used the lots as a public footpath and cross over, Administration believes that the requirements for dedicating private road as a road are satisfied and therefore the Minister should grant the City's request.

7.5 INVESTMENT REPORT AS AT 31 JULY 2017

TRIM Ref: D17/104259
Author: Sheryl Teoh, Accounting Officer
Authoriser: John Paton, Director Corporate Services
Attachments: 1. Investment Report 

RECOMMENDATION:

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

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

As stated above the Investment Report as presented is provisional to provide an estimate of the year-end position. There are still a number of year end transactions, and adjustments that need to be completed before the year end accounts will be finalised and audited. Whilst the overall balance of investments and interest earned is not likely to change, the allocations between Municipal, Trust and Reserve funds may need to be adjusted.

DETAILS:

Total funds held for the period ended 31 July 2017 including on call in the City's operating account were \$23,433,728 as compared to \$19,683,412 for the period ended 31 July 2016.

Total Investments for the period ended 31 July 2017 were \$21,212,649 as compared to \$23,533,279 for the period ended 30 June 2017 and \$18,420,252 for the period ended 31 July 2016 respectively.

Investment comparison table:

Month Ended	2016/17		2017/18	
	Total Funds Held	Total Investments	Total Funds Held	Total Investments
July	\$19,683,412	\$18,420,252	\$23,433,728	\$21,212,649
August	\$26,167,645	\$22,573,297		
September	\$36,754,571	\$34,302,896		
October	\$37,581,885	\$34,521,542		
November	\$37,034,885	\$35,775,011		
December	\$33,692,431	\$31,165,443		
January	\$34,645,041	\$33,201,749		
February	\$34,028,716	\$32,316,251		
March	\$32,070,200	\$31,424,409		
April	\$30,661,122	\$26,206,328		
May	\$27,412,051	\$25,718,292		
June	\$24,670,461	\$23,533,279		

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

	Adopted Budget	YTD Budget	YTD Actual	% of YTD Budget
Municipal	\$414,960	\$22,720	\$19,825	87.26%
Reserve	\$258,420	\$19,700	\$19,051	96.71%
Sub-total	\$673,380	\$42,420	\$38,876	91.65%
Leederville Gardens Inc Surplus Trust*	\$0	\$0	\$12,319	0.00%
Total	\$673,380	\$42,420	\$51,195	120.69%

*Interest estimates for Leederville Gardens Inc Surplus Trust were not included in 2017/18 City of Vincent's budget; actual interest earned is restricted.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

City of Vincent Investment Report Grouping*	Long Term Rating (Standard & Poor's) or Equivalent	Short Term Rating (Standard & Poor's) or Equivalent	Direct Investments Maximum % with any one institution		Managed Funds Maximum % with any one institution		Maximum % of Total Portfolio	
			Policy	Actual	Policy	Actual	Policy	Actual
	AAA	A1+	30%	Nil	45%	Nil	100%	Nil
Group A	AA	A1+	30%	28.1%	30%	Nil	90%	62.6%
Group B	A	A1	20%	17.6%	30%	Nil	80%	32.2%
Group C	BBB	A2	10%	5.1%	n/a	Nil	20%	5.2%

*As per subtotals on **Attachment 1**

RISK MANAGEMENT IMPLICATIONS:

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

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

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

Strategic Implications:

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

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

The funds for investment have decreased from the previous period due to excess of payments to creditors and other expenditures over cash receipts, which is the expected seasonal cash flow.

The City has obtained a weighted average interest rate of 2.58% for current investments including the operating account, and 2.70% excluding the operating account respectively. The Reserve Bank 90 days Accepted Bill rate for July 2017 is 1.70%.

As at 31 July 2017, the City's total investment earnings exceed the year to date budget estimate by \$8,775 (20.69%). However, of this, \$12,319 was earned by the Leederville Gardens Inc Surplus Trust and funds in this trust are restricted. Investment earnings from this trust were excluded from the 2017/18 budget calculations. Excluding this Trust income, the balance of the investment revenue is in arrears to the year to date budget by 8.35%.

In response to the August 2016 amendment to the City's Investment Policy that provided for preference "to be given to investments with institutions that have been assessed as to have a higher rating of demonstrated social and environmental responsibility, providing that doing so will secure a rate of return that is at least equal to alternatives offered by other institutions", administration has actively sought investment offerings from relevant institutions. As a result, 37.37% of the City's investments were held in non-fossil fuel lending institutions as at 31 July 2017.

As stated above the financial reports as presented are provisional to provide an estimate of the year-end position. There are still a number of year end transactions, and adjustments that need to be completed before the year end accounts can be finalised.

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

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

7.6	LATE REPORT: ADOPTION OF LONG TERM FINANCIAL PLAN FOR THE PERIOD 2017/18-2026/27
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REPORT TO BE ISSUED PRIOR TO COUNCIL BRIEFING

8 COMMUNITY ENGAGEMENT

8.1 PETITION FOR A MULTIPURPOSE COURT AT BIRDWOOD SQUARE, PERTH

TRIM Ref: D17/62785

Author: Karen Balm, Community Partnerships - Projects Officer

Authoriser: Michael Quirk, Director Community Engagement

Attachments: 1. Map of Existing Basketball / Netball Facilities in City of Vincent 

RECOMMENDATION:

That Council:

1. **NOT PROCEED** with the requested installation of a multipurpose court at Bridwood Square, Perth;
2. **ADVISES** the lead petitioner of this decision; and
3. **NOTES** that further consideration of sport and recreation infrastructure, such as multipurpose courts, will be undertaken based upon the public open space hierarchy and levels of service as determined through the City's Public Open Space Strategy.

PURPOSE OF REPORT:

To consider a petition that requests the installation of a multipurpose court at Birdwood Square, Perth.

BACKGROUND:

A petition was presented to the Ordinary Meeting of Council on 7 February 2017 requesting the installation of a multipurpose court at Birdwood Square, Perth. The petitioners requested that:

“Council urgently collaborate with the Federal Government of Australia and the State Government of Western Australia to provide a multi-purpose outdoor team sports, basketball, netball and futsal facility at the southern side of Birdwood Square near Brisbane Street Perth or a similar location. A multipurpose facility will not only provide a venue for local children and adult sporting programs, but also much needed facilities for overflow demand from Highgate Primary School.”

A multipurpose court is a playing surface that integrates multiple sports into one surface by providing various line marking and goal options. Multipurpose courts are generally engineered to easily convert between a combination of basketball, netball, tennis, soccer, volleyball, futsal and hockey. Upon receiving the petition, Administration conducted a preliminary analysis to determine whether this request should be pursued.

DETAILS:

The petition contained a total of 145 signatories including 74 identifiable Vincent residents. A full breakdown of the location of the petition signatories is provided below:

Suburb	No. of people	Suburb	No. of people	Suburb	No. of people
Highgate	37	Wellard	1	Stirling	1
Perth	33	Floreat	1	Kewdale	1
Mount Lawley	23	Northbridge	1	Kardinya	1
East Perth	9	Joondanna	1	Kingsley	1
North Perth	3	Lynwood	1	The Vines	1
Inglewood	7	Wembley Downs	1	City Beach	1

Suburb	No. of people	Suburb	No. of people	Suburb	No. of people
Bayswater	4	Success	1	Unknown	12
Maylands	1	Maylands	1		
Subiaco	1	Leeming	1	Total	145

The petition was received following removal of the basketball court located at Highgate Primary School as part of redevelopment works by the Department of Education. While the lead petitioner initially contacted the Department of Sport & Recreation and the former Member for Perth, who both supported the proposal in-principle, it was recommended that he liaise with the City of Vincent in the first instance.

DETAILS:

The existing provision of outdoor sports court facilities throughout Vincent is somewhat limited in terms of quantity, quality and accessibility. Outdoor sports court facilities can accommodate a range of formal and informal activities for a diverse array of users including both children and adults. Administration has conducted a preliminary analysis on current levels of provision in response to this petition:

Site Analysis & Classification

Birdwood Square is a 1.9 hectare public open space that comprises a large grassed area, playground, park benches, drinking fountains, toilets and parking. It is located at the corner of Bulwer Street and Beaufort Street, Perth and is approximately 60 metres from Highgate Primary School. It is regularly used by this school on weekdays for school related activities and by both walkers and dog walkers, however it is not currently used by any sporting club for training or match play.

Based upon the recently completed Public Open Space inventory and classifications as received at the Council Meeting held on 27 June 2017, and more specifically the Department of Sport & Recreation Public Open Space Classification Framework, Birdwood Square is classified as 'neighbourhood open space'. Under this framework such an open space may include activity spaces for casual play and may include sport facilities depending on the ability to accommodate the necessary dimensions and supporting amenities. The proximity and amenity of other public open spaces within the surrounding neighbourhood, and the impact of a multipurpose court on existing uses and activities, would require detailed investigation.

Existing Basketball & Netball Facilities

There are currently no outdoor multipurpose sports courts, as requested within the petition, located within Vincent although there are a range of half-court basketball courts as well as a recently installed single netball ring. The closest facility to Birdwood Square is located at Weld Square which is approximately 350 metres away, and provides a mini basketball court with two backboards/rings. A full size outdoor basketball court is located nearby on Mary Street at Sacred Heart Primary School, approximately 900m from Birdwood Square, however this is not accessible to the broader community.

A review of existing facilities indicates that there are currently six (6) basketball half courts, one (1) mini basketball court and one (1) netball ring provided by the City, and a further eight (8) full sports courts are located within school grounds as follows:

Facility Name	Number of Courts
Council Owned	
1. Britannia Reserve (south/Bourke Street), Leederville	½ court with single backboard/ring
2. Britannia Reserve (north/near Litis Stadium), Leederville	½ court with single backboard/ring
3. Les Lilleyman Reserve, North Perth	½ court with single backboard/ring
4. Banks Reserve, East Perth	½ court with single backboard/ring
5. Kyilla Park (combined with tennis hit-up wall), North Perth	½ court with single backboard/ring
6. Menzies Park (netball), Mt Hawthorn	½ court with single ring
7. Weld Square, Perth	Mini basketball court with two backboards/rings
8. Oxford Street Reserve (next to YMCA HQ), Leederville	½ court with single backboard/ring

Facility Name	Number of Courts
School Facilities	
1. Aranmore Catholic College, Leederville	2 courts
2. Aranmore Catholic Primary School, Leederville	1 court
3. Kyilla Primary School, North Perth	1 court
4. Mount Hawthorn Primary School, Mt Hawthorn	2 courts
5. North Perth Primary School, North Perth	1 court
6. Sacred Heart Primary School, Highgate	1 court

In addition, there are four full-size indoor courts located at Loftus Recreation Centre. It should also be noted that the installation of a netball ring at Les Lilleyman Reserve has also been included in the 2017/18 budget.

Location/Catchment Assessment

An assessment of these eight (8) City managed facilities has identified that there is a relatively high number located within the western and northern parts of Vincent including Leederville, Mt Hawthorn and North Perth. There is a potential gap within central Vincent with no facilities in West Perth, Mt Lawley or Highgate while facilities in Perth and East Perth currently service the eastern and southern part of Vincent. Refer to **Attachment 1** for a map of existing facilities.

This location/catchment assessment reaffirms the importance of any significant infrastructure requests, such a multipurpose outdoor court, taking into consideration the entire public open space network and the catchment areas of existing facilities. This planning ensures that any such infrastructure is located central to surrounding neighbourhoods, include safe pedestrian and cycling connections, support good passive surveillance, and enable different activities and uses to occur simultaneously.

Scope of Works & Capital Cost Estimate

For comparative purposes, and in the absence of a specific design for a multipurpose court in Birdwood Square, it has been confirmed that a recently installed multi-purpose court at a public open space within the City of Stirling cost approximately \$200,000. This court accommodates basketball, hockey and soccer. The project cost included earthworks, acrylic surface, multiple goal and line marking options, surrounding path network, surrounding hardstand and seating for spectators, and drinking fountains.

Capital Funding

The most likely source of external capital funding for such a facility would be the Department of Sport & Recreation Community Sporting & Recreation Facilities Fund (CSRFF). Local Government Authorities are eligible to apply for these grants that are aimed towards increasing participation through the development of basic infrastructure. An amount of \$12 million is available across three funding rounds.

Any CSRFF grant must be matched by the applicant's own cash contribution equivalent to at least one third of the total project cost, and for Local Government projects it is generally necessary to contribute two thirds of the total project cost. Based on an indicative cost of \$200,000 it would be necessary to seek a CSRFF Annual Grant with the City contributing approximately \$135,000.

A key deliverable of the CSRFF program is an increase in participation rates in sport and recreation and physical activity more generally. Through initial discussions with the Department with respect to the requested multipurpose court it has been confirmed that the following key considerations are highly relevant:

- A local sporting club would need to activate the space;
- The City would need to program or facilitate structured use to ensure increased physical activity;
- Loftus Recreation Centre and Weld Square mini court would be considered suitable alternative locations;
- Facilities that provide casual unstructured use of a basketball court would generally not be considered;
- Funding for basketball courts is normally limited to programmed indoor facilities; and
- Any proposed increase in physical activity needs to be articulated and measured.

This advice from the Department is notable given that a local sporting club is unlikely to utilise an outdoor court on a regular basis and that the City generally provides such facilities for informal use by the community rather specifically programming activities. The close proximity of a mini-basketball at Weld Square may also impact the success of a CSRFF application.

Key Considerations

Community Demand

The petition includes the signatures of 74 local residents however this does not demonstrate broad community demand for such a facility at Birdwood Square. In the first instance, it remains necessary for the local community to be consulted on the proposal. Council Policy No. 4.1.5 – Community Consultation states that the City of Vincent will undertake formal community consultation when a decision is likely to have significant impact on a particular individual or group in the community. Any new Policy or significant Policy amendments are to be advertised through a public notice for a 21 day period.

This project, and the related community consultation as part of the project needs assessment phase, has not been listed as a key community or corporate priority in 2017/18.

Public Open Space Strategy

The Public Open Space Strategy will be progressed in 2017/18 as per the recent Council resolution and will provide a comprehensive framework to guide the strategic planning, development, management and activation of open spaces. Importantly, the Strategy will provide a public open space hierarchy and associated levels of service to guide future infrastructure provision. While public open space projects throughout Vincent should not necessarily cease until the Strategy is completed it is prudent for any major projects, such as the planning and installation of a \$200,000 multi-purpose court, to await the Strategy outcomes.

Financial Implications

Any multi-purpose court in Birdwood Square will be used for informal recreation and is unlikely to be programmed by the City of Vincent or a local sporting club. Based upon advice from the Department of Sport & Recreation this significantly decreased the likelihood of CSRFF funding, and therefore the project would likely need to be delivered through municipal funds. Funding for this project has not been included in the 2017/18 budget or the Long Term Financial Plan. Ongoing operational costs including depreciation, maintenance and replacement will also need to be considered.

It is acknowledged that other Federal or State Government grants may be available for such a facility however these have not yet been fully investigated.

Department of Education

A key aspect of the petition is the need to replace outdoor sports court facilities that were previously available at Highgate Primary School. While the Department of Education is unlikely to make any capital contribution towards a project at Birdwood Square this does provide the basis for further discussions with the Department regarding community accessibility to courts located on school sites throughout Vincent. Better understanding the potential accessibility or non-accessibility to these courts would directly inform decision making regarding the number and location of any courts provided within the City's public open space network.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Medium: The provision of major infrastructure within the City's public open spaces requires detailed planning and design. Capital cost implications and the availability of external funding are also important considerations given their impact on the budget and long term financial plan.

STRATEGIC IMPLICATIONS:

The provision of facilities and amenities within public open spaces, including the requested multipurpose court at Birdwood Square, does align with the following objectives within the City's *Strategic Community Plan 2013 - 2023*:

'Natural and Built Environment

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

Community Development and Wellbeing

- 3.1.3 *Promote health and wellbeing in the community.'*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The requested multipurpose court at Birdwood Square does not effectively take into consideration existing basketball/netball court provision, community demand, and potential accessibility to school based facilities. Administration does not support the provision of a multipurpose court at this location and therefore recommends that it does not proceed. The Public Open Space Strategy will provide a comprehensive framework to guide the strategic planning, development, management and activation of open spaces. The provision of any major projects within the City's public open spaces, such as the planning and installation of a potential \$200,000 multi-purpose court, should await the Strategy outcomes.




8.2 ADOPTION OF POLICY NO 3.10.7 - ART COLLECTION AND POLICY NO 3.10.11 - PUBLIC ART

TRIM Ref: D17/75565

Author: Alanna Curtin, A/Coordinator Arts & Creativity

Authoriser: Michael Quirk, Director Community Engagement

Attachments:

1. Policy No. 3.10.7 - Art Policy 
2. Draft Revised Policy No. 3.10.7 - Art Collection 
3. Draft Policy No. 3.10.11 - Public Art 

RECOMMENDATION:

That Council ADOPTS Draft revised Policy No 3.10.7 – Art Collection (Attachment 2) and Draft Policy 3.10.11 – Public Art (Attachment 3).

PURPOSE OF REPORT:

To authorise the adoption of Draft revised Policy No. 3.10.7 – Art Collection and Draft Policy No. 3.10.11 – Public Art following the recent completion of the community consultation period.

BACKGROUND:

At the Ordinary Meeting of Council held on 28 June 2016 in response to a Notice of Motion regarding the City's art collection it was resolved:

'That Council REQUESTS:

1. *The Arts Advisory Group undertake a review of the City's art collection and make recommendations on future management, exhibition, acquisition and deaccession; and*
2. *The Chief Executive Officer present a report back to Council to consider any recommendations from the Arts Advisory Group following completion of the art collection review.'*

Council's Arts Advisory Group established an Art Collection Sub-Working Group in September 2016 for the purpose of completing this review and providing recommendations as well as ongoing advice with regards to management of the City's Art Collection.

Through this review the Advisory Group supported the retention of Policy No. 3.10.7 – Art Policy (**Attachment 1**) albeit with some amendments and improvements to better manage the City's art collection, and the need to prepare a new standalone Public Art Policy. Subsequently, Administration progressed the development of the revised Policy No. 3.10.7 – Art Collection (**Attachment 2**) and the proposed new Policy No. 3.10.11 – Public Art (**Attachment 3**). These draft Policies were further reviewed by the Advisory Group and then presented for consideration at the Ordinary Meeting of Council held on 30 May 2017 where it was resolved:

'That Council:

1. *RECEIVES advice from the Arts Advisory Group following their review of the City's Art Collection in response to Council's Notice of Motion on 28 June 2016;*
2. *AUTHORISES the Chief Executive Officer to advertise the amended Policy No. 3.10.7 – Art Collection and the proposed new Policy No. 3.10.11 – Public Art for public comment for a period of 21 days;*
3. *NOTES that a further report will be submitted to Council at the conclusion of the public comment period in regard to any written submissions being received and to formalise the adoption of these Policies, and the proposed deaccession of works from the City's Art Collection; and*
4. *ENDORSES the City of Vincent Art Priorities 2017/2018 to provide both Administration and the Arts Advisory Group with key focus areas pending completion of an Art Strategy in 2018/19.'*

DETAILS:

Draft revised Policy No. 3.10.7 – Art Collection and Draft Policy No. 3.10.11 – Public Art were advertised for a 21 day period as required for any new Policy or significant Policy amendments in accordance with Policy No. 4.1.5 – Community Consultation. No submissions were received during this public notice period.

CONSULTATION/ADVERTISING:

Both policies were advertised from 10 June to 3 July 2017 on the City of Vincent website and through Public Notices in the *Perth Voice* newspaper.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Low: A range of Policy improvements have simply been completed to ensure the improved management of the City's art collection, and the improved procurement and management of public art.

STRATEGIC IMPLICATIONS:

These Policies align with the following Objectives within the City's *Strategic Community Plan 2013-2023*:

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

These Policies have been comprehensively reviewed and developed by Administration in close collaboration with the Arts Advisory Group. The adoption of revised Policy No. 3.10.7 – Art Collection will ensure improved management of these important cultural assets including greater accessibility for the community while the adoption of new Policy No. 3.10.11 – Public Art will further support the enrichment of public spaces throughout Vincent. It is recommended that both of these policies be adopted by Council.

8.3 UNRECOVERABLE PARKING INFRINGEMENTS - 1 JANUARY 2011 TO 30 JUNE 2017

TRIM Ref: D17/97179
Author: Paul Morrice, Team Leader Ranger Administration
Authoriser: Michael Quirk, Director Community Engagement
Attachments: 1. Write-off of Infringement Notices 1 January 2011 to 30 June 2017 - Confidential

RECOMMENDATION:

That Council **APPROVES** the write-off of Parking Infringement Notices totalling \$21,290.84 for the period 1 January 2011 to 30 June 2017 due to their withdrawal by the Fines Enforcement Registry as per Attachment 1.

PURPOSE OF REPORT:

To consider the write-off of Parking Infringement Notices that the Fines Enforcement Registry have advised are unrecoverable for the period of 1 January 2011 to 30 June 2017.

BACKGROUND:

As previously reported to Council in July 2016, Administration has been undertaking a comprehensive review of outstanding parking infringements including a full reconciliation of those infringements contained within the City's Financial Management System (Authority) and the Fines Enforcement Registry. This reconciliation process has identified that a large number of outstanding infringements previously lodged with the Fines Enforcement Registry were now deemed non-recoverable.

A total of 2,249 non-recoverable infringements for the period February 1996 to December 2010 were dealt with at the Ordinary Meeting of Council on 26 July 2016 where it was resolved:

"That Council APPROVES the write-off of Parking Infringement Notices totalling \$253,660.89 that have been withdrawn by the Fines Enforcement Registry."

Through further dialogue with the Fines Enforcement Registry the reconciliation of outstanding infringements for the period January 2011 to June 2017 has now been completed.

DETAILS:

It has been identified that 204 Parking Infringement Notices valued at \$21,290.84 (refer to **Attachment 1**) remain outstanding within Authority for the period 1 January 2011 to 30 June 2017, and the Fines Enforcement Registry has now withdrawn them and will no longer be pursuing payment. The Fines Enforcement Registry advised that these Notices were withdrawn generally for the following reasons:

1. Insufficient details to enforce;
2. Offender deceased;
3. Uneconomical to enforce; and
4. Corporation/Business no longer operational.

While these infringements have been deemed unrecoverable and subsequently withdrawn by the Fines Enforcement Registry it should be noted that a total of 13,421 infringements have been fully paid totalling \$2,306,834 have been paid for the period 1 January 2011 to 30 June 2017.

It should be noted that while the reconciliation process has reviewed all infringements issued up until 30 June 2017 the majority of infringements issued over the last 18 months are currently deemed recoverable. The most recent infringement no longer being pursued for payment is dated 12 March 2016.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

The Chief Executive Officer is delegated the power to waive, grant concessions or write off any amount of money owed to the Local Government, pursuant to the *Local Government Act 1995*, Section 6.12(1). Under Council's Delegated Authority Register 2017/18 the power to write-off debts relating to infringements is subject to the debt not exceeding \$250.00.

RISK MANAGEMENT IMPLICATIONS:

Low: It is a statutory requirement to report matters approved under Delegation Authority to the Council, however Administration has opted not to exercise the delegation relating to write-off of infringements in this instance.

STRATEGIC IMPLICATIONS:

The recent audit and reconciliation of outstanding parking infringements aligns with the City's *Strategic Plan 2013-2023* where Objective 4.1.2 (a) states:

"4.1.2(a) Continue to adopt best practise 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:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

Outstanding parking infringements to the amount of \$21,290.84 are recommended for write-off as the Fines Enforcement Registry has advised that these are no longer considered recoverable.

COMMENTS:

More effective and timely reconciliation of outstanding parking infringements contained within the City's Financial Management System and the Fines Enforcement Registry should have previously been undertaken by Administration. A detailed reconciliation process has now been completed and improved administrative practices put in place to ensure that this issue is not repeated.

Upon completion of this reconciliation process, specifically for the period 1 January 2010 to 30 June 2017, it is apparent that 204 Parking Infringement Notices are deemed non-recoverable by the Fines Enforcement Registry and therefore it is recommended that these infringements totalling \$21,290.84 be written-off.



8.4 PROPOSED PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW 2017

TRIM Ref: D17/99303

Authors: Tim Evans, Manager Governance and Risk
Paul Morrice, Team Leader Ranger Administration

Authoriser: Michael Quirk, Director Community Engagement

Attachments:

1. Consolidated Parking and Parking Facilities Local Law 2007 - marked up version 
2. Parking and Parking Facilities Amendment Local Law 2017 

RECOMMENDATION:

That Council:

1. **GIVES** Statewide and local public notice, in accordance with sections 3.12(3)(a) and (3a) of the *Local Government Act 1995*, stating that:
 - 1.1. It is proposed to make the City of Vincent Parking and Parking Facilities Amendment Local Law 2017 included as Attachment 2;
 - 1.2. The purpose of the Parking and Parking Facilities Amendment Local Law 2017 is to amend the Parking and Parking Facilities Local Law 2007 in order to add three new prescribed offences, to delete Schedule 6 and other minor amendments;
 - 1.3 The effect of the Parking and Parking Facilities Amendment Local Law 2017 is to make it an offence to park in a bicycle lane, to stop in a clearway and to leave a vehicle unattended in a taxi rank;
 - 1.4. Copies of the proposed local law may be inspected at the City's offices and on its website; and
 - 1.5. Submissions about the proposed local law may be made to the City within a period of not less than six weeks after the notice is given;
2. **NOTES** that in accordance with Section 3.12(3)(b) of the *Local Government Act 1995* a copy of the proposed local law and notice will be provided to the Minister for Local Government; Heritage; Culture and the Arts and that any submissions will be presented to Council for consideration; and
3. **NOTES** that no increases to penalties are proposed.

PURPOSE OF REPORT:

To consider giving state-wide and local public notice for a proposed City of Vincent Parking and Parking Facilities Amendment Local Law 2017.

BACKGROUND:

At the Ordinary Meeting held on 7 March 2017, Council resolved (in part) the following:

"That Council:

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

<i>Local Law</i>	<i>Reason</i>
<i>Parking and Parking Facilities Local Law 2007</i>	<i>To remove schedule 6; and To consider imposing increased penalties.</i>

This report is presented to amend the City of Vincent Parking and Parking Facilities Local Law 2007 and to identify the process the city must follow in the making of a local law as prescribed in section 3.12 of the *Local Government Act 1995*.

DETAILS:

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

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

Administration has considered in detail the offences provided for under this local law and is proposing that three new offences be created with the penalties for each new offence to be set at a level consistent with other offences of that nature. The proposed new offences are as follows:

- Parking within head of cul-de-sac;
- Park or stop in bicycle lane or path; and
- Leave taxi unattended in taxi zone/rank.

Minor amendments to the terminology found within the local law are also proposed for the purposes of clarity:

1. Specifying that no parking or stopping is allowed in a "clearway";
2. Requiring a person to possess a "valid" ticket rather than an "unexpired" ticket;
3. Removing references to "visitor parking permit" to ensure consistency with Council Policy 3.9.3 – Parking Permits; and
4. Clarifying that an offence is committed should a when a vehicle obstructs a thoroughfare when it is parked in excess of 24 hours except with the permission of the Local Government.

Administration has also reviewed and compared parking penalties with several other Local Government Authorities within the Perth Metropolitan Area, and it was determined that current penalties within the City of Vincent are consistent. Therefore, it is not proposed to increase any penalties at this time.

CONSULTATION/ADVERTISING:

Section 3.12 of the *Local Government Act 1995* sets out the consultation requirements for making a local law. This section of the Act is reproduced in the Legal/Policy section of this report.

LEGAL/POLICY:

"3.12. Procedure for making local laws

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
 - (a) *give Statewide public notice stating that —*

- (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
- (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
- (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*
* Absolute majority required.
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice*
- (a) *stating the title of the local law; and*
 - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section — making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law."*

In accordance with *Policy 4.1.5 - Community Consultation*, Administration will also write to any impacted Business and Community Groups.

RISK MANAGEMENT IMPLICATIONS:

Low: There are considered to be minimal risk involved in reviewing the City's Local Laws.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Plan for the Future – Strategic Community Plan 2013 – 2023* – the following Objectives state:

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

There are nominal costs associated with making the local law, including advertising and Gazettal which can be expended from the City's operating budget.

COMMENTS:

Administration is proposing to create three new offences in order to provide Rangers with sufficient powers to address common issues relating to parking within the City.

Parking Within Head of Cul-De-Sac

Administration is proposing that this offence is created in response to ongoing complaints about vehicles are parking in a cul-de-sac and making it difficult for other drivers to turn around without hazard. The current local law as it stands does not have a provision for this offence.

Park or Stop in Bicycle Lane or Path

The installation of numerous bike lanes/paths within the City over the past few years has led to an increase in the prevalence of incidents where bicycle lanes are blocked by parked vehicles. In order to align with the City's objective to be a bike-friendly City, it is proposed that a specific offence is created to prevent this. The current Local Law as it stands does not have a provision for this offence.

Leave Taxi Unattended in Taxi Zone/Rank

This offence is being proposed because Administration receives numerous complaints relating to taxis being left unattended in the taxi zones/ranks within the City, which has the potential to cause congestion surrounding the taxi zones and increases the risk to pedestrians in the surrounding area. The current Local Law as it stands does not have a provision for this offence.

Minor Amendments

In addition, Administration is proposing four minor amendments to assist with Local Law enforcement and implementation.

1. Specifying that no parking or stopping is allowed in a clearway

The specific inclusion of 'clearway' within the Local Law where a driver shall not stop during the times a sign specifies.

2. Requiring a person to possess a valid ticket rather than an unexpired ticket

Minor change to Local Law terminology to provide improved clarity.

3. Removing references to visitor parking permit to ensure consistency with Council Policy 3.9.3 – Parking Permits

Council's Parking Permits Policy, as amended in September 2016, now only refers to a Residential Parking Permit that can be utilised by residents and visitors. Therefore, all references to the previous Visitor Parking Permits can be removed from the Local Law.

4. Clarifying that an offence is committed should a when a vehicle obstructs a thoroughfare when it is parked in excess of 24 hours except with the permission of the Local Government

This clause is intended to prevent vehicles from obstructing a public place, including on-street parking areas, for an extended period of time and to deal with abandoned vehicles. However, an unintended consequence is that some residents parking their vehicle on-street for a period beyond 24 hours (i.e. FIFO workers) are contravening this clause although there is no obstruction or hazard. The wording of this clause has been changed to enable the Local Government to grant permission in such circumstances where deemed appropriate.

Administration undertook an exercise to compare its parking penalties with those of other metropolitan Local Governments and it was found that the City's current penalties are consistent with those found within other Local Government Areas. It is therefore not proposed to increase penalties at this time.

9 CHIEF EXECUTIVE OFFICER**9.1 INFORMATION BULLETIN****TRIM Ref:** D17/63489**Author:** Emma Simmons, Governance and Council Support Officer**Authoriser:** John Paton, Director Corporate Services

- Attachments:**
1. Minutes of the Audit Committee Meeting held 18 July 2017 
 2. Minutes from the Children and Young People Advisory Group Meeting held on 29 May 2017 
 3. Minutes of Design Advisory Committee Meeting held on 8 March 2017 
 4. Minutes of Design Advisory Committee Meeting held on 10 May 2017 
 5. Minutes from Parks Working Group (PWG) 14 June 2017 
 6. Ranger Statistics for 1 January to 30 June 2017 
 7. Parking Infringement Withdrawals Under Delegated Authority - 1 January to 30 June 2017 
 8. Water Corporation's Acknowledgement of Interest in Reuse of Greywater for Irrigation in the City of Vincent 
 9. Development Application Services as at end of July 2017 
 10. Register of Legal Action and Prosecutions Register Monthly - Confidential
 11. Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 27 July 2017 
 12. Register of Applications Referred to the MetroWest Development Assessment Panel – Current 
 13. Register of Applications Referred to the Design Advisory Committee – Current 
 14. Register of Petitions - Progress Report - August 2017 
 15. Register of Notices of Motion - Progress Report - August 2017 
 16. Register of Reports to be Actioned - Progress Report - August 2017 
 17. Unconfirmed Minutes of the Pedestrian and Cycling Advisory Group held on 17 July 2017 

WRECOMMENDATION:

That Council RECEIVES the Information Bulletin dated August 2017

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**10.1 NOTICE OF MOTION - CR JONATHAN HALLETT - TO INVESTIGATE REDUCTION OR ELIMINATION OF SINGLE USE PLASTICS****TRIM Ref: D17/100568****Attachments: Nil****That Council REQUESTS that Administration:**

- 1. Investigate where and how the City and users of Council facilities currently use single use plastics;**
- 2. Identify mechanisms available to encourage or prescribe a reduction or elimination of single use plastics;**
- 3. Consult the City's Environmental Advisory Group on the results of the above investigation; and**
- 4. Present the findings of the investigation to Council as part of its consideration of the City's 2018/19 to 2021/22 Corporate Business Plan and 2018/19 Budget.**

REASON

The World Economic Forum (2016) reports that 95% of plastic packaging material value is lost to the economy after a short first use and every year at least eight million tonnes of plastics leak into the ocean. In Australia, 1.5 million tonnes of plastic were recorded as consumed in the 2012-13 financial year; approximately 65kg of plastic for every Australian (Senate Committee 2016). Recycling rates remain low with estimates of 6-20% of plastics being recovered from landfill (PACIA 2011; Senate Committee 2016). The majority of plastic resin production is for single use and immediate disposal (Jambeck et al. 2015), with 37% being single-use disposable packaging (Senate Committee 2016).

Single-use plastic products dominate the lists of litter items collected in marine and other environments in Australia and globally. The top 10 items found in clean-ups of waterways and beaches conducted by Tangaroa Blue in Australia are single-use/immediate disposal plastics (Senate Committee 2016). Of the items collected by Clean Up Australia in Western Australia in 2016, 43% were plastic – an increase of 13% on the previous year, and the top three items were all single-use food and beverage related (Clean Up Australia 2016).

In addition to contributing unsightly litter in public spaces, and public health risks due to the clogging of sewers and creation of mosquito breeding grounds, plastic bags travel easily through air and in waterways posing risks to wildlife (Clapp and Swanston 2009). Most plastics do not biodegrade; instead they photodegrade; breaking down into smaller and smaller pieces which can be consumed by wildlife (Clapp and Swanston 2009). While it is unclear what the long-term impacts are on water and soil quality, recent research suggests that plastics can attract and absorb persistent organic pollutants (Clapp and Swanston 2009). Although there has been development of 'bio-degradable' and 'degradable' plastics which degrade more quickly than traditional plastics, these items continue to exist in the environment as microplastics (Senate Committee 2016).

Plastic pollution poses a serious threat to the marine environment due to its vast distribution (along coastal shorelines, on the seabed and in the water column) its persistence (remaining in the environment for decades or longer) and degrading into smaller and smaller particles (Senate Committee 2016). Wilcox et al. (2016) reports that entanglement by fishing-related gear, balloons and plastic bags is the greatest threat to seabirds, sea turtles and marine mammals, but a wide variety of other items also posed a threat through ingestion and contamination. The impact varies among species: "plastic bags, cling film, food wrappers and balloons are most commonly consumed by turtles, while seabirds consume degraded hard plastics sourced from take away containers, single-use plastics and discarded consumer products" (Senate Committee 2016, p.34). Once ingested these plastics block digestive tracts, alter feeding behaviour and may lacerate the mouth and digestive tract causing serious injury, greater susceptibility to predators and disease and a decreased ability to breed and rear young (Senate Committee 2016).

Meaningfully reducing plastic pollution requires prevention of its use in the first place rather than relying on recycling. Given the environmental impact that single-use plastics have, a number of other Australian local governments have already moved towards reducing or eliminating their use, for example:

- Committing to eliminating all single-use plastics across all facets of Council business, and events conducted on Council land to refrain from distributing single use plastic carry bags, plastic straws and balloons (City of Monash 2017);
- Reviewing internal processes and purchasing of single use plastics with a view to reduce or eliminate single use plastic use (Hobson Bay City Council 2016);
- Committing Council to reduce or eliminate single use plastic at events and markets (Surf Coast Shire 2016);
- Eliminating the use of plastic bags by 2020 (Darebin 2017); and
- Prohibiting the use of balloons at Council events (Town of Cottesloe 2016) and investigating prohibiting the release of helium balloons (City of Stirling 2017).

The City of Vincent places a strong emphasis on sustainability, is actively committed to reducing the impacts arising from waste and has already advocated to the state government for a ban on single-use plastic bags. To maintain our leadership role in Western Australia and be a credible advocate for state-wide initiatives the City should reduce single-use plastic use in our operations where possible.

ADMINISTRATION COMMENTS

Administration supports the proposed motion to investigate the City's current use of single plastics and investigate the mechanisms available to encourage or prescribe a reduction or elimination of single use plastics where viable alternatives are available. The results of this investigation will be presented to Council Members as part of the consideration of the City's 2018/19 to 2021/22 Corporate Business Plan and 2018/19 Budget, noting that this information and any necessary initiatives will also be incorporated into the review of the City's Sustainable Environment Strategy, scheduled for completion in 2019/20.

10.2 NOTICE OF MOTION - CR SUSAN GONTASZEWSKI – STRATEGIES TO IMPROVE PARTICIPATION AND ACCESSIBILITY BY WOMEN AND GIRLS**TRIM Ref: D17/101499****Attachments: Nil**

That Council REQUESTS Administration obtain sporting club membership details by gender to directly inform strategies to improve participation and accessibility by women and girls, including the sportsground seasonal hire fees review currently being prepared by October 2017.

REASON

There are twelve (12) open spaces located within Vincent that are classified as having a primary purpose as sporting grounds. Availability and access to sporting facilities can act to influence participation in sport as can facility/club operations. Participation is positively influenced by access to public sports facilities. Local Governments can assist by taking a strategic approach to the provision of active recreation spaces and sporting infrastructure. Best practice planning can ensure that sporting facilities serve the widest possible participant base.¹

Many sporting codes and clubs have traditionally had a player and member base that is gender imbalanced. On a national level, whilst participation in sports or physical activities is similar for boys and girls, boys are more likely to be active through club sport than girls.² However, interest and participation in club sports is changing. Women and girls have demonstrated a strong interest in club sports, buoyed by the advent of the Women's AFL and success of Australian women's soccer and cricket teams.

Local government can play a proactive role by working with sporting clubs to understand and implement strategies to grow female participation in organised sporting activities by ensuring that access to sports facilities are available in the local setting. Local governments have developed strategies for improving female participation in club sports and improving access to sporting opportunities by considering inclusivity in the seasonal hire of sporting grounds.^{3 4}

In May 2017, Council requested that, "Administration conduct a comprehensive review of the sportsground seasonal hire fees and charges with key findings and revised methodology to be reported back to Council no later than October 2017". It is requested that Administration work with local sporting clubs to understand the makeup of club membership by gender as the basis for strategies that can actively support improved participation and access for women and girls, including sportsground seasonal hire fees and associated access arrangements.

ADMINISTRATION COMMENTS

There are currently fourteen (14) clubs and associations that utilise nine (9) of the open spaces within Vincent on a seasonal basis for structured sport training/competition. As per the May 2017 Council resolution, Administration is currently progressing a review of the current sportsground seasonal hire fees for these clubs and associations given that the fee setting methodology is arbitrary and has no linkage to Council's strategic priorities or broader community expectations.

This review is investigating a range of seasonal hire fee options including (but not limited to) a standard per player charge, sports specific per player charge, cost recovery percentage, sportsground classification system, and linkage with Clubroom Lease/Licence arrangements. Notably, many of the contemporary models being considered include fee variations and pricing policies to facilitate Council and community objectives such as increased female participation and increased junior participation.

Through the recently introduced 'Community Group and Sporting Club Health Checks' Administration has commenced seeking key information to better understand and monitor the sustainability of clubs that have tenure within Council buildings, facilities or reserves. A key component of the Health Check is a breakdown of the total club membership base including the number of adults, juniors, males/females, and social members. On that basis, Administration has the ability to obtain sporting club membership details by gender to inform strategies to improve participation by women and girls. In the first instance, these membership details and participation statistics can be used to directly inform the sportsground seasonal hire fees review.

¹ Clearinghouse for Sport (2017), *Sports Facility Planning and Use*

² Australian Sport Commission (2016), *AusPlay: Participation data for the sports sector*

³ Moreland Council(2016), *Allocation of Sports Grounds and Pavilions Policy*

⁴ Marrickville Council (2013), *Sportsground Allocation Policy*

11 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

12 CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED ("BEHIND CLOSED DOORS")**12.1 PARTIAL WRITE-OFF OF RATES OWING FOR PERTH MOSQUE DEVELOPMENT AT 433 WILLIAM STREET, PERTH**

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

Local Government Act 1995 - Section 5.23(2):

- (f(i)) a matter that if disclosed, could be reasonably expected to – impair the effectiveness of any lawful method of procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law
- (h) such other matters as may be prescribed (consider regulations)

LEGAL:**2.14 Confidential business**

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

Confidential reports are provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, confidential reports are 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.