



CITY OF VINCENT

AGENDA

Ordinary Council Meeting 25 July 2017

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

Len Kosova
Chief Executive Officer

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

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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 (A) PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS**(B) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4 APPLICATIONS FOR LEAVE OF ABSENCE**

4.1 Cr Gontaszewski requested a leave of absence from 2 September 2017 to 21 October 2017 inclusive due to work commitments.

4.2 Cr Topelberg requested a leave of absence from 31 July 2017 to 5 August 2017 inclusive due to work commitments.

5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

5.1 Petition received from Mr and Mrs Irwin of Galwey Street, Leederville along with 29 signatures requesting 24 hour permit parking for residents at the top end of Galwey Street, closest to the Loftus Street end, Leederville

6 CONFIRMATION OF MINUTES

6.1 Ordinary Meeting - 27 June 2017

6.2 Special Meeting - 12 July 2017

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**8 DECLARATIONS OF INTEREST**

8.1 Cr Murphy declared a financial interest in Item 9.7 – No. 459 (Lot: 8; D/P:1647) Fitzgerald Street - Alterations to Existing Hotel. The extent of his interest being that his business has a financial association with the Rosemount Hotel in that he occasionally books entertainment with the hotel.

8.2 Mayor Emma Cole declared a proximity interest in Item 10.1 – Capital Works Update. The extent of her interest being that she lives on Anzac Road where she is the owner / occupier of her primary and only residence.

8.3 Cr Harley declared a proximity interest in Item 10.1 – Capital Works Update in particular in relation to the bicycle network from Oxford Street North between Anzac Road to Scarborough Beach Road. The extent of her interest is that lives in the vicinity of the subject works.

8.4 Cr Topelberg declared a financial interest in item 10.2 – William Street, Perth – Proposed Parking Restriction Changes. The extent of his interest is that his family owns a property on William Street in the proposed area for parking restriction.

8.5 Mayor Emma Cole declared an impartial interest in Item 10.2 – Community Budget Submissions 2017/2018. The extent of her interest is that one of the Community Budget submitters, Mrs Anne Bate, provided volunteer campaign assistance to me during her 2017 Mayoral campaign, as declared on the City of Vincent Gift Register.

8.6 Cr Murphy declared an impartial interest in Item 10.2 – Community Budget Submissions 2017/2018. The extent of his interest being that he works with the YMCA in his work occasionally on the Leederville Carnival festival.

9 DEVELOPMENT SERVICES

9.1 NO. 395 (LOT: 1; D/P: 1283) BULWER STREET, WEST PERTH - SECTION 31 SAT RECONSIDERATION - PROPOSED FOUR MULTIPLE DWELLINGS

TRIM Ref: D17/80488

Author: Rob Sklarski, A/Coordinator Statutory Planning

Authoriser: John Corbellini, Director Development Services

Ward: South

Precinct: 12 – Hyde Park

Attachments:

1. Attachment 1 - Location and Consultation Plan [⇒](#) 
2. Attachment 2 - Amended Plans [⇒](#) 
3. Attachment 3 - Original Development Plans [⇒](#) 
4. Attachment 4 - Applicant Justifications [⇒](#) 
5. Attachment 5 - Summary of Submissions [⇒](#) 
6. Attachment 6 - Additional Information and Justification [⇒](#) 
7. Attachment 7 - Determination Advice Notes [⇒](#) 

RECOMMENDATION:

That the Council, in accordance with Section 31 of the *State Administrative Tribunal Act 2004*, the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **SETS ASIDE** its decision of the 7 March 2017 and **APPROVES** the application for Four Multiple Dwellings at No. 395 (Lot 1; D/P: 1283) Bulwer Street, West Perth in accordance with the plans as shown on Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 8:

1. Revised Plans

Prior to the commencement of development the applicant shall submit to and have approved by the City revised plans depicting the following changes:

- 1.1. The pitch of the roof be modified to create a single roof form, when viewed from Bulwer Street to represent a more traditional roof form in keeping with those within the locality;
- 1.2. The ground floor piers, supporting the balcony to units 3 and 4, be increased in width to a maximum of 1 metre and central brick feature to the Bulwer Street façade be reduced in height by 670mm to align with the eave of the roof to improve the overall proportion of the development;
- 1.3. The height of the balcony planter boxes, to the Bulwer Street façade, to units 3 and 4 be reduced to have a solid portion with a maximum height of 300mm and incorporate open style balustrade above, to reduce the mass and bulk of the planter boxes to the Bulwer Street streetscape; and
- 1.4. The landscaping configuration of the balcony planter boxes, to the Bulwer Street façade, to units 3 and 4 be reduced to a maximum depth of 1 metre for the perimeter of the balcony to improve accessibility for ongoing maintenance;

The development shall be undertaken and accord with the revised plans approved by the City;

2. Boundary Wall

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

brickwork to the satisfaction of the City;

3. **Car Parking and Access**

- 3.1. A minimum of four resident bays shall be provided onsite, with one car parking bay allocated to each dwelling;
- 3.2. Vehicle and pedestrian access points are required to match into existing footpath levels;
- 3.3. The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to the occupation or use of the development; and
- 3.1. All redundant crossovers shall be removed and the verge area be instated to provide an additional on-street parking bay to the satisfaction of the City prior to the occupation or use of the development;

4. **Right of Way**

- 4.1. The Right of Way widening of 1 metre, as depicted on the approved plan, shall be ceded free of cost at the time of subdivision (including built strata subdivision) of the development to the satisfaction of the City; and
- 4.2. The Right of Way widening of 1 metre, as depicted on the approved plan, shall be sealed, drained and graded to the satisfaction of the City prior to the occupation or use of the development;

5. **External Fixtures**

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

6. **Privacy**

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

7. **Acoustic Report**

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

8. **Landscape and Reticulation Plan**

- 8.1. 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:
 - 8.1.1. The provision of a minimum 8.6% of the site area as deep soil zones; and
 - 8.1.2. A minimum 11.7% of the site area is to be provided as canopy cover at maturity;
- 8.2. All works shown in the plans as identified in Condition 8.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupation or use of the development and maintained thereafter to the satisfaction of the City at the

expense of the owners/occupiers;

9. **Verge Trees**

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

10. **Schedule of External Finishes**

10.1. Prior to commencement of development a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the City. The schedule is to provide a detailed rationale for the use of materials and finishes to demonstrate how they represent and are-interpretation of the local context specifically the application of colours and materials to the upper floor balconies to reduce the appearance of building bulk; and

10.2. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development;

11. **Construction Management Plan**

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

12. **Waste Management**

12.1. A Waste Management Plan shall be submitted to and approved by the City prior to commencement of the development detailing a bin store to accommodate the City's specified bin requirement and the form and timing of waste collection. The bin store shall be provided in accordance with the approved plan prior to the occupation of use of the development; and

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

13. **Clothes Drying Facility**

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

14. **Stormwater**

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

15. **Bicycle Bays**

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

16. **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 reconsider an application for development approval for four Multiple Dwellings at No. 395 Bulwer Street, West Perth at the invitation of the State Administrative Tribunal.

BACKGROUND:

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

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

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

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

The site slopes approximately 500mm from west to east and approximately 1 metre from the front of the block to the rear of the block. The development will require the demolition of the existing single house on the site.

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

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

Council considered the development application at its meeting of 7 March 2017. The development plans considered by Council at the time are included as **Attachment 2**. At the OCM, Council resolved to refuse the development application for the following reasons:

1. *The proposed development does not meet design principle P3.1 of clause 6.3.3 of State of Planning Policy 3.1 Residential Design Codes as the development does not provide adequate visitor parking given the number of dwellings and the demand for visitor parking generated by the four proposed dwellings;*

2. *The proposed street setbacks do not meet design principle P3 of clause 6.1.3 and P4.1 of clause 6.1.4 of the State of Planning Policy 3.1 Residential Design Codes as the buildings do not respect the adjoining development, do not moderate the visual impact of the building bulk on the neighbouring properties, does not allow adequate daylight and ventilation to the bedrooms of the proposed dwelling or the adjoining courtyard of 393 Bulwer Street or the openings of 401 Bulwer Street; and*
3. *The proposed landscaping on the ground floor does not meet design principle P2 of clause 6.3.2 of State Planning Policy 3.1: Residential Design Codes and local housing objective P5.14.2 of clause 5.14 of the Local Planning Policy No. 7.1.1 Built Form as it does not meet the projected needs of the residents and does not provide a sense of open space between buildings.*

The applicant has subsequently submitted an application for review of the Council's decision with the State Administrative Tribunal (SAT). Administration attended a mediation hearing as mandated by the SAT to consider potential amendments to the development plans to address the aforementioned refusal reasons. Following the mediation hearing, the applicant submitted amended plans which are included in Attachment 3 for consideration by Council.

The difference between the amended plans and the plans originally considered by Council can be summarised as follows:

- Highlight windows have been added to the upper storey north-eastern and south-western facades to assist in articulating the expanse of wall to adjoining properties and providing additional light to the rooms;
- The height of the screening to the balconies on the upper storey has been reduced down to 1.6 metres to assist in reducing the bulk and scale of the building;
- The balcony nib wall to Unit 4 has been removed;
- The height of the roof has been lowered (reduced to 20 degree pitch) to reduce the height and thus scale of the development. This has resulted in the height from ground level to the apex of the roof being reduced by 300mm from 6.9 metres to 6.6 metres.
- Skylights have been included to the upper floor unit hallways;
- The ground floor units have been modified to consolidate the number of bathrooms (from two to one) which increases the setback of the bathrooms to the boundary from 1.230 metres to 1.545 metres, and the area of the courtyards from 3.2m² to 4.5m² resulting in an increased window space to adjoining bedrooms; and
- Change of front fence style to pier and vertical infill.

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 and the State Government's Residential Design Codes. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

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

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Essential Facilities	✓	
Surveillance	✓	

Detailed Assessment

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

Building Setbacks/Boundary Wall	
Deemed-to-Comply Standard	Proposal
R-Codes Clause 6.1.4	
Ground Floor:	
Western boundary – 3 metres	Nil
Upper floor:	
Western boundary – 3 metres	1.23 metres
Eastern boundary – 3 metres	1.2 metres
Boundary wall:	
A wall to one lot boundary for a maximum length of 18.01 metres.	Four walls to two lot boundaries (north-west and south-east) for a maximum length of 19.4 metres in total on both sides.
Parking and Access	
Deemed-to-Comply Standard	Proposal
R-Codes Clause 6.3.3	
Visitor car parking spaces (per dwelling) – 0.25 – 4 dwellings = 1 visitor car parking bay	No visitor car parking bay

The above elements of the proposal that do not meet the specified deemed-to-comply standards are discussed in the comments section below. The applicant's justification for the proposal is included in **Attachment 4**.

It is noted that the amended plans do not contemplate any different or further departures from the deemed-to-comply standards than the development plans that were originally considered by Council.

CONSULTATION/ADVERTISING:

For the original development application, consultation was undertaken for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 17 August 2016 until 30 August 2016. Letters were sent to owners and occupiers of a total of 24 properties within close proximity of the subject site as shown on **Attachment 1**, in accordance with the City's Policy No. 4.1.5 – Community Consultation. The main issues that were raised in the submissions are discussed in the Comment section below and a summary of the submissions received and Administration's response to each is contained in **Attachment 5**.

No further consultation was undertaken by the City with respect to the amended plans that were received in response to mediation undertaken with the SAT as no further variations were being proposed. The City has written to all those who made submissions advising that the application is being presented to Council for reconsideration.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: Yes

The revised proposal, in particular the schedule of materials and finishes was presented to the DAC on 5 July 2017 to provide advice to the City. The DAC reviewed the proposal and provided the following comments:

- Concern regarding the roof form and overall balance of the development when viewed from Bulwer Street;
- Concern with the mass and bulk of the planter boxes to the Bulwer Street elevation;
- Concern with the practicality of servicing and maintaining the planter boxes to the Bulwer Street elevation.

The following were suggestions to address the concerns raised:

- Creating a single roof form to be more in keeping with traditional elements in the locality;
- Reducing the depth of the planter boxes and incorporating an open balustrade to reduce the overall building bulk and reconfiguring the landscaping to ensure improved access for service and maintenance;
- Reconfigure the placement of planter boxes to the balconies to reduce the height of required privacy screening; and
- Reduce the height of the central brick feature to align with the eave of the development.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- *State Administrative Tribunal Act 2004*;
- City of Vincent Town Planning Scheme No. 1;
- State Planning Policy 3.1 – Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation; and
- Policy No. 7.1.1 – Built Form Policy.

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

The applicant has exercised their right to have Council's initial decision to refuse the application reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*. The SAT has invited Council to reconsider the application based on a revised proposal. In accordance with Section 31 of the State Administrative Tribunal Act 2004 Council in reconsidering the proposal may:

1. Affirm its decision;
2. Vary its decision;
3. Set aside the decision and substitute a new decision.

The recommendation above is for Council to set aside the decision of 7 March 2017 and substitute a new decision. Council's decision of the 7 March 2017 remains in place and any subsequent decision is a new decision based on a revised proposal.

Should Council determine the application be approved, the applicant may withdraw the application for review that is currently before the SAT or continue the review in relation to one or more of the conditions imposed on the approval. Alternatively, if Council determines that the application be refused, the applicant may request that the matter be determined by the SAT at a full hearing.

Draft State Planning Policy No. 7.3 – Design WA

On 19 October 2016, the then Minister for Planning released a suite of documents and guidelines commonly referred to as 'Design WA' for public comment. Design WA includes a draft Apartment Design Guide which is intended to replace Part 6 of the R-Codes. In accordance with matters to which due regard is to be given under the Planning and Development (Local Planning Schemes) Regulations 2015, the SPP has been released for community comment and the objectives and intent of the policy framework will be considered in this application. The City has given due regard to the provisions of Design WA in its assessment, however, notes that they are not binding to this application.

City of Vincent: Policy No. 7.1.1 Built Form

The City's Built Form Policy was finally adopted by Council on 15 December 2016, and took effect following publication on 21 January 2017. The City notes that approval of the WAPC is required for certain aspects of the Policy which is discussed below. Clause 7.3.1 (a) of the R-Codes lists certain deemed-to-comply standards which a local government may amend or replace through a local planning policy without WAPC approval. Clause 7.3.2 of the R-Codes allows a local government to amend any other deemed-to-comply provision not listed in Clause 7.3.1(a) of the R-Codes through a local planning policy, with the approval of the WAPC. The provisions of the Built Form Policy which are pending WAPC approval that are relevant to this proposal relate to landscaping, lot boundary setbacks and boundary walls. As such the current applicable deemed-to-comply standard for these elements remain those set out in the R-Codes, with due regard given to the provisions of the Built Form Policy.

The development is to address the following design principles of the State Government's R-Codes and local housing objectives of the City's Policy No 7.1.1 – Built Form Policy for street and lot boundary setback:

“6.1.3 Street Setbacks

P3 Buildings are set back from street boundaries (primary and secondary) an appropriate distance to ensure they:

- *contribute to the desired streetscape;*
- *provide articulation of the building on the primary and secondary streets;*
- *allow for minor projections that add interest and reflect the character of the street without impacting on the appearance of bulk over the site;*
- *are appropriate to its location, respecting the adjoining development and existing streetscape; and*
- *facilitate the provision of weather protection where appropriate.”*

“P5.2.1 and P5.3.1 –

Development which preserves and enhances the visual character of the existing streetscape by considering building setbacks.”

“6.1.4 Lot boundary setbacks

P4.1 Buildings set back from boundaries or adjacent buildings so as to:

- *ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;*
- *moderate the visual impact of building bulk on a neighbouring property;*
- *ensure access to daylight and direct sun for adjoining properties; and*
- *assist with the protection of privacy between adjoining properties.”*

Delegation to Determine Applications:

This matter is being referred to Council as the application is for more than three multiple dwellings which is a Category 1 application under the delegations and relates to a matter previously determined by 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:

Should the Council reiterate its original decision to refuse the application, the applicant is likely to request that the matter be considered by the SAT at a full hearing. Given that Administration recommended approval of the original application, and that Administration is also recommending approval of the amended application, Administration may need to engage a planning consultant to defend Council's position at a full hearing of the SAT.

COMMENTS:

The applicant has submitted amended plans in response to the outcomes of the SAT mediation, together with additional information and justification to address the Council's refusal reasons. A copy of the applicant's submission is provided in **Attachment 6**.

The refusal reasons are summarised below. In addition, comments are provided on the elements of proposal which require the exercise of discretion by Council.

Refusal Reason 1: Development does not provide adequate visitor parking

The development proposes four resident car parking bays, one for each unit, in accordance with deemed-to-comply standards of the R-Codes. No visitor parking bays are proposed in lieu of the one visitor bay required for this development by R-Codes deemed-to-comply standards.

The applicant provided additional information and justification, included as **Attachment 6**, with respect to the adequacy of on-site car parking to further address the Council's reason for refusal. In summary, the site is well serviced by public transport providing a suitable alternative mode of transport. The applicant also outlined the availability of on-street parking along Bulwer Street.

The opportunity to provide the on-site visitor bay is impacted by the size of the lot, the configuration of the development and the need to provide access from a short length of ROW. The proposed ROW access enables the removal of the existing crossover to Bulwer Street resulting in the opportunity to provide an additional on-street car parking bay. To ensure that the modifications to the verge provide the additional car bay, a condition has been recommended.

Administration previously outlined that street parking is available for visitors along the entire length of Bulwer Street in the immediate vicinity of the site. The street parking has a 2-hour parking restriction between 8:00am and 5:00pm Monday to Friday, which is considered appropriate for residential visitors.

Refusal Reason 2: Development does not meet R-Codes design principles and Local Housing Objectives of the City's Built Form Policy with respect to Street and Lot boundary setbacks

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

The applicant provided additional information and justification, included as **Attachment 6**, with respect to street setbacks and building bulk in addition to the submission of amended plans in response to the outcomes of the SAT mediation. In summary the amended plans have provided for changes to assist in moderating the bulk of the development and improving light and ventilation to the dwellings:

- Highlight windows have been added to the upper storey north-eastern and south-western facades to assist in articulating the expanse of wall to adjoining properties and providing additional light to the rooms;
- The height of the screening to the balconies on the upper storey has been reduced down to 1.6 metres to assist in reducing the bulk and scale of the building;
- The balcony nib wall to Unit 4 has been removed;

- The height of the roof has been lowered (reduced to 20 degree pitch) to reduce the height and thus scale of the development. This has resulted in the height from ground level to the apex of the roof being reduced by 300mm from 6.9 metres to 6.6 metres.
- Skylights have been included to the upper floor unit hallways;
- The ground floor units have been modified to consolidate the number of bathrooms (from two to one) and increase the setback of the bathrooms to the boundary from 1.230 metres to 1.545 metres, increasing the window space to adjoining bedrooms; and
- Change of front fence style to pier and vertical infill.

The design principles and housing objects for primary street setbacks identifies that the development should provide articulation, contribute to the desired streetscape, preserve and enhance the visual character of the existing streetscape and allow for minor projections which add interest without impacting on bulk. It also outlines for lot boundary setbacks that there be adequate daylight, direct sun, and ventilation, assist with protection of privacy and ensure that the visual impact of building bulk on a neighbouring property be moderated.

The development proposed is two storey in height and under the City's Built Form Policy would have the capacity to increase to three storeys. The proposed two storey development is in keeping with the scale and development already existing within the street.

The proposed ground floor walls on the north-western boundary remain unchanged and still are split to allow a courtyard centrally along the property boundary with the adjoining properties. The split aligns with the one major opening located on this side of the adjoining property and allows a setback from this major opening to the built form proposed by this application. The revised proposal has reconfigured the bathrooms to enable a larger ground floor courtyard providing for an increased window to Bed 1 and Bed 2, improving the natural light and ventilation to these rooms.

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

The upper floor walls are proposed to be setback 1.2 metres in lieu of the deemed-to-comply setback of 3 metres set in the R-Codes. The revised plans have provided additional openings to the upper floor bedrooms, in the form of highlight windows, and additional skylights to the passageways to facilitate additional light and ventilation into the development and reducing the building bulk when viewed from the adjoining property. Given the nature of the modifications being minor openings they do not impact on privacy.

The setbacks are consistent with the approved setbacks for the development at 393 Bulwer Street and the setback of the single storey dwelling at 401 Bulwer Street. The applicant has included the schedule of materials and finishes and whilst there are elements which are reflective of the immediate locality there is opportunity to further refine the details. The application was referred to DAC to seek guidance to identify further modifications to assist in reinterpreting elements and character from within the existing streetscape to improve the developments appearance.

The DAC comments and recommended changes are considered to address the concerns outlined in Council's earlier decision. The modification to create a single roof, when viewed from Bulwer Street, is considered to reflect the existing streetscape and traditional roof forms of the area. The Administration considers that the change to a single roof does not adversely impact the development's ability to comply with fire separation requirements of the National Construction Code (NCC). There is the capacity to extend walls to the underside of the roof to satisfy the NCC requirement without significantly impacting on the appearance of the development.

The DAC also recommended reducing the height of the planter boxes and providing open style balustrade to the upper floor balconies to Units 3 and 4. This contributes to the reduction to the mass and bulk of the development when viewed from Bulwer Street. Additional modifications including increasing the width of the ground floor piers to a maximum of 1 metre dimension and height of the central brick feature to the Bulwer

Street façade to align with the eave of the roof will assist in improving the overall proportion of the development.

Reference to a marked up set of plans to provide further guidance in relation to the proposed modifications has been included as **Attachment 7**.

It is considered that the modifications as outlined above will further assist in addressing the applicable design principles and housing objectives and the concerns outlined in Council's earlier decision. As a result, conditions have been recommended accordingly.

Refusal Reason 3: Landscaping provision does not meet the design principles of the R-Codes or the Built Form Policy.

The proposed development fully complies with the landscaping requirements set out in the R-Codes. The application has been assessed against the provisions of the Built Form Policy, which sets a deemed-to-comply standard of 15 per cent of the site area as deep soil zone and as the subject site is located in a 'Residential Area', 30 per cent overall canopy coverage. The proposal provides for approximately 9.1 per cent of the site area as deep soil zones and 11.7 per cent as canopy cover.

The applicant provided additional information and justification, included as **Attachment 6**, with respect to street setbacks and building bulk in addition to the submission of amended plans in response to the outcomes of the SAT mediation. In summary, the applicant has outlined that the landscaping enhances and contributes the streetscape and constituent with other properties along Bulwer Street.

There is contention as to the weight that should be afforded to the landscaping provisions within the City's Built Form Policy, as they are still pending the endorsement of the WA Planning Commission.

This proposal includes the provision of deep soil zones along the street boundary and planter boxes on the upper floor fronting the right-of-way. The applicant has also proposed six mature trees along the street boundary. The proposed landscaped areas are located principally to the perimeter of the site, which assists to soften the building bulk and allow for deep root plantings in the form of 500L trees.

The DAC recommended reducing the height of the planter boxes and providing open style balustrade to the upper floor balconies to Units 3 and 4. It was also recommended that the landscaping be reconfigured to ensure improved access for service and maintenance. The reconfiguration results in planter boxes with a maximum depth of 300mm which wrap along the edge of the balcony. The changes equate to a reduction in the deep soil zone for each balcony. Although the modifications result in a reduction to landscaping, the changes will present an overall improvement to the appearance of the development which still address the intent of the City's Policy.

Conclusion

The revised plans and additional information and justification provided by the applicant in part are considered to address the concerns identified in Council's refusal. Further modifications are recommended to assist in reinterpreting elements and character from within the existing streetscape, improve the developments appearance and address the applicable design principles and housing objectives.

Although the proposal requires discretion with respect to the proposed street setback, lot boundary setback and visitor parking requirements, these variations when coupled with the modifications as outlined in the recommended conditions are considered to meet the design principles of the R-Codes and the City's Built Form Policy in each instance and will not adversely impact the adjoining properties.

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

9.2 NORTH PERTH TOWN CENTRE PUBLIC OPEN SPACE
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TRIM Ref: D17/53453

Author: David Doy, Place Manager

Authoriser: Stephanie Smith, Acting Manager Policy and Place

Attachments:

1. Attachment 1 - Online Survey Results [⇒](#) 
2. Attachment 2 - Location 1: Corner of View Street and Fitzgerald Street [⇒](#) 
3. Attachment 3 - Location 2: Corner of Wasley Street and Fitzgerald Street [⇒](#) 
4. Attachment 4 - Location 3: View Street Car Park and Adjoining View Street Road Reserve [⇒](#) 
5. Attachment 5 - Location 4: Corner of Forrest Street and Fitzgerald Street [⇒](#) 
6. Attachment 6 - Technical Study - Summary of Locations [⇒](#) 
7. Attachment 7 - Proposed Public Open Space and Study Area - Plan [⇒](#) 
8. Attachment 8 - North Perth Public Open Space Working Group Terms of Reference [⇒](#) 

RECOMMENDATION:

That Council:

1. **NOTES** the results of the community consultation for the future location and design of a new public open space in the North Perth Town Centre, as shown in Attachment 1;
2. **ENDORSES** the corner of View Street and Fitzgerald Street, as shown in Attachment 2, as the preferred location for the design and development of a new public open space in the North Perth Town Centre;
3. **ACCEPTS** the State Government's funding commitment of \$250,000 for the North Perth Town Centre Public Open Space project on the condition that the \$250,000 is transferred to the City in its entirety by no later than 31 December 2017 for expenditure throughout the life of the project as determined by the City and **AUTHORISES** the Chief Executive Officer to negotiate and enter into an appropriate funding agreement with the State Government;
4. **ESTABLISHES** a North Perth Town Centre Public Open Space Working Group in accordance with the Terms of Reference included as Attachment 8 to provide advice and recommendations on the design of a public open space in the location endorsed under 2. above, consisting of the following members:
 - 4.1. Mayor Emma Cole;
 - 4.2. Cr
 - 4.3. The State Member for Perth, John Carey MLA;
 - 4.4. The Chair of North Perth Local; and
 - 4.5. The Vice Chair of North Perth Local;
5. **LISTS FOR CONSIDERATION** in the 2017/18 to 2020/21 Corporate Business Plan a project to prepare an urban design concept and business case for Lots 15, 16 and 40 View Street and the adjoining View Street road reserve; and
6. **NOTIFIES** North Perth Local, all residents, landowners and businesses within 500 metres of the endorsed public open space location and those that submitted a response during the consultation period of Council's decision.

PURPOSE OF REPORT:

For Council to consider the results of the community survey and stakeholder consultation regarding the potential location of a new public open space in the North Perth Town Centre.

BACKGROUND:

Council identified the need for a public open space in the North Perth Town Centre through the inclusion of Item 9.7 'Undertake a study to identify a public space for North Perth Town Centre', in the City's Corporate Business Plan 2016/17 – 2019/20. This study was scheduled to occur during the 2016/17 and 2017/18 financial years.

Following from this, Council adopted a Notice of Motion at its meeting on 26 July 2016, as follows:

"That Council REQUESTS the Chief Executive Officer to develop and implement a plan and schedule to establish a new public space in the North Perth Town Centre in line with Draft Corporate Business Plan Item 9.7, to include (but not be limited to) consideration of the following:

- *A location near Fitzgerald Street between Angove Street and Alma Road;*
- *Potential to create an adjacent shared space for pedestrians, motorists and cyclists;*
- *Creation of a space that is safe, flexible and adaptable to encourage its use and enjoyment by the community for a variety of different purposes;*

with the community consultation on the project to commence no later than January 2017."

As a result of the Corporate Business Plan item and the notice of motion the City developed a project plan and schedule for the project. In accordance with the project plan, public consultation requesting the community's view on where a new public open space in the North Perth Town Centre should be located commenced in January 2017 using the following methods:

- An online survey (advertised online and via a postcard dropped to all homes and businesses within 500 metres of the North Perth Town Centre); and
- Targeted interviews with key stakeholders in the North Perth Town Centre.

The consultation included questions about:

- how a new public space might be used;
- the key elements that should be considered in the design process;
- the best location for a public space; and
- some basic information about the survey participants.

Online Survey

The City received 133 online survey responses. The online survey questions are provided below and a summary of the responses are contained in **Attachment 1**.

- *How would you like to use a new public space in North Perth?*
- *What types of activities would you like to see?*
- *Where do you think the most appropriate location for a new public space in the North Perth Town Centre is?*
- *Are there any areas that should be avoided?*

Targeted Interviews

The City also undertook a series of targeted interviews with key community stakeholders, including landowners and businesses fronting potential public open space locations and North Perth Local. The interviews were structured around the same questions in the online survey. The major comments made in these interviews were as follows:

- The new public open space should be centrally located and visible from Fitzgerald Street;

- The new public open space should help link Angove Street and View Street for pedestrians through the View Street and Rosemount Hotel car parks;
- Any new public open space should be activated by adjoining uses; and
- The majority of stakeholders interviewed considered the View Street Car Park and View Street road reserve near the Fitzgerald Street intersection as the most appropriate location for a new public open space.

Other design based feedback was also gathered from both the surveys and stakeholder interviews for consideration at the detailed design stage.

North Perth Masterplan

The North Perth Masterplan provides high level guidance about how the North Perth Town Centre should develop and change over time. It provides broad ranging advice separated into three key focus areas – Activity, Movement and Character.

The North Perth Masterplan provides some guidance about the location of public spaces in the Town Centre. Page 40 of the North Perth Masterplan titled 'Streetscape Proposals' identifies the following four potential public space and public realm upgrades in the North Perth Town Centre:

- North Perth Piazza;
- Forrest Square;
- View Street Green Link;
- Rosemount Hotel and View Street Site.

This high level guidance has also influenced the locations that are outlined in the Details section below.

DETAILS:

The main locations identified through the online surveys and target interviews for the new North Perth Town Centre public open space were:

- View Street Car Park;
- Corner of View Street and Fitzgerald Street
- View Street road reserve adjacent to the Main Hall;
- Rosemount Hotel Car Park;
- Alma Road road reserve;
- North Perth Plaza Car Park;
- Corner of Wasley Street and Fitzgerald Street; and
- Corner of Forrest Street and Fitzgerald Street.

Following the community consultation process the City undertook a technical assessment of the locations highlighted by the community through the surveys. Two of the locations, the North Perth Plaza Car Park and Rosemount Hotel Car Parks, are privately owned and are not considered to be viable options. Two further locations, Alma Road and View Street adjacent to the Town Hall, were also mentioned in the community responses but only at low rates (only 6% of respondents considered these locations to be the preferred location of a public open space). These locations were also seen to be too far away from pedestrian activity and the centre of the Town Centre and given the low support shown through the survey were not assessed further.

As a result the following four locations were considered to warrant further detailed consideration:

- Location 1: Corner of View Street and Fitzgerald Street – see **Attachment 2**;
- Location 2: Corner of Wasley Street and Fitzgerald Street – see **Attachment 3**;
- Location 3: View Street Car Park (Lot 15, 16 and 40 View Street) and adjoining View Street road reserve – see **Attachment 4**; and
- Location 4: Corner of Forrest Street and Fitzgerald Street – see **Attachment 5**.

Locations 1 – 4 were provided to a consultant Civil Designer for testing. The Civil Designer reviewed each option against the:

- Impact on the surrounding road network;
- Impact on parking;
- Impact on services;
- Earthworks required; and
- Impact on drainage.

The full detail of this assessment along with the City's urban design assessment is provided in **Attachment 6** and is summarised below.

Location 1: Corner of View Street and Fitzgerald Street

The corner of View Street and Fitzgerald Street is – geographically – the centre of the North Perth Town Centre. There is potential for a public space to be located in the road reserve of View Street at this intersection. **Attachment 2** provides an indication of how a public space could be positioned at this corner, using the south west corner as an example and including a shared space treatment to View Street.

The location is adjacent to the local post office and is in close proximity to the northern and eastern entrances to the North Perth Plaza, which is home to a variety of businesses including a supermarket. The southern side of View Street includes overhead power lines and parking bays are located on both sides of the street in this area. Abutting Location 1 to the south is a real estate agent. View Street is a local distributor road carrying approximately 3,000 vehicles per day.

The online survey resulted in 41.57% of respondents listing View Street, including the car park, as their preferred location for a public open space, with 7.23% of respondents listing the intersection specifically as their preferred location.

Interviewees stated that a public open space in this location had the capacity to calm traffic on View Street, improve the ability for pedestrians to cross at this location and provide a central open space in a highly visible area. There was also some consensus that this location worked in tandem with the potential for a public open space in the View Street Car Park and that together this had the ability to link Angove Street (through the Rosemount and View Street car parks) through to the North Perth Plaza and Fitzgerald Street.

An internal administrative workshop concluded that this location is centrally located, adjoins the North Perth Plaza, is close to the North Perth Plaza Bus Stop and is highly visible from Fitzgerald Street and also from the top of View Street (the highest point in the Town Centre) near St Hilda's Church. Administration agreed with interviewees that a public open space in this location would reduce the size of the intersection at View Street and provide an opportunity for a shared space to be created, thereby significantly improving pedestrian movement and comfort across View Street.

The area is currently not framed by active uses and therefore no immediate opportunity exists for alfresco dining and activation in this location. A public open space in this location would have an impact on vehicle flow out of View Street onto Fitzgerald Street. Should this location proceed to a detailed design further consideration to the potential affect this option has on traffic on Alma Road is required.

The North Perth Masterplan (page 42) recommends a public space– named the *North Perth Piazza* – at this location. The Masterplan states that the *North Perth Piazza* would be the focal point of the Town Centre and a meeting place arranged over different levels that connects to public transport on Fitzgerald Street.

Location 2: Corner of Wasley Street and Fitzgerald Street

The corner of Wasley Street and Fitzgerald Street is located in the north eastern quadrant of the town centre. **Attachment 3** provides an indication of how a public space could be positioned at this corner, using the south east corner as an example and including a shared space treatment to Wasley Street.

The location is adjacent to a traditional shopfront to the north (Hair Salon) and a newer development to the south that has a café on the ground floor. The northern side of Wasley Street includes overhead power lines and parking bays are located on both sides of the street in this area. The site contains one of the three 'robots' public artworks and there is access to a public parking area 40 metres east of Fitzgerald Street which connects through to Forrest Street. Wasley Street is a local distributor carrying approximately 800 vehicles per day.

The online survey resulted in 3.61% of respondents listing this as their preferred location, which was the seventh highest response received.

This location is centrally located and is highly visible from Fitzgerald Street. The area is enclosed by a tall building to the south, a traditional shopfront to the north and higher buildings on the west of Fitzgerald Street. A public open space in this location would reduce the size of the intersection at Wasley Street and provide an opportunity for a shared space to be created, thereby improving pedestrian comfort across Wasley Street.

This potential location is to the east of Fitzgerald Street and is not likely to attract as many users as a locations 1 or 3 on View Street.

Location 3: View Street Car Park (Lot 15, 16 and 40) and adjoining View Street road reserve

Location 3 covers Lots 15, 16 and 40 View Street, which are owned by the City and incorporate the View Street Car Park and City owned building on Lot 15 View Street. Given the size of the site, various options exist for the siting of a public open space in this location. **Attachment 4** provides an indication of how a public space could be positioned at this location with a layout of adjoining shared space treatments.

The location is in close proximity to the northern entrance to the North Perth Plaza, which is home to a variety of businesses including a supermarket. Abutting the site is the rear of a number of businesses that front Fitzgerald Street, the rear of the Rosemount Hotel Car park, rear of an aged car facility and the side of a single residential property. View Street is a local distributor carrying approximately 3,000 vehicles per day.

The online survey resulted in 34.34% of respondents listing the View Street Car Park and the directly abutting parts of View Street as their preferred location.

Interviewees highlighted that this location could work in tandem with Location 1, linking Angove Street (through the Rosemount and View Street car parks) through to the North Perth Plaza and Fitzgerald Street. The City's ownership and control over the building on Lot 15 was seen as a significant opportunity to activate a public space in this location.

An internal administrative workshop concluded that Location 3 is centrally located, larger than the other locations being investigated and is owned by the City. A public open space in this location would improve the connection between Angove Street and View Street, with a shared space significantly improving pedestrian movement and comfort across View Street.

The site is less visible from Fitzgerald Street than the other locations investigated and is complicated by the requirements of the car park as well as the existing building, leasing arrangements and access easements. Other than the existing City owned building on Lot 15, the site currently has no buildings that could front a public open space with an active use and therefore no immediate opportunity for alfresco and activation.

The North Perth Masterplan (page 48) recommends a pedestrian link between Angove and View Streets via the Rosemount Hotel Car park and the View Street Car Park. The Masterplan states that this overall site is a significant opportunity for an integrated redevelopment that improves the pedestrian amenity and public realm.

Location 4: Corner of Fitzgerald Street and Forrest Street

The corner of Forrest Street and Fitzgerald Street is located in the south eastern quadrant of the town centre. **Attachment 5** provides an indication of how a public space could be positioned at this corner and includes a shared space treatment to Forrest Street.

Location 4 has a traditional shopfront with an active use on the south eastern corner. To the north is a Chemist that presents a blank wall to the space. The North Perth Plaza and associated car park are directly west. The northern side of Forrest Street includes overhead power lines and parking bays are located on both sides of the street in this area. The North Perth Plaza bus stop is a 20 metre walk from this location and there is access to a public parking area 40 metres east of Fitzgerald Street which connects through to Wasley Street. Forrest Street is a local distributor carrying an estimate of up to 1,900 vehicles per day.

The online survey resulted in 2.41% of respondents listing this as their preferred location, which was the eighth highest response received.

Location 4 is centrally located, highly visible from Fitzgerald Street, directly opposite the North Perth Plaza and in close proximity to the North Perth Plaza Bus Stop. A public open space in this location would reduce

the size of the road in this location and improve pedestrian movement and comfort when crossing Forrest Street.

This potential location is to the east of Fitzgerald Street and is not likely to attract as many users as a locations 1 or 3 on View Street. The site also has no buildings that could actively front a public open space with an active use and therefore no immediate opportunity for alfresco and activation of the space.

The North Perth Masterplan (page 44) recommends a public space at the western end of Forrest Street – named *Forrest Square*. This space was identified largely because of the location of a future light rail station which formed a part of the former MAX light rail project.

CONSULTATION/ADVERTISING:

Broad community consultation was undertaken through the use of an online community survey (advertised online and via a postcard dropped to all homes and businesses within 500 metres of the North Perth Town Centre) and stakeholder interviews, as outlined in the Background section above.

Following Council's decision on the potential location of this public open space, it is proposed that North Perth Local and all residents, landowners and business within 500 metres of the North Perth Town Centre be notified in writing of Council decision. A public notice will also be uploaded to the City's website and social media platforms. A Marketing Campaign Plan will also be prepared to guide milestone updates to the community as the design of the preferred public open space area unfolds.

LEGAL/POLICY:

Land Tenure Considerations

The View Street, Wasley Street and Forrest Street locations are all gazetted road reserves under the care, control and maintenance of the City. Advice from the Department of Lands (received in June 2015 as part of the Mary Street Piazza project) confirms that:

- the road reserve does not have to be for carrying vehicular traffic but can also be limited to pedestrian traffic; and
- the City can design and construct within a road reserve without the permission of the Department of Lands as long as any structure fits the description of 'streetscape'.

The View Street Car Park (Lot 15, 16 and 40 View Street) is owned freehold by the City.

1.

Lot 15 View Street has the benefit of an easement for right of carriageway purposes, which was created upon the transfer of land 26881/1964 on 27 April 1964. As both Lots 15 and 16 are owned by the City, the right of carriageway easement is redundant as it is providing a benefit and burden to the same party. The City will be required to surrender the easement as part of the detailed design phase should Lot 15 or Lot 16 be used for a public space.

Lot 40 is burdened by easements of access in favour of the properties to the east that front Fitzgerald Street.

Leasing Considerations

The building on Lot 15 View Street is currently leased by the City to Multicultural Services Centre Western Australia (MSCWA). MSCWA has leased the building from the City since 2002, providing a legal and welfare service.

The MSCWA lease expires on 30 November 2017 and there are no further option terms. The City is yet to formally discuss with the MSCWA whether it is interested in entering into a new lease to commence from 1 December 2017. If the City does not enter into a new lease with the MSCWA the current lease provides that the MSCWA may continue to occupy the building as a monthly tenant pursuant to the holding over clause of the lease. The City could terminate the monthly tenancy by providing one month's notice to the MSCWA.

Once Administration has engaged with MSCWA in respect to the future use of the building a separate report will be presented to Council addressing the potential future use of the building and the future needs of the MSCWA.

RISK MANAGEMENT IMPLICATIONS:

Low: Construction of a public open space in the North Perth Town Centre has the potential to disrupt adjoining businesses during the construction phase and have a localised impact on vehicle movement and parking. These impact will be managed through a construction management plan, which reduces the risks to Low.

STRATEGIC IMPLICATIONS:

A new public space/s will contribute to a number of the 2017/18 Council Priorities including:

Thriving & Creative Town Centres

Our town centres are vibrant and thriving, each with their own unique character and identity. We want to make sure it stays that way by promoting high quality development outcomes and supporting our town centres and the creativity and culture they offer.

Supporting Liveable Neighbourhoods

We want to continue our focus on making our streets greener, safer, more attractive and inviting, and easier to get around Vincent for pedestrians and cyclists.

More Inviting Green & Open Spaces

Our open spaces are precious to our community and important to protect, enhance and expand. We want to continue making our open spaces even better as well as finding creative ways to provide new spaces that respond to community needs.

Improving Community Connection & Inclusion

Our community is diverse, passionate and welcoming – it is part of what makes Vincent great. We want to help our community come together and stay connected, to support those in need and to make everyone feel welcome.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

A budget of \$5,000 was included in the 2016/17 financial year to seek the community's views on the best location for a public open space in the Town Centre. \$4,411 has been spent from this budget on the online advertisement and postcard drop to all homes and businesses within 500 metres of the North Perth Town Centre, which occurred in January.

The cost of the civil design assessment undertaken by engineering consultants totalled \$2,090 and was funded from the Asset and Design Services general consultancy budget.

A quote for the development of a public open space at each of the four locations investigated was provided by a landscape architect. The quotes and associated assumptions for each location are set out for each:

Location 1 – Corner View Street and Fitzgerald Street: Cost Estimates

Assuming public space configuration as per Attachment 2, with the public space on the southern side of View Street and conversion of the road to a shared space.

Consulting fees (detailed design, tender documentation and project management)	\$114,000
Construction costs (including adjacent shared space)	\$570,000
Contingency (10%)	\$57,000
Total	\$741,000

Location 2 – Corner Wasley Street and Fitzgerald Street: Cost Estimates

Assuming a public open space configuration as per **Attachment 3**, with the public space on the southern side of Wasley Street and conversion of the road to a shared space.

Consulting fees (detailed design, tender documentation and project management)	\$94,500
Construction costs	\$472,500
Contingency (10%)	\$47,250
Total	\$614,250

Location 3 – Lot 15 and 16 View Street (View Street Car Park): Cost Estimates

Assuming a public open space configuration as per **Attachment 4**, with the public space on Lot 16 View Street – Public Space and conversion of the adjoining road to a shared space.

Consulting fees (detailed design, tender documentation and project management)	\$110,200
Construction costs	\$551,000
Contingency (10%)	\$55,100
Total	\$716,300

Location 4 Corner Forrest Street and Fitzgerald Street: Cost Estimates

Assuming a public open space configuration as per **Attachment 5**, with public space on the southern side of Forrest Street and conversion of the road to a shared space.

Consulting fees (detailed design, tender documentation and project management)	\$86,400
Construction costs	\$432,000
Contingency (10%)	\$43,200
Total	\$561,600

If Location 3 is to be considered as a second phase of this project or a project in its own right, as shown in **Attachment 7**, it will be necessary to determine the best location within this area to site a new public open space through a broader urban design process. It is estimated that the development of three concept design options for this area by an urban design consultant would cost in the order of \$30,000. A broader concept design for such an area would also require a traffic assessment to determine the appropriate design of the car park and impact on View and Angove Streets. It is estimated that a traffic impact assessment of these concepts would cost approximately \$30,000. Valuations as part of a supporting business case for the three concept designs is likely to cost in the order of \$20,000.

The new State Government committed a total of \$250,000 to this project at the recent State election in March 2017. This funding commitment has since been confirmed in writing by the State Member for Perth. The City will be required to negotiate and enter into an agreement with the State Government in order to access this funding. The City understands that the State Government \$250,000 funding commitment is currently budgeted for expenditure during the 2017 calendar year. On this basis it is recommended that Council accepts this \$250,000 from the State Government on the condition that the funding is provided to the City in full in the 2017 calendar year for expenditure over the life of the project as determined by the City. It is also recommended that the Council authorise the CEO to negotiate and sign a funding agreement in accordance with Council's resolution.

The State Member for Perth has requested that a working party be established to help oversee and drive the project to ensure its timely delivery. Administration met with a representative from the Department of Planning, Lands and Heritage who confirmed that it would be appropriate for the State Member for Perth to represent the State Government on such a working party.

Given the significance of the project for the North Perth community and the substantial contribution from the State Government it is recommended that a working group be established to provide advice and recommendations on the design of the public open space, consisting of the following members:

- Mayor Emma Cole (Chair) and one Council Member;
- The State Member for Perth;
- The Chair and Vice Chair of North Perth Local.

The working group will have a voting function which is consistent with many of the City's Advisory Groups. The working group will function in an advisory capacity only, providing the City and Council with recommendations on the consultant brief and the initial and final draft concept designs. The working group does not have the capacity to make decisions on the project, but can instead deliberate and then vote on the advice that should be provided to the City to assist with decision making and any recommendations it might make to Council for determination.

COMMENTS:

The results of the community consultation process found that View Street, including the car park, and Rosemount Hotel Car Park were the most popular locations for a new public open space in the North Perth Town Centre. These two areas adjoin one another and are centrally located in the Town Centre. Discussions with stakeholders highlighted this area as a missing link in the Town Centre and an ideal opportunity to create a space that could connect pedestrians from Angove Street to View Street and the North Perth Plaza Shopping Centre.

Though the Rosemount Hotel Car Park is privately owned and is not a viable option for the new public open space, there are opportunities to work together with the owners and community to provide improved connections through this and the View Street Car Park. Opportunity also exists to locate a public open space in the View Street Car Park, given its large size and central location. However, there are a number of complicating factors that impact the ability to deliver a public open space in this location in the short term. These include the existing easements and access arrangements; the requirements of the car park and the impact on the number and availability of car parking bays; and the existing building and lease on Lot 15. The View Street Car Park is also less visible from Fitzgerald Street and has no buildings that could front a public open space with an active use and therefore no immediate opportunity for alfresco and activation.

The results of the community consultation highlighted the importance of any new public open space or town square being activated by surrounding uses. The stakeholder interviews indicated that to achieve this, any new public open space should be clearly visible from Fitzgerald Street with frontage to development that supports alfresco dining. A total of 41.57% of respondents to the surveys identified View Street as their most preferred location for a new public open space, with seven per cent specifically identifying the corner of View and Fitzgerald Streets. This location is highly visible from Fitzgerald Street and from further west on View Street and provides an opportunity to connect and with a future public open space in the View Street Car Park. Although this location is not currently surrounded by active uses, opportunity does exist for the surrounding buildings to front and activate a town square style public open space on this corner.

The View Street road reserve, on the corner of Fitzgerald Street, is not complicated by the factors present in the View Street Car Park and presents an immediate opportunity to deliver a new public open space in the North Perth Town Square. This is the most visible and centrally located of the options and has the potential to instigate redevelopment of surrounding properties and improve the immediate environment for pedestrians. A town square style public open space at this location would also calm driver behaviour on View Street by narrowing the View Street carriageway, applying a shared space treatment and tightening the truncations at the Fitzgerald Street and View Street intersection. This location is also geographically linked to the View Street Car Park, is part of the green link identified in the North Perth Master Plan and presents an opportunity to activate the Town Centre and create an opportunity to deliver further public open space in this area into the future.

Recommendation: Locate the new North Perth Town Centre public open space at the Corner of View Street and Fitzgerald Street

Given the above and following the comprehensive community consultation process and the technical investigations it is recommended that Location 1 at the corner of Fitzgerald Street and View Street be endorsed as the location for a new public open space. The community consultation process has been extensive and detailed feedback has been received on both the location and the future design of a public open space. This information is considered more than sufficient to help guide the preparation of a concept design at the View Street and Fitzgerald Street corner. Further rounds of consultation are not considered necessary for this project.

A description of the next steps are outlined below:

Approximate timeframe	Tasks
2017/18	Notification of Council decision to local community and presentation to North Perth Town

POS Design	Centre Public Open Space Working Group to discuss consultant scope for design of the public open space
	Procurement process for a consultant to design, document and project manage the public open space, with final approval of preferred consultant and execution of contract by CEO
	City officers to meet with Western Power to explore opportunities for undergrounding power
	Initial concept design preparation, including presentation of initial concept to North Perth Town Centre Public Open Space Working Group and then Council Members at a Council Workshop
	Draft Concept Design preparation including presentation of final draft concept to North Perth Town Centre Public Open Space Working Group and then Council Members at a Council Workshop
	Final draft concept design presented to Ordinary Council Meeting for approval
	Consultant to prepare Detailed Design for construction phase
2018/19 Construct	Consultant to prepare Tender Documentation for a Contractor to build the public open space. Tender released, submissions reviewed, preferred contractor selected and contract executed
	Handover the site to contractor to commence construction
	Site inspection and practical completion of the public open space
	Opening of public open space to the community
	12 months defects periods

Review of submissions to undertake the construction phase

Recommendation: Undertake and urban design concept for the View Street Car Park (Lots 15, 16 and 40 View Street) and adjoining View Street road reserve

It is also recommended that the View Street Car Park, including Lots 15, 16 and 40 as shown in **Attachment 7**, be investigated as part of an urban design concept with consideration to the location of a further public space, configuration of the View Street Car Park, View Street road reserve as well as any potential redevelopment options. This will also inform the rationalisation of the View Street and Rosemount Hotel car parks, which will improve vehicle and pedestrian permeability between Angove Street and View Street. The exact design of this area, shown in **Attachment 7**, is proposed to be determined as part of a concept design process. The concept design will be accompanied by a detailed business case that outlines things such as a needs and cost/benefit analysis as well as potential funding mechanisms.

Following Council's decision Administration will commence discussions with all landowners adjoining the View Street Car Park and section of View Street to determine the issues that need to be considered as part of an urban design concept for the site. From there recommended actions along with the costs for an urban design concept will be presented to Council for consideration.

9.3 NORTH PERTH TOWN CENTRE PARKING RESTRICTIONS - LEAKE STREET (BETWEEN ALMA ROAD AND VIEW STREET)

TRIM Ref: D17/69038
Author: Stephen Schreck, Strategic Planning Officer
Authoriser: John Corbellini, Director Development Services
Attachments: 1. [Leake Street Consultation Map](#) 
2. [Leake Street Restriction Map](#) 

RECOMMENDATION:**That Council:**

1. Further to the Council decision of 7 March 2017, **RETAINS** the current 2P 8:00am – 5:30pm Monday – Friday restriction on Leake Street (between Alma Road and View Street), North Perth, as shown in Attachment 2; and
- (a)
2. **NOTES** that the change to the parking restrictions on Grosvenor Road (between Fitzgerald Street and Leake Street), adopted by Council on 7 March 2017, will not be implemented until the City has engaged with affected residents on the outcomes of the parking restriction trial adopted by Council on 23 August 2016 and presented a future report back to Council to considered the outcomes of the trial and the results of consultation.

PURPOSE OF REPORT:

To consider retaining the existing two hour parking restrictions on Leake Street (between Alma Road and View Street) and Grosvenor Road (between Fitzgerald Street and Leake Street), North Perth.

BACKGROUND:

At its meeting on 7 March 2017 Council adopted a set of new parking restrictions for the North Perth Town Centre. As part of the advertising of the proposed parking restrictions, Leake Street and Grosvenor Road was shown as two hour parking (2P). In response to concerns raised by residents regarding the two hour parking (2P) proposal and the impact this would have on visitor parking, Administration recommended implementing a three hour parking (3P) instead of the two hour parking (2P) originally proposed, to increase the length of parking for visitors. In response to concerns from businesses regarding the lack of free staff parking for local businesses, a an amended recommendation was moved and carried by Council to further change the parking restrictions for the outer areas of the Town Centre, including Leake Street, from two and three hour parking to five hour parking (5P 8am – 6pm MON – FRI). The amended five hour parking restriction was intended to provide parking for local staff, while still deterring all day commuter parking.

Following Council's resolution the City wrote to all owners, residents and businesses in the North Perth Town Centre, advising them of Council's decisions and the roll out of the parking restrictions from 1 July 2017. Following these letters the City was contacted by a number of residents of the section of Leake Street between Alma Road and View Street. The residents explained that this section of Leake Street already had two hour (2P 8am - 5:30pm MON - FRI) parking restrictions in place, which were imposed in 2013 to address the parking out of Leake Street by staff from nearby businesses. This staff parking had restricted residents and visitors from parking on Leake Street during the day. The residents were concerned that increasing the existing restrictions to five hours did not take the existing two hour parking restrictions into account.

As a result of these concerns the City undertook a further review of the existing parking restrictions in North Perth to determine if any further unintended changes to existing restrictions had been included. This review identified that the area of Grosvenor Road between Fitzgerald Street and Leake Street already has two hour parking (2P) restations in place and that as part of the resolution of 7 March 2017, Council adopted a change to these restriction to become three hour parking (3P).

The current two hour parking (2P) restriction on this portion of Grosvenor Road where adopted by Council at its meeting on 23 August 2016 as part of a number of trial parking restrictions on Chelmsford Road, Leake Street, Grosvenor Road and Fitzgerald Street in North Perth. These parking restrictions were in response to the specific parking concerns of local residents and were not intended to be modified as part of the overall parking restrictions for the North Perth Town Centre. However, following advertising of the North Perth parking restrictions the portion of Grosvenor Road between Fitzgerald Street and Leake Street was inadvertently included in the three hour parking (3P) area.

DETAILS:

The amendment to change the proposed two hour parking (2P) areas to three hour (3P) and five hour parking (5P) was based on the occupancy data recorded during the parking occupancy surveys undertaken by the City in 2016. In accordance with the City's existing Car Parking Strategy, only streets with a peak occupancy of less than 60 percent were changed from the advertised two hour parking (2P) to five hour parking (5P). Leake Street recorded a peak occupancy of 51 percent and an average occupancy of 29 percent. On this basis it was recommended that Leake Street (between Grosvenor Road and View Street) be five hour parking. However, it was not noted in the amendment that the section of Leake Street between Alma Road and View Street already contained a current two hour parking restriction. It was also not noted in the Council report that the section of Grosvenor Road between Fitzgerald Street and Leake Street was subject to two hour parking (2P) restriction trial.

CONSULTATION/ADVERTISING:

Consultation was originally undertaken with all local residents and businesses as part of the North Perth Town Centre parking restriction changes. The changes that were sent out for consultation proposed two hour parking (2P) in both Leake Street and Grosvenor Road. Prior to Council determining the matter all owners, occupiers and businesses who were originally consulted with were written to again advising of the Council meeting dates and where to find the recommendation. Following Council's determination the City again wrote to all owners, occupiers and businesses in the area affected by the parking changes advising of Council's resolution and the changes being implemented.

The residents and businesses shown in yellow on **Attachment 1** were informed of this report and that the current 2P parking restriction on Leake Street is recommended to be retained. The businesses shown in **Attachment 1** will be advised that 5P parking suitable for staff will be available further south on Leake Street before Grosvenor Road.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

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

“8. Creating Liveable Neighbourhoods

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

The City's Strategic Plan 2013 – 2023 states:

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

The City's Car Parking Strategy 2010 states:

“Objective 7

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

SUSTAINABILITY IMPLICATIONS:

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:Leake Street between Alma Road and View Street

Council was not advised of the current two hour parking restriction on Leake Street when it considered this matter at its meeting of 7 March 2017. As the parking occupancy data is only available for entire streets, it is not possible to determine what the occupancy rates are for this one section of Leake Street between Alma Road and View Street. However, the current two hour restriction on this section of Leake Street appears to be functioning correctly. Given its very close proximity to the centre of North Perth, it is proposed that the existing parking restriction on this section of Leake Street be retained. Five hour parking (5P) is still available on the central section of Leake Street and other nearby streets and ensures a variety of parking options are provided in the Town Centre.

Grosvenor Road between Fitzgerald Street and Leake Street

At its meeting on 23 August 2016 Council adopted a number of trial parking restrictions on Chelmsford Road, Leake Street, Grosvenor Road and Fitzgerald Street in North Perth. This trial showed the portion of Grosvenor Road between Fitzgerald Street and Leake Street as two hour (2P) parking. These parking restrictions were in response to the specific parking concerns of local residents and were not intended to be modified as part of the overall parking restrictions for the North Perth Town Centre. However, during the implementation of the parking restrictions, the City identified that the change to three hour (3P) parking was contradictory to Council's previous decision in relation to the trial. Although adopted, this change has not been implemented and the signage on this portion of Grosvenor Road has been maintained as two hour (2P) parking consistent with the trial. It is intended that the City will engage with affected residents on the outcome of the trial, in accordance with Council's previous resolution, and present a future report back to Council to address this matter. It is recommended that Council note that the implementation of the adopted parking restrictions on this section of Grosvenor Road will not be implemented until the results of the trial are considered by Council.

9.4 NO. 49 (LOT: 115; D/P: 6064) TASMAN STREET, MOUNT HAWTHORN - PROPOSED AMENDMENT TO PREVIOUS APPROVAL AND EXTENSION OF THE TERM OF APPROVAL: PROPOSED DEMOLITION OF AN EXISTING SINGLE HOUSE AND CONSTRUCTION OF FOUR GROUPED DWELLINGS

TRIM Ref: D17/55269

Author: Remajee Narroo, Statutory Planning Officer

Authoriser: John Corbellini, Director Development Services

Ward: North

Precinct: 1 - Mount Hawthorn

Attachments:

1. Attachment 1 - Consultation and Location Map [⇨](#) 
2. Attachment 2 - Previous Approval and Plans [⇨](#) 
3. Attachment 3 - Development Application Plans [⇨](#) 
4. Attachment 4 - Applicant's Justification [⇨](#) 
5. Attachment 5 - Detailed List of Amendments proposed to Previous Approval [⇨](#) 
6. Attachment 6 - Applicant's Response to Submissions [⇨](#) 
7. Attachment 7 - Summary of Submissions including Administration's Response [⇨](#) 

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 approved plans and extend the period within which the development must be substantially commenced for planning approval (5.2015.249.1) granted on 22 September 2015 for Proposed Demolition of an existing Single House and Construction of Four Grouped Dwellings at No. 49 (Lot: 115; D/P: 6064) Tasman Street, Mount Hawthorn, in accordance with the plans included as Attachment 2, subject to the following conditions:

1. All conditions and advice notes detailed on planning approval 5.2015.249.1 granted on 22 September 2015 and included in Attachment 3 continue to apply to this approval, except as follows:
 - a) Conditions 6.1 and 7.3 of the planning approval are deleted and replaced with the following condition:

“6.1 Landscape and Reticulation Plan

 - 6.1.1 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:
 - 6.1.2 The location and type of existing and proposed trees and plants;
 - 6.1.3 The provision of additional mature tree planting with a canopy cover at maturity within the outdoor living areas of Units 3 and 4 and 50 per cent of landscaping within the front setback area on the approved plans to the satisfaction of the City; and
 - 6.1.4 Areas to be irrigated or reticulated; and
 - 6.1.5 All works shown in the plans as identified in Condition 6.1.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to

the satisfaction of the City at the expense of the owners/occupiers;”;

- b) Condition 6.4 of the planning approval is deleted and replaced with the following condition:

“6.4 Front Fence

The proposed street/front wall, fence and gate within the Tasman Street setback areas, including along the side boundaries within the street setback area, shall comply with the City’s Policy No. 7.1.1 – Built Form relating to Street Walls and Fences as follows:

6.4.1 Above 1.2 metres from the footpath level the fence shall be visually permeable;

6.4.2 The pier shall have a maximum width of 0.4 metre; and

6.4.3 The wall for meterboxes shall have a maximum depth of 1 metre;”;

- c) Condition 3 of the planning approval is deleted and replaced with the following conditions:

“3. Verge Trees

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

3.2 Prior to the commencement of development and to the satisfaction of the City, an Arborist Report is to be submitted and approved by the City, ensuring that the existing verge tree as depicted on the approved plans will not be impacted by the proposed crossover construction and include measures during and after construction to ensure the long term health of the tree is protected;”;

- d) A new condition is added to the planning approval as follows:

“7.3 Schedule of External Finishes

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

PURPOSE OF REPORT:

To consider an application to amend the current planning approval for the proposed demolition of an existing single house and construction of four grouped dwellings at No. 49 Tasman Street, Mount Hawthorn.

BACKGROUND:

Landowner:	Lead Enterprises Pty Ltd
Applicant:	Germano Designs Pty Ltd
Date of Application:	4 November 2016
Zoning:	MRS: Urban TPS1: Zone: Residential R-Code: R60 TPS2: Zone: Residential R-Code: R60
Built Form Area:	Residential

Existing Land Use:	Single House
Proposed Use Class:	Grouped Dwellings - "P"
Site Area:	Total Lot Area- 696m ² Proposed Lots: Lot 1= 129.32m ² Lot 2= 129.32m ² Lot 3= 136.63m ² Lot 4= 136.63m ² Common Property= 163.14m
Right of Way (ROW):	Not applicable
Heritage List:	Not applicable

The subject site is located midway along Tasman Street, Mount Hawthorn. The site is zoned 'Residential R60'. The location of the subject site is shown in **Attachment 1**. The adjoining properties are zoned 'Residential R60' and Tasman Street is characterised by single and two storeys single houses and grouped dwellings. The site is currently occupied by a single storey single house.

On 22 September 2015 Council conditionally approved the demolition of the existing single house and construction of four grouped dwellings. This previous approval, including the conditions and approved plans are included as **Attachment 2**.

This current application proposes to amend this approval by extending the timeframe within which the development must be substantially commenced and amending the approved plans as follows:

- Relocating the stores of all units so they are part of the garages and converting this space into living area;
- Decreasing the setback of the kitchen of Units 1 and 2 from the western and eastern boundaries respectively from 1.5 metres to 1.2 metres;
- Increasing the length of the first floor of Units 1 and 2 from 12.9 metres to 13.89 metres;
- Increasing the setback of the living room and upper floor Bed 1 and Ensuite of Units 1 and 2 from the western and eastern boundaries respectively from 1.2 metres to 1.308 metres;
- Increasing the length of the boundary wall of Units 3 and 4 to the southern boundary from 2.9 metres to 3.75 metres;
- Increasing the length of the boundary wall of Units 3 and 4 to the eastern and western boundary respectively from 5.83 metres to 6.09 metres;
- Increasing the setbacks of the upper floors of Units 3 and 4 from the eastern and western boundary respectively from 1.1 metre to 1.208 metres;
- Introducing pergolas within the common property area at the rear of the central access leg; and
- Slightly reconfiguring the landscaping areas.

The amended plans are included as **Attachment 3** and the applicant's justification for the amendment is included as **Attachment 4**.

A detail list of the amendments proposed to the previously approved plans is provided in **Attachment 4**.

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 (Built Form Policy) and the State Government's Residential Design Codes (R-Codes). It notes each instance where Council previously approved a planning element that required the discretionary of Council as well as each instance where further discretion is proposed. Those elements that require the additional discretion of Council are discussed in the Detailed Assessment section following from this table.

Detailed Assessment

Planning Element	Use Permissibility/ Deemed-to-Comply	Previously Approved Discretion by Council	Additional Discretion Required by Council
Site Area	✓		

Planning Element	Use Permissibility/ Deemed-to- Comply	Previously Approved Discretion by Council	Additional Discretion Required by Council
Street Setback		✓	
Lot Boundary Setback		✓	✓
Open Space/Communal Open Space			✓
Building Height	✓		
Setback of Garages and Carports	✓		
Garage Width	✓		
Street Surveillance	✓		
Street Walls and Fences		✓	✓
Sight Lines	✓		
Outdoor Living Area		✓	
Landscaping		✓	✓
Parking, Car Parking Spaces, Vehicle and Pedestrian Access	✓		
Site Works/Retaining Walls	✓		
Stormwater Management	✓		
Visual Privacy	✓		
Solar Access for Adjoining Sites	✓		
Outbuildings	✓		
External Fixtures	✓		
Utilities and Facilities	✓		

Detailed Assessment

The deemed-to-comply assessment of the element that requires the additional discretion of Council are as follows and are discussed further in the Comment section below:

Lot Boundary Setbacks	
Deemed-to-Comply Standard	Proposal
Policy No. 7.1.1 – Built Form R-Codes – Clause 5.1.3 Kitchen Walls to Units 1 and 2 are to be setback 1.5m to eastern and western boundaries Boundary Walls are proposed to Units 1 and 4. The Walls are to have an average height of 3m	A 1.2m setback is proposed to the eastern and western boundaries The Walls are proposed with an average height of 3.02m to Unit 1 and 3.07 metres to Unit 4.
Open Space	
Deemed-to-Comply Standard	Proposal
Policy No. 7.1.1 – Built Form R-Codes- Clause 5.1.4 40% open space is required for each unit	Units 3 and 4 are proposed with 36.7% open space
Street Walls and Fences	
Deemed-to-Comply Standard	Proposal
Policy No. 7.1.1 – Built Form Front Fence to have a solid portion up to 1.2m in height, pier width of 400mm and meterboxes wall depth of 1m	Front Fence proposed with a solid portion up to 1.69m in height, pier width of 500mm and meterboxes wall depth of 2.2m
Landscaping	
Deemed-to-Comply Standard	Proposal
R-Codes – Clause 5.3.2 50% or 36.94m ² of the street setback is landscaped	38.87% or 28.72m ² of the street setback area is

landscaped

CONSULTATION/ADVERTISING:

Consultation on the proposal was undertaken for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 2 March 2016 until 16 March 2016. A total of 102 letters were sent to owners and occupiers of properties within close proximity of the subject site (**Attachment 1**) in accordance with the City's Policy No. 4.1.5 – Community Consultation. The City wrote to the same owners and/or residents that were consulted when the original development application was initially advertised in July 2015 including the original submitters.

At the end of the consultation period, a total of seven objections were received. It is noted that three submissions were from the same address. The main issues raised in the submissions are summarised as follows:

- Impact on Streetscape and Character;
- Development size;
- Impact on the amenity of neighbouring properties during construction;
- Impact during construction;
- Concerns with the Boundary walls
- Privacy and Overlooking concerns

These matters are discussed in the Comment section below. The applicant has provided a response to the submissions and a justification for the variations, which is included as **Attachment 6**.

A detailed summary of the submission and Administration's response to each matter raised is included in **Attachment 6**.

The plans being considered by Council differ to those that were advertised. The changes made to the advertised plans are as follows:

- The crossover has been realigned to facilitate the retention of the existing verge tree as per the original development approval granted;
- A store with minimum internal area of 4m² is provided to each unit as per the original approval;
- The major openings to Bedroom 2 of Units 1 and 2 on the upper floor have been changed to minor openings as per original approval, and now complies with the deemed-to-comply standards of the R-Codes in terms of privacy;
- The average heights of the western boundary walls to Units 1 and 4 have been reduced from 3.15 metres to 3.02 metres, and 3.2 metres to 3.07 metres respectively;
- Removal of the pergola and sign structure within the front setback area to align with the original approval;
- Inclusion of additional landscaping within the yard areas of Units 3 and 4 generally in line with the original approval;
- Use of rendered brickwork to lower floor levels as per original approval;
- Reinstated windows to the stairwell along the common driveway for Units 1 and 2, as per original approval; and
- A schedule of finishes for the dwellings detailing that white coloured render and cladding will be used to external walls and charcoal colour will be applied to roofing, barge boards, shutters and the front fence infill panels.

These changes do not result in any additional discretion affecting the adjoining properties and as such the amended plans were not readvertised and are the subject of this report.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;

- City of Vincent Town Planning Scheme No. 1;
- State Planning Policy 3.1 – Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation; and
- Policy No. 7.1.1 – Built Form.

It is noted that development approval for the demolition of the existing single house to make way for the proposed development is no longer required as per the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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*.

Clause 71(a)(i) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides that if development approval is granted, the development must be substantially commenced within the period of 2 years commencing on the date on which the determination is made if no period is specified in the approval.

The *Planning and Development (Local Planning Schemes) Regulations 2015* enables the term of a development approval to be amended so as to extend the period within which any development approved must be substantially commenced. However, no guidance is provided as to how discretion can be exercised in this regard. The State Administrative Tribunal (SAT) has published several decisions that relate to the extension of time and provide relevant considerations in the exercise of discretion in this application. Notably in the decision of Claymont Westcapital Pty Ltd and East Perth Redevelopment Authority WASAT 77 – 2008, SAT identified three key considerations, namely whether the:

- planning framework has changed substantially since the development approval was granted;
- development would likely receive approval now; and
- holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval.

Each relevant matter is to be considered and balanced in the exercise of discretion. The applicant has addressed the above matters in their justification for the proposal, which is included as **Attachment 4**.

Delegation to Determine Applications:

This matter is being referred to Council as the Council approved the previous application, the development is more than three grouped dwellings and more than 5 objections were received.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:Street Setback and Streetscape Character

The submissions received also raised some concerns regarding the streetscape character of the development. How the development fits into the streetscape is a relevant consideration under the street setback element of the R-Codes and City's Built Form Policy.

The streetscape character of Tasman Street is changing as a result of some of the more recent developments and many of the lots along Tasman Street have a similar setback to that proposed by this development. The street setbacks are not proposed to be modified by this amended application and following advertising the applicant made a number of changes to the plans to improve the design of the development to better align with the character of the area. This included removing the pergola and signage proposed at the front of the development; retaining the existing street tree; reintroducing the window to the stairwells of Units 1 and 2; and providing details of the finishes of the development, which includes weather board cladding to the upper floors and white rendered brickwork to the ground floor.

The changes made to the design of the development, both since the original approval and following the consultation period, are considered to significantly improve the integration of the development into the streetscape. The development is considered to better align with the character of the streetscape than the original approval and as a result the street setback, which is now greater than that originally approved, is considered appropriate. There is still limited detail on the material and finishes proposed as part of the development and as such it is recommended that any approval include a condition requiring the submission and approval of a schedule of materials and finishes prior to the commencement of development.

Density

Concerns were raised during the consultation period regarding the number of dwellings proposed by the application. The proposed density of the development being four grouped dwellings is consistent with the R60 density coding which applies to the subject site and surrounding residential properties along Tasman Street. It is noted the number of dwellings is not proposed to be modified by this amended application.

Verge Tree

The original approval depicted the retention of the street tree which required the offset of the crossover driveway into the property. The plans advertised as part of the community consultation process contemplated the removal of the verge tree to facilitate a straight access point into the property. The City was not supportive of this modification and the applicant amended the plans to retain the verge tree. The amended plans now depict the crossover will be setback one metre from the base of the verge tree. The City's technical officers have assessed the proposal and the attributes of the street tree and consider the driveway setback to be adequate to protect the tree. Given this, the proposed driveway setback is supported subject to an Arborist Report being submitted detailing the measures required to be undertaken as part of the construction of the crossover to maximise the protection and health of the tree during and after construction.

Lot Boundary Setbacks

The lot boundary setbacks have remained the same or increased from the previous approval, except the kitchen wall for Units 1 and 2 which has decreased from 1.5 metres to 1.208 metres. The deemed-to-comply setback requirement for the kitchen wall is 1.5 metres. The kitchen wall is 2.7 metres in length and will be facing an existing boundary wall on the adjoining eastern property. On the western side, the kitchen wall will be facing a driveway. Given the short length of the wall and that it does not impact on any outdoor living area or major opening of an adjoining property, it is considered that the proposed setback will not add any significant bulk and scale and will not adversely affect the adjoining properties.

The deemed-to-comply average height for boundary wall is 3 metres. The proposed average heights for boundary walls for Units 1 and 4 are 3.02 metres and 3.07 metres respectively. The boundary walls will be facing an existing driveway on the adjoining western property. Given the boundary wall is not adjoining any outdoor living area or major opening of the adjoining property, it is considered that the walls will not adversely affect the adjoining western property.

Concerns were raised during community consultation period regarding the eastern boundary wall which was previously approved by Council. The height and length of the eastern boundary wall is consistent with the deemed-to-comply requirements of R-Codes.

Open Space

The R-Codes deemed-to-comply standard states that each dwelling should have 40 per cent of its site area as open space. The proposed open space for Units 3 and 4 is 36.7 per cent. The departure from the deemed-to-comply provisions relates to 5.85 square metres. Units 3 and 4 are located to the rear of the development and the level of open space has no impact on the streetscape of Tasman Street. The development is considered to be appropriately setback from adjoining properties and given the orientation of the development site, being north-south, is not considered to have an adverse impact on access to natural light for adjoining dwellings. Both Units have large open courtyards as well as access to the shared central space and in this instance it is considered that the proposed level of open space is appropriate.

Landscaping

The deemed-to-comply standards of the R-Codes state that 50 per cent of the street setback area is to be provided as soft landscaping. The development proposes to soft landscape 38.87 per cent of the street setback area. The City's Built Form Policy sets out a deemed-to-comply standard of 15 per cent deep soil zone and 30 per cent canopy coverage at maturity. The application proposes 4.5 per cent of the site as deep soil zone, and 3.9 per cent canopy coverage. There is the opportunity to increase the deep soil zones within the outdoor living areas and setback areas and as a result a condition is recommended accordingly. However, given the original design of the development, with the outdoor living areas located in the front setback area, there is limited opportunity to increase the amount of landscaping significantly and the proposed minor amendments to the landscaping configuration are considered appropriate.

Front Fence

The City's Built Form Policy sets a deemed-to-comply standard for solid front walls and fences of 1.2 metres in height, with a maximum pillar width of 0.4 metres. The application proposes solid fencing to a height of 2.2 metres for the metre boxes with some posts proposed at a width of 0.5 metres. The existing streetscape along Tasman consists of open front gardens and where fencing is proposed it is of a lower height with traditional piers and visually permeable infill. Although the metre boxes are setback from the street and not within the visual truncation, when combine with the additional solid front fence and pier width it is considered that they will adversely impact on the streetscape. Given this, a condition is recommended requiring the fencing to accord with the Built Form Policy deemed-to-comply standards.

Time Extension

The applicant has demonstrated that the developer, as holder of the development approval, has actively and relatively conscientiously pursued the implementation of the development approval. As a result the request for the extension of time is supported.

Conclusion

The amendments that the applicant has proposed to the previous approval are considered to be acceptable, subject to previous conditions and advice notes detailed on development approval 5.2015.249.1 and additional conditions requiring the development to demonstrate additional deep soil zones, privacy for adjoining properties, an appropriate front fence design and acceptable material and finishes.

9.5 NO. 4/280 (LOT: 4; D/P: 67874) LORD STREET, PERTH - CHANGE OF USE FROM EATING HOUSE TO CONSULTING ROOMS (MEDICAL)

TRIM Ref: D17/63758
Author: Rob Sklarski, A/Coordinator Statutory Planning
Authoriser: John Corbellini, Director Development Services
Ward: South Ward
Precinct: 15 – Banks
Attachments: 1. Attachment 1 - Consultation and Location Map  
2. Attachment 2 - Development Application Plans  
3. Attachment 3 - Summary of Submissions 
4. Attachment 4 - Parking Management Plan 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the development application for a Change of Use from Eating House to Consulting Rooms (Medical) at No. 4/280 (Lot: 4; D/P: 67874) Lord Street, Perth subject to the following conditions:

1. Active Frontage

The development shall maintain an active and interactive relationship and uninterrupted views between the use of the development and Lord Street during the hours of the development's operation to the satisfaction of the City. Darkened, obscured, mirror or tinted glass or the like is prohibited. Curtains, blinds and other internal or external treatments that obscure the view of the 'WAITING AREA' and 'PILATES OPEN PLAN' from Lord Street are not permitted to be used during the hours of the developments operation;

2. External Fixtures

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

3. Use of Premises

- 3.1. The development shall be used in accordance with the definition of 'Consulting Rooms' set out under the City of Vincent's *Town Planning Scheme No. 1*;
- 3.2. A maximum of two practitioners or professionals generating their own patient or person load shall be permitted to operate from the premise at any given time;
- 3.3. A maximum of three persons, excluding the practitioner/professional, shall be permitted to use the area shown as 'PILATES OPEN PLAN' on the approved floor plan at any one time;
- 3.4. The hours of operation shall be limited to the following times:
 - 7:00am to 9:00pm Monday to Friday;
 - 7:00am to 5:00pm Saturday;
 - 11:00am – 5:00pm Sundays and Public Holidays (except Christmas Day, Good Friday and Anzac Day); and
 - CLOSED Christmas Day, Good Friday and Anzac Day;

4. Acoustic Report

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

5. Parking Management Plan

A Parking Management Plan shall be submitted to, and approved by the City prior to the use of the site as 'Consulting Room (Medical)'. Use of the premises shall be carried out in accordance with the approved Parking Management Plan or any Plan approved by the City thereafter and all requirements of the Parking Management Plan shall be implemented to the satisfaction of the City.

PURPOSE OF REPORT:

To consider an application for development approval for a Change of Use from Eating House to Recreational Facility and Consulting Rooms (Medical) at Unit 4, No. 280 Lord Street, Perth.

BACKGROUND:

Landowner:	Norwindsor Pty Ltd ATF Norwindsor Unit Trust
Applicant:	As above
Date of Application:	4 April 2017
Zoning:	MRS: Urban TPS1: Zone: Commercial TPS2: Zone: Commercial
Built Form Area:	Transit Corridor
Existing Land Use:	Eating House
Proposed Use Class:	Recreational Facility and Consulting Rooms (Medical)
Lot Area:	126m ² (Parent lot area = 2,546m ²)
Right of Way (ROW):	Not Applicable
Heritage List:	No

The subject site, which is situated at the corner of Lord Street and Windsor Street, Perth as shown in **Attachment 2**, has been developed with a five storey mixed use building consisting of four commercial tenancies at ground level and 59 dwellings on Level 1 to 5. This application proposes to change the approved use of one of the commercial tenancies, Unit 4, from the currently approved Eating House use to a 'consulting rooms' use.

The application proposes the tenancy being used principally as a physiotherapy clinic, offering conventional manual therapy services by a qualified physiotherapist. This land use falls within the 'consulting rooms' land use under the City's Town Planning Scheme No. 1 (TPS1). In addition to this, the application contemplates physiotherapist patients being progressed through from manual therapy into specialised exercise therapy in a pilates studio environment. Given this use is incidental to and a part of the 'consulting rooms' use, it is not considered to be a separate land use.

At a maximum, the application proposes for Unit 4 to accommodate two consultants and four patients, with one consultant treating one patient in the consulting rooms and one consultant treating up to three patients at the pilates studio.

The proposed days and hours of operation are:

- Sunday and Monday: Closed
- Tuesday: 7:00am-12:00am and 2:00pm-7:00pm
- Wednesday: 12:00pm-7:00pm
- Thursday: 12:00pm-7:00pm
- Friday: 7:00am-2:00pm
- Saturday: 7:00am-12:00pm and 1:00pm-4:00pm

The following equipment is proposed to be incorporated within the proposed development:

- Small stereo for ambient music in the pilates studio;
- Specialised Pilates equipment such as reformers, trapeze tables, barrels, fit balls and other small Pilates apparatus, and a CoreAlign machine which is somewhat like an upright reformer;
- A real time ultrasound machine to analyse muscle activation patterns; and
- Computer, printer, internet essentials and other typical business equipment.

The application proposes some minor internal layout changes within the tenancy to accommodate the proposed use. No modifications are contemplated to the external appearance of the building.

The definition of 'Consulting Rooms' in the City's TPS1 means:

"any building or part thereof used in the practice of a profession by a legally qualified medical practitioner or dentist, or by a physiotherapist, a chiropractor, an optometrist, a podiatrist, or the like, or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments but does not include a hospital or institutional building."

The proposed use is consistent with the definition as provided in TPS1. The applicant has provided proof that one of the current consultants (Annemarie McKenzie) is registered under the Physiotherapy Board of Australia.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent TPS1, the City's Policies No. 7.5.22 – Consulting Rooms and No. 7.7.1 – Parking and Access. 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 (only where required)		✓
Parking and Access		✓

Detailed Assessment

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	Consulting Room (Medical) – "AA" use
Parking and Access	
Deemed-to-Comply Standard	Proposal
Policy No. 7.7.1 – Parking and Access	
3.264 parking bays	6 bays (3 bays in tandem)

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

CONSULTATION/ADVERTISING:

Consultation was undertaken for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 3 May 2017 until 17 May 2017. A total of 88 letters were sent to owners and occupiers within close proximity of the subject site, as shown in **Attachment 1**, in accordance with the City's Policy No. 4.1.5 – Community Consultation.

A total of 12 submissions were received in relation to the proposal, nine of these being objections and three in support of the proposal. The matters raised were as follows:

- Concerns that the social amenity of the area would be negatively impacted if the use of the subject site changed from eating house to consulting room.
- Expectation of an eating house being established in this location from purchasers of dwellings.
- Perception of demand for an eating house in this location.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.5.22 – Consulting Rooms; and
- Policy No. 7.7.1 – Parking and Access.

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

Delegation to Determine Applications:

This matter is being referred to Council for determination as the proposal contemplates an 'AA' land use and more than five objections were received during the community consultation period.

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:

Parking

The proposed use requires the provision of four parking bays under the City's Policy No. 7.7.1 – Parking and Access. There are six parking bays available to the property, however, these are provided in tandem, and so are considered to constitute three bays only for the purposes of the deemed-to-comply assessment.

The six tandem car parking bays are accessed from Windsor Street and are located behind the security gate to the car park. As a result of this and the tandem nature of the bays, the applicant has provided a Parking Management Plan (**Attachment 4**) to ensure these are accessed adequately during the operation of the business. It is considered that the Parking Management Plan sets out an appropriate and realistic means of

managing the parking for the site to ensure all six of the bays are available at all time for the use of the development by

- Informing patients/guest of the parking arrangements and how to access the bays when appointments are made, via the website and social media means and through messages prior to appointments;
- Manning at all times and utilising the existing intercom system to ensure parking access for patient/guests occurs in accordance with the Parking Management Plan; and
- Allocating the front parking bays for staff and the rear bays for patients to avoid obstructing patient parking.

Given the Parking Management Plan it is considered that there is more than adequate parking to accommodate the proposed development. There are a number of minor improvements that can be made to format and details of the current Parking Management Plan proposed as part of the application to more clearly specify the requirements and process. It is recommended that any approval include a condition for the Parking Management Plan to be approved by the City prior to the use of the development.

Social Impact

The City received a number of submissions during the community consultation period raising concerns that the removal of the eating house would have a negative social impact on the surrounding area, albeit that such a use has yet to be established within the premises. This application for a consulting rooms use is required to be assessed on its merits. Whether another use is more or less appropriate than what is being proposed by this application not a relevant consideration. Instead, the City is required to consider the appropriateness of this use in this location.

The proposed use is considered to be appropriate and compatible with other nearby uses within the locality. Given the proposed layout of the consulting rooms tenancy, with the reception and pilates area fronting the street and the office and consulting room located to the rear, it is considered that this development will have an adequate interaction with the street. In order to ensure that this interaction and surveillance is achieved, it is recommended that a condition be included on any approval requiring the windows and doors fronting Lord Street to be unobscured and allow uninterrupted views between the street and the internal use at all times during the hours of the development's operation.

The applicant has advised that they are not opposed to ensuring that that premises interact with the street through clear visibility to and from the tenancy.

It is considered that the proposed change is unlikely to adversely affect the amenity of the area and it is recommended that the application be approved.

9.6 NO. 142 (LOTS: 110 AND 114 D/P: 30685) SUMMERS STREET, PERTH CHANGE OF USE FROM WAREHOUSE TO LODGING HOUSE (INCLUDING ALTERATIONS)

TRIM Ref: D17/66090
Author: Rob Sklarski, A/Coordinator Statutory Planning
Authoriser: John Corbellini, Director Development Services
Ward: South Ward
Precinct: 15 – Banks
Attachments: 1. Attachment 1 - Consultation and Location Map  
2. Attachment 2 - Development Application Plans  
3. Attachment 3 - Lodging House Management Plan  
4. Attachment 4 - 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 the application for a Change of Use from Warehouse to Lodging House (Including Alterations) at No. 142 Summers Street (Lots 110 and 114 D/P:30685), Perth in accordance with the plans shown in Attachment 1, subject to the following conditions and Determination Advice Notes in Attachment 4:

1. Use Limitations

- 1.1. The development shall be used in accordance with the definitions of 'Lodging House' and 'Hostel' set out under the City of Vincent's *Town Planning Scheme No. 1*;
- 1.2. The Lodging House shall be operated by 'Youth with a Mission'. Any alternative operator will be required to lodge a new application to seek determination afresh;
- 1.3. A maximum of 58 persons are permitted to reside at the premises at anyone time;
- 1.4. The caretaker of the lodging house shall reside on site at all times while the Lodging House is in operation;
- 1.5. No persons, other than the caretaker, shall reside at the premises for any period longer than three months; and
- 1.6. Residents of the Lodging House are not permitted to park, stand or leave vehicles on the premises or on the street or road reserve within the immediate locality at any time.
- 1.7. A Lodging House Management Plan and Code of Conduct for Lodging House shall be submitted to, and approved by the City prior to the use of the site as Lodging House. The Lodging House Management Plan shall require the following:
 - 1.7.1 Signage to be posted on the front door of the lodging house clearly informing all visitors and residents of the requirements of condition 1.6 above;
 - 1.7.2 A code of conduct be provided to each resident clearly informing all residents of the requirements of condition 1.6 above;
 - 1.7.3 The caretaker of the lodging house to check and enforce compliance with conditions 1.6, 1.7.1 and 1.7.2 above; and

1.7.4 The caretaker shall maintain an up-to-date register of all residents of the lodging house and make it available for inspection by the City at all times.

Use of the premises shall be carried out in accordance with the approved Lodging House Management Plan or any updated Plan approved by the City thereafter and all requirements of the Management Plan shall be implemented to the satisfaction of the City;

2. Car Parking and Access

- 2.1. Two parking bays shall be provided onsite, as depicted on the approved plan to the satisfaction of the City;
- 2.2. The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to the occupation or use of the development;
- 2.3. Vehicle and pedestrian access points are required to match into existing footpath levels; and
- 2.4. The redundant crossover to be removed and the verge reinstated to the satisfaction of the City, prior to the occupation of the development;

3. External Fixtures

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

4. Landscape and Reticulation Plan

- 4.1. 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:
 - 4.1.1. The location and type of existing and proposed trees and plants;
 - 4.1.2. The provision of mature tree planting with a canopy cover, at maturity, of 10% of the site area, and the provision of 5.3% of the site area as deep soil zones; and
 - 4.1.3. Areas to be irrigated or reticulated;
- 4.2. All works shown in the plans as identified in Condition 3.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupation or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

5. Verge Trees

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

6. Schedule of External Finishes

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

7. 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;

8. Stormwater

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

9. Acoustic Report

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

10. Bicycle Bays

A bicycle parking bay location plan detailing the location of a minimum of two residential bicycle bays shall be lodged with and approved by the City prior to the commencement of the development. A minimum of 10 bicycle parking bays shall be provided onsite in accordance with the approved location plan to the City's satisfaction prior to the occupation or use of the development; and

11. 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 a change of use from Warehouse to Lodging House at No. 142 (lots 110 and 114) Summers Street, Perth.

BACKGROUND:

Landowner:	Anna Adele Battaglia
Applicant:	Youth with a Mission Pty Ltd
Date of Application:	2 February 2017
Zoning:	MRS: Urban TPS1: Zone: R Code: Commercial TPS2: Zone: R Code: Commercial
Built Form Area:	Transit Corridor
Existing Land Use:	Warehouse
Proposed Use Class:	Lodging House - SA
Lot Area:	777m ² (Lots 110 and 114)
Right of Way (ROW):	N/A
Heritage List:	N/A

The subject site is located on Summers Street, at the junction with Claisebrook Road and near to Lord Street, as shown in **Attachment 1**. The subject site abuts retail and office uses to the northern (Lloyd Chapman Motorcycles) and western (Office) boundaries and a residential multiple dwelling development abutting the western boundary. As you progress east along Summers Street the development is predominantly residential consisting of a mix of single and grouped dwelling developments.

Approval was granted in February 1987 for a warehouse, showroom and office development with 6 car parking bays located in the front of the building, with access to three bays being provided from each crossover. The subject site is made up of two lots, namely Lots 110 and 114, which are orientated horizontal to Summers Street. Lot 110 does not have direct street access and relies on access from Lot 114. The existing building straddles the current lot boundary however the need to amalgamate the lots is not considered necessary given the configuration of the lots and location of the existing building.

The application was made for a 'lodging house' which proposed 54 beds (4 double beds and 50 single beds) and will accommodate a maximum of 58 residents. A caretaker will reside at the premises in accordance with the proposed lodging house management plan. The proposed premises will be occupied by 'Youth with a Mission', and occupants are proposed to stay for a period of between 1 week and 3 months. Occupants are international students, generally young people, who are taking an opportunity to be involved and understand Christian learning and training provided by 'Youth with a Mission'.

The application proposes internal and external modifications to convert the existing warehouse into a lodging house. The modifications are proposed within the curtilage of the existing building and include:

- Reconfiguration of the internal layout of the building to provide for dormitories, individual rooms, shared bathroom amenities and communal facilities. A mezzanine addition provides additional communal space.
- Removal of the existing roller doors and installation of new windows;
- Insertion of new windows to the eastern wall of the existing development;
- Provision of communal courtyard in the front setback area;
- Front fence along Summers Street, incorporating bin storage screening; and
- Inclusion of two parking bays.

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) and the City's Policy No. 7.1.1 – Built Form. In each instance where the proposal requires the discretion of Council, the relevant planning elements are discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use		✓
Landscaping		✓
Street Walls and Fences		✓
Parking & Access		✓

Detailed Assessment

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

Land Use	
Deemed-to-Comply Standard	Proposal
Town Planning Scheme No 1	
P Use	SA Use
Landscaping	
Deemed-to-Comply Standard	Proposal
Built Form Policy Clause 4.10	
15% of the site area to be provided as deep soil zone equating to 116m ²	5.3% of the site area being deep soil zone, equating to 41.6m ²
30% of the site area as canopy cover at maturity equating to 233m ²	Only indicative landscaping is depicted on the submitted plans.
Street Walls and Fences	

Deemed-to-Comply Standard	Proposal
Built Form Policy Clause 4.6	
Maximum height of 1.2m for portions of solid fencing	Maximum height of the solid front fence measures 1.5m, for 4.59m length of the front boundary.
1.5m fencing truncation be provided to maintain visual sightlines	1m truncation is proposed.
Parking and Access	
Deemed-to-Comply Standard	Proposal
Parking and Access Policy No 7.7.1	
8 parking bays for the proposed use	2 parking bays are provided onsite
9.25 bicycle parking bays.	Nil bays provided onsite.

The above element of the proposal does not meet the specified deemed-to-comply standards and are discussed in the Comment 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 12 May 2017 until 1 June 2017. The method of consultation included advertising the proposal on the City's website, nine letters being mailed to all owners and occupiers within close proximity of the subject site, as shown in **Attachment 1**, a sign being placed on site and a notice being included in the local newspaper, "The Voice", in accordance with the City's Policy No. 4.1.5 – Community Consultation.

No responses we received during the consultation period.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Town Planning Scheme No. 1;
- State Planning Policy 3.1 – Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.1 – Built Form Policy;
- Policy No. 7.4.5 – Temporary Accommodation; and
- Policy No. 7.7.1 – Parking and Access.

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

Town Planning Scheme No. 1

The general objectives of the Scheme as outlines in Clause 6 are applicable, specifically Subclause (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;"

TPS1 defines a 'lodging house' to have *"the same meaning given to the term in and for the purposes of the Health Act 1911"*,

To clarify the definition in the TPS1 the *Health Act 1911* defines a lodging-house to mean *"any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than 6 persons, exclusive of the family of the keeper thereof, for hire or reward; but the term does not include —*

- (a) premises licensed under a publican's general licence, limited hotel licence, or wayside-house licence, granted under the Licensing Act 1911²; or*
- (b) residential accommodation for students in a non-government school within the meaning of the School Education Act 1999; or*
- (c) any building comprising residential flats;"*

TPS1 defines a 'hostel' to mean *"a lodging house which is not open to the public generally but is reserved for use solely by students and staff of educational establishments, members of societies, institutes or associations;"*

Delegation to Determine Applications:

This matter is being referred to Council for determination as the proposed use is identified as a Category 1 Planning Application in the delegations.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

Land Use

The subject site is zoned Commercial, and is not contemplated to change should the Draft LPS 2 be finalised. The proposed lodging house will provide a transition from the commercial uses along western portion of Summers Street as it progresses east into the predominantly residential area. During the community consultation, the City did not receive any responses regarding the proposed development. The applicant had approached and liaised with the adjoining land owners prior to the lodgement of the application.

Street Walls and Fences

The proposal includes a front fence with a solid portion measuring 1.5 metres in height for 4.59 metres length of the front boundary in lieu of the maximum 1.2 metres height as required by the City's Built Form Policy. The fencing provides screening to the proposed bin store and only relates to a small portion of the overall street frontage, minimising the extent of blank facades to the street. A 1.5m wide landscaping strip along

Summers Street is included to minimise its impact when viewed from Summers Street. The development maintained street surveillance as the fence occupies a small portion of the street frontage.

The proposed truncation of 1 metre, albeit less than 1.5 metres required, provides sightlines which ensure safety and visibility of vehicles and pedestrians.

Landscaping

The proposal provides 5.3% of the site area being deep soil zone, equating to 41.6m². The plans provide only indicative landscaping and canopy cover. The plans depict green landscaping walls along the eastern boundary to improve the outlook from within the building.

It is considered that the opportunity to provide landscaping given the current development on the site is limited, however areas shown as landscaping are considered sufficient to address the intent of the City's Built Form Policy subject to the selection of appropriate species. It is considered that the proposal provides a significantly improved outcome for the site. It has been estimated that canopy cover of approximately 10% of the site area could be achieved within the front setback and the communal open space area. A condition has been recommended accordingly.

Parking

The proposed use requires eight (8) parking bays under the City's Policy No. 7.7.1 – Parking and Access. The site proposes to accommodate two (2) tandem parking bay on-site at the front of the property, resulting in a shortfall of six (6) parking bays. The proposal includes the removal of an existing crossover which will provide the opportunity for an additional on-street car parking bay to be provided. The applicant has outlined, in the updated Management Plan that residents of the lodging house will not have cars and will not be permitted to park on the premises. This will be overseen by the caretaker. On arrival from overseas students will be picked up from the airport by staff in YWAM Perth vehicles and then dropped off at subject property. Although the management plan provides for clarification a condition requiring the submission of a new management plan is recommended to ensure that that format and content is clearly structured and articulated.

Council may, at its discretion, waive the car parking requirements for change of use applications to provide additional on-site car parking, including waiving cash-in-lieu requirements in the following instances:

- (a) where the application does not involve the reduction of existing on-site car parking bays as part of the application;
- (b) where the application does not involve any building works that contribute to additional floor area that would be subject to parking requirements; and
- (c) where a current planning approval required payment of cash-in-lieu but that approval has not been acted upon in any way including payment of cash-in-lieu in part or in full.

The proposed development is repurposing the existing premises with the existing car parking area that was previously approved within the front setback to be removed as part of the application to accommodate the communal outdoor area. The application does not propose any building works which contribute to additional floor area that would be subject to a parking requirement. The proposal does not meet all the criteria and as a result a condition prohibiting residents from parking in the street is recommended.

The City's Parking and Access policy requires 10 bicycle parking facilities to be provided for a Lodging House use. There is sufficient areas for the bays to provide and the applicant has indicated a willingness to provide bicycle bays and as a result a condition has been added accordingly.

The proposed use is considered to be appropriate and consistent with the City's objectives and is recommended for approval subject to conditions.

9.7 NO. 459 (LOT: 8; D/P:1647) FITZGERALD SREET - ALTERATIONS TO EXISTING HOTEL

TRIM Ref:	D17/67549
Author:	Remajee Narroo, Statutory Planning Officer
Authoriser:	John Corbellini, Director Development Services
Ward:	North
Precinct:	9 – North Perth Centre
Attachments:	<ol style="list-style-type: none"> Attachment 1 - Consultation and Location Map  Attachment 2 - Development Application Plans  Attachment 3 - 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 the application for development approval for Alterations to Existing Hotel at No. 459 (Lot: 8; D/P: 1647) Fitzgerald Street, North Perth, in accordance with the plans included in Attachment 2, subject to the following conditions with the associated determination advice notes in Attachment 3:

1. Extent of Approval

This approval relates to the area shown as 'SCOPE OF WORKS REQUIRING DEVELOPMENT APPROVAL' on the approved plans only, including 'EXISTING DOOR TO BE REMOVED', 'INFILL WALL TO FLUSH WITH EXISITNG WALL FINISH TO MATCH EXISTING WALL' and 'NEW WINDOW TO MATCH SILL AND HEAD HEIGHT OF ADJACENT WINDOW TO MATCH WIDTH OF DOOR OPENING', and does not relate to any other development;

2. Active Frontage

Windows, doors and adjacent areas fronting Fitzgerald Street/Angove Street shall maintain an active and interactive relationship with the street to the satisfaction of the City. Darkened, obscured, mirror or tinted glass or the like is prohibited; and

3. External Fixtures

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and be screened from view from the street, and surrounding properties to the satisfaction of the City.

PURPOSE OF REPORT:

To consider an application for development approval for proposed alterations to the Rosemount Hotel façade to Angove Street.

BACKGROUND:

Landowner:	Argyle Holdings Pty Ltd and Others
Applicant:	Resolve Group Pty Ltd
Date of Application:	17 January 2017
Zoning:	MRS: Urban TPS1: Zone: District Centre and Commercial TPS2: Zone: District Centre
Built Form Area:	Town Centre
Existing Land Use:	Hotel
Proposed Use Class:	Hotel

Lot Area:	3,195m ²
Right of Way (ROW):	Southern side, sealed, 5 metres in width, Council owned
Heritage List:	Yes

The subject site is zoned District Centre and Commercial and is currently occupied by the Rosemount Hotel and its associated car parking. It is located at the corner of Fitzgerald Street and Angove Street, North Perth as shown in **Attachment 1**. The adjoining properties to the north, east and south are classified as Commercial zone, District Centre zone and Public Purpose - Car Park reserve, respectively. On the western side, the car park of the Rosemount Hotel faces properties zoned Commercial and Residential R40. A mixed use development is under construction on the northern corner of Angove Street and Fitzgerald Street opposite the subject site.

The subject property is listed on the City of Vincent Municipal Heritage Inventory as Management Category B – Conservation Recommended. The place is representative of the type of hotels built around the turn of the century reflecting the prosperity flowing from the Gold Rushes. The place is not listed on the State Register of Heritage Places.

The application proposes removal of two existing doors along the Angove Street façade and for them to be replaced by two windows. The windows are located in the same position as the doors and to the same window head height as the other windows along this façade. Infill is proposed to enclose the lower portion of the opening and is identified to match the existing wall. The development plans are shown in **Attachment 2**.

Other changes are proposed internally to the building including the relocation of the bar, removal of internal doors and selected walls and changes to floor coverings. These internal building works exempt from the need for development approval, in accordance with the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, as the Municipal Heritage Inventory does not identify the interior of the building as having specific cultural heritage significance and the place is listed as a Management Category B – Conservation Recommended under the Municipal Heritage Inventory.

DETAILS:

Summary Assessment

The proposal has been assessed against the provisions of the City of Vincent Town Planning Scheme No. 1 (TPS1), the City's Policy No. 7.1.1 – Built Form and the City's Policy No. 7.6.1 – Heritage Management. The development is considered to meet all of the deemed-to-comply requirements of these policies and the assessment is discussed in further detail in the Comment section below.

CONSULTATION/ADVERTISING:

The application was advertised for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 17 May to 31 May 2017. The method of advertising included a sign on site, a notice in the local newspaper, 'The Voice', and 19 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.

No submissions were received during the consultation period.

As the place is not listed on the State Register of Heritage Places, referral to the State Heritage Office was not required and was not carried out.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

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

- Policy No. 7.1.1 – Built Form Policy; and
- Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties.

Under Clause 61(1) (b) of the Planning and Development (Local Planning Schemes) Regulations 2015, the proposed works require planning approval given the proposal affect the external appearance of the building and the building is listed as a category 'B' on the City's Heritage Inventory.

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 presented to Council for consideration as Hotel is classified as a Category 1 application in the Schedule of the Delegated Authority Register.

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 application proposes the removal of two existing doors to be replaced by two windows. There is no impact on the streetscape as the proposed windows will match with the existing windows in terms of sill heights. As a condition of approval the applicant is required to have clear glass to the windows which will maintain interaction of the building with the street.

The Rosemount Hotel is listed on the City's Municipal Heritage Inventory as Management Category B – Conservation Recommended. It is considered that the proposed minor alteration of openings will have minimal impact to the principal façade of the heritage building and will not obscure the existing vistas or view lines to the heritage listed building.

Overall it is considered that the proposed works are minor and will not result in any negative impact on the surrounding area. The proposal is recommended for approval subject to conditions.

9.8 NO. 11 (LOT: 11; D/P: 2732) WOODVILLE STREET, NORTH PERTH - PROPOSED CHANGE OF USE FROM SINGLE HOUSE AND HOME OCCUPATION (HAIRDRESSER) TO SINGLE HOUSE, HOME OCCUPATION (HAIRDRESSER) AND NON-MEDICAL CONSULTING ROOM (MASSAGE/REFLEXOLOGY) (UNLISTED USE)

TRIM Ref: D17/68258
Author: Remajee Narroo, Senior Statutory Planning Officer
Authoriser: John Corbellini, Director Development Services
Ward: North
Precinct: 9 – North Perth Centre
Attachments: 1. Attachment 1 - Consultation and Location Map  
 2. Attachment 2 - Development Application Plans  

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application for development approval for Change of Use from Single House and Home Occupation (Hairdresser) to Single House, Home Occupation (Hairdresser) and Non-Medical Consulting Room (Massage/Reflexology) (Unlisted Use) at No. 11 (Lot: 11; D/P: 2732) Woodville Street, North Perth in accordance with the plans date stamped 29 November 2016, as shown in Attachment 2, for the following reasons:

1. The proposed car parking shortfall does not satisfy the objectives of the City's Policy No. 7.7.1 – Parking and Access as it will adversely impact on the amenity of the locality;
2. The proposed use does not satisfy the objectives of the City of Vincent's Town Planning Scheme No. 1, specifically Clause 6 (3)(c)(i), or the objectives set out in the City of Vincent's draft Town Planning Scheme No. 2 for the Residential zone, as it is considered to have an adverse impact on the residential amenity of the immediate locality due to the encroachment of non-residential development into the Residential zone; and
3. The scale and intensity of the proposed use will have an adverse impact on the amenity of the residential locality as it is incompatible with the residential nature and character of the immediate locality.

PURPOSE OF REPORT:

To consider an application for development approval for change of use from Single House and Home Occupation (Hairdresser) to Single House, Home Occupation (Hairdresser) and Non-Medical Consulting Room (Massage/Reflexology) (Unlisted Use) at No. 11 Woodville Street, North Perth.

BACKGROUND:

Landowner:	J L Dowding and S D Crooks
Applicant:	J L Dowding
Date of Application:	29 November 2017
Zoning:	MRS: Urban TPS1: Zone: Residential R Code: R40 TPS2: Zone: Residential R Code: R60
Built Form Area:	Residential
Existing Land Use:	Single House and Home Occupation (Hairdresser)
Proposed Use Class:	Single House and Home Occupation (Hairdresser) and One Non-Medical Consulting Room (Massage/Reflexology)- Unlisted Use
Lot Area:	653.314m ²
Right of Way (ROW):	Western side , Public Right of Way, 5 metres in width and sealed
Heritage List:	Not applicable

The subject site fronts Woodville Street and is zoned Residential R40. The subject site sits centrally among eight residential properties along the western side of Woodville Street as shown in **Attachment 1**. A public right of way (ROW) is located to the rear of the property. The property to the west on the other side of the right of way is the North Perth Primary School. To the east, on the opposite side of Woodville Street, the subject site faces a residential aged-care development. The property to the north, which fronts Angove Street and is separated from the aged-care development by a right of way, is zoned Commercial and fronts Angove Street.

The subject site contains a single storey house with garage located to the rear being accessed from the ROW. The owner has been operating a home business (hairdresser) from the subject site for the last ten years. The owner is currently progressing the subdivision of the subject site, which will create a separate lot with access to the ROW at the rear. The applicant has outlined that this application only relates to the proposed lot fronting Woodville Street and should not take into consideration the land to the rear of the existing house.

The proposal is for the operation of a Non-Medical Consulting Room (Massage/Reflexology) (Unlisted Use) from one of the rooms within the existing single house, in addition to the existing home occupation (hairdresser) which operates from another room of the single house. The hairdresser is being operated by the owner and resident of the subject site. The Non-Medical Consulting Room (Massage/Reflexology) (Unlisted Use) is proposed to be operated by one practitioner who will be providing massage and reflexology services and will not reside at the premise. There is proposed to be one client at a time and other than the single practitioner, no additional employees are proposed. The operating times of the proposed use coincide with the hours of operation of the existing home occupation (hairdresser). No physical changes are proposed to the building. The plans which form part of the application are provided in **Attachment 2**.

The definition of 'Consulting Rooms' in TPS1 means *"any building or part thereof used in the practice of a profession by a legally qualified medical practitioner or dentist, or by a physiotherapist, a masseur, a chiropractor, a chiropodist, or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments but does not include a hospital"*.

The proposed use does not relate to the investigation or treatment of physical or mental injuries or ailments and as such it is not considered to meet the definition of a 'Consulting Room' under TPS1.

The City's Policy No. 7.5.22 – Consulting Rooms defines 'Non-medical Consulting Rooms' as *"any building or part thereof used in the practice of a qualified beauty technician, touch therapist, natural massage therapist or the like"*. The use is considered to fall within the above definition, which is an 'Unlisted Use' in TPS1.

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 and the State Government's Residential Design Codes. 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		✓

Detailed Assessment

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	Non- Medical Consulting Room - Unlisted Use
Parking and Access	
Deemed-to-Comply Standard	Proposal
Policy No. 7.7.1 – Parking and Access	
1.63 car bays	Nil- Shortfall of 1.63 car bays
Policy No. 7.7.1 – Parking and Access	
1 bicycle bay	Nil

The above elements of the proposal do not meet the specified deemed-to-comply standards and are discussed in the Comment 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 9 May 2017 until 29 May 2017. The method of advertising included advertising the proposal on the City's website, 9 letters being mailed to all owners and occupiers within close proximity of the subject site, as shown in **Attachment 1**, a sign being placed on site and a notice being included in the local newspaper, "Guardian Express", in accordance with the City's Policy No. 4.1.5 – Community Consultation.

No submissions were received during the advertising period.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.5.22 – Consulting Rooms; and
- Policy No. 7.7.1 – Parking and Access.

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

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 Local Planning Scheme No 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 zones, which are outlined as follows:

"4.2(a) Residential –

- (i) to promote and encourage design that incorporates sustainability principles, including but not limited to solar passive design, energy efficiency, water conservation, waste management and recycling;

- (ii) *to enhance the amenity and character of the residential neighbourhood by encouraging the retention of existing housing stock and ensuring new development is compatible within these established areas;*
- (iii) *to manage residential development in a way that recognises the needs of innovative design and contemporary lifestyles; 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 under the City's Town Planning Scheme No. 1 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 R40 which is the same for the adjoining properties to the north and south. The adjacent property to the rear (west) is a Public School and opposite the subject site (east) there is an existing residential aged care development. No commercial developments front Woodville Street, with all development fronting Woodville Street being residential in nature. The zoning of the site as well as the adjoining residential properties is contemplated to remain residential under the draft LPS 2, albeit with an increase in density from R40 to R60.

The use cannot reasonably be determined as falling within the definition of 'Consulting Rooms' in TPS 1 and is therefore considered an 'Unlisted Use'. Whilst the use meets the requirements of the City's Policy No. 7.5.22 – Consulting Rooms with respect to hours of operation and accredited qualification of employees, the use does not meet the requirements relating to car parking, which is discussed in detail in the Parking section below.

The reuse of an existing house ensures that the character of the site remains compatible with the adjacent residential development. However, the proposed use together with the existing home occupation (Hairdresser) will increase the scale and intensity of non-residential uses in the residential zone and Woodville Street. It is considered that the proposed use is beyond what would normally be expected within a residential area. The proposed use could be regarded as a specialised activity (Massage/Reflexology) which could have the potential to service a broader region rather than a local catchment area. In this instance, it is considered that the proposed use is incompatible with the residential nature and character of the area and is also inconsistent with the objectives of TPS 1 and the objectives of the Residential zone under draft LPS 2.

Given the above, it is considered that the scale and intensity of the proposed use will have an adverse impact on the amenity of the residential area as it is incompatible with the residential nature and character of the area. In addition it is not in keeping with the orderly and proper planning of the area as it introduces non-residential uses into the residential locality.

Parking

The deemed-to comply standards of the City's Policy No. 7.7.1 – Parking and Access requires the provision of two on-site car parking bays and one bicycle bay. As no additional car parking bays are proposed, the use results in a parking shortfall.

The applicant has advised that in the future the land will be subdivided with a new lot being proposed at the rear of the property. The existing dwelling has a large front yard which has the capacity to accommodate the required bicycle bay. There are two car parking bays located on the property which are currently being used by the single house and home occupation clients additional bays do exist within the road reserve in front of the subject site which are currently being used by the single house and home occupation clients. The car bays within the road reserve are not exclusive to the development site and are not considered adequate to accommodate the home occupation clients and the proposed use (including clients) at the same time.

There are several on-street bays located along Woodville Street however there are parking restrictions on Woodville Street and the City's recent North Perth Town Centre Parking Study identified a high utilisation rate, with a peak occupancy of 99 percent recorded as part of this study. The City has also received several complaints from residents regarding on-going parking concerns along Woodville Street.

The applicant has not demonstrated what, if any, capacity there is in the immediate locality to cater for the shortfall from this development. It is considered that the scale and intensity of the proposed use is likely to generate a level of demand for car parking that would exceed the capacity of the parking facilities in the immediate locality.

The proposed development is not considered to be appropriate or consistent with the zoning of the site and as it relies on Woodville Street for parking, which is already at capacity. It is considered that the proposal will have an adverse impact on the amenity of Woodville Street as a result of the incompatibility of the proposed commercial land use with the adjoining residential properties and the impact the development will have on parking in the street. It is recommended that the application be refused.

10 TECHNICAL SERVICES**10.1 CAPITAL WORKS UPDATE**

TRIM Ref: D17/61543
Authors: Craig Wilson, A/Director Technical Services
Sarah Hill, Project Officer - Parks & Environment
Authoriser: Craig Wilson, A/Director Technical Services
Attachments: Nil

RECOMMENDATION:

That Council:

1. **RECEIVES** the update report on 2016/17 Infrastructure Capital Works Program.
2. **NOTES** the reasons for the various projects not proceeding in 2016/17, and
3. **SUPPORTS** carrying forward the funds allocated for each respective project to the 2017/18 financial year, so as to enable the project to be implemented, which will form part of the City's 2017/18 budget.

PURPOSE OF REPORT:

To consider the information contained in the report on the progress of a number of 2016/17 Infrastructure Capital Works projects that were not commenced within the year.

BACKGROUND:**Parks and Property Services:**

Parks Services has two significant projects that did not commence in 2016/17:

- Banks Reserve Foreshore Restoration Stage 2, was deferred to the latter part of 2017 pending an *Aboriginal Heritage Regulations 1974* 'Regulation 10' permit approval, and
- Axford Park, up-lighting of trees, deferred due to Water Corporation works, with anticipated completion now in the first quarter of 2017/18.

Asset and Design / Engineering Operations:

There are a number of significant projects that have not commenced within the 2016/17 financial year, either because they are to be undertaken by Main Roads WA, and therefore subject to their regulatory approval and works schedule, or deferred because of the Water Corporation's Cast Iron Main Replacement Program (New Pipes for Perth).

The individual projects impacted are detailed in the body of the report.

DETAILS:**Parks and Property Services:**Implementation of Banks Reserve Foreshore Restoration Stage 2, Budget \$185,000:

The implementation of the restoration works was originally scheduled to commence in March/April 2017. However based on advice received from the Department of Parks and Wildlife (DPaW), works beyond April,

in the Swan and Canning rivers, are to be avoided due to high tides and storm events which complicate work on the riverbanks. Further the Department of Aboriginal Affairs (DAA) advised that a Regulation 10 permit (under the *Aboriginal Heritage Regulations 1974*) was required before any works could proceed.

The approval process included re-engaging with the Whadjuk Working Party through the South West Aboriginal Land and Sea Council (SWALSC). In March 2017 the City's officers presented the project to the Whadjuk Working Party and SWALSC were subsequently advised that the group supported the project enabling the City to apply for a Regulation 10 permit form the DAA to undertake the Stage 2 works.

In May 2017 the City received notification from the DAA that the application for a Regulation 10 permit had been approved.

Axford Park, Up-lighting of Trees, Budget \$60,000:

Deferred due to the Water Corporations Cast Iron Water Main Replacement Program and the impact upon Hobart Street and the northern boundary of the park, anticipated completion first quarter 2017/18.

Asset and Design / Engineering Operations:

Civil Engineering Projects:

Main Roads WA Impacted Projects:

Project	Locality	Budget
William and Brisbane 2-way	Perth	\$325,329
Loftus / Bourke Streets pedestrian crossing improvements	Leederville/North Perth	\$75,000 (Main Roads to contribute \$70,000)
Vincent / Oxford Streets right turn ban and cyclist 'head start' box.	Leederville	\$65,000
Pedestrian crossing improvements at signalised intersections	West Perth/North Perth	\$290,000

In the latter part of 2016 Main Roads WA, without consultation with Local Government, introduced a new approval procedure for any works involving traffic control signals. Amongst the changes was a requirement to 'model' the impact upon traffic using 'Linsig', an analytical software package in common use in the United Kingdom, in preference the (Australian) industry standard 'SIDRA' software. At the time the changes were introduced the only organisation, including that of Traffic Engineering Consultants, with the Linsig software, was Main Roads.

As a consequence very few improvement projects at traffic controlled intersections have been approved in the past twelve months, across the metropolitan local governments. Since the procedural change was introduced several Traffic Engineering Consultancy's have purchased the software but as could be expected the market is currently 'very' tight and costs have risen accordingly.

The WA Local Government Association (WALGA), on behalf of Local Government, has been lobbying Main Roads WA to provide some guidance on how the introduction of Linsig is to be managed until such time as it is more widely accessible to Local Government. In an email to all Local Governments dated 3 July 2017 WALGA, in part, advised that:

"WALGA has received some clarity and secured a commitment from Main Roads WA (MRWA) to support Local Governments affected by their decision to require Linsig software to be used when undertaking traffic modelling for new or modified signals."

Further;

"To support the change in policy, MRWA has agreed to develop training materials and workshops and to update and develop new guidelines as detailed in the attachment."

Projects:

- William and Brisbane Streets two-way conversion, and associated works, budget \$325,329. The City applied for Main Roads WA approval in July 2016. The approved drawings were received 14 June 2017. Upon receiving the approval the City sent Main Roads a quotation request for the Traffic Control Signal works, Line-marking and Signage.
- Upon receipt of the quotation(s) a report will be presented to Council to consider a program for the implementation of the works.
- Loftus / Bourke Streets, pedestrian crossing phases, budget \$150,000, with the City's contribution being \$75,000. However Main Roads estimate for the electrical and civil works is in the order of \$170,000 for which they will only contribute to the electrical works, approx. \$70,000. The City is currently in discussions with Main Roads to change the scope of works so as to the reduce costs, with an anticipated construction date in the second quarter of 2017/18.
- Vincent / Oxford Streets, banning the right movement into Oxford Street south from Vincent Street east bound, installing a cyclist 'head start' box in Oxford Street north bound, budget \$65,000. Main Roads has provided an 'Approved in Principle' but has requested further traffic analysis. Anticipated construction date in the second quarter of 2017/18.
- Vincent / Fitzgerald Streets and William / Bulwer Street intersections, pedestrian crossing improvements, combined budget \$290,000. Both projects have been approved by Main Roads, and an order number issued by the City. Preliminary site works have commenced, and anticipate that both projects will be completed in the first quarter of 2017/18.

Water Corporation Impacted Projects (New Pipes for Perth):

Project	Locality	Budget
Anzac Road Traffic Calming	Leederville/Mount Hawthorn	\$65,000
Newcastle Street Footpath (Carr Pl to Water Corporation office)	Leederville	\$85,000
Oxford Street North – Bicycle Network Plan (Anzac Rd to Scarborough Beach Road)	Leederville	\$250,000

- Anzac Road traffic calming, budget \$65,000. Was to be funded from Miscellaneous Traffic Management budget in 2016/17, however a new allocation has been included in the 2017/18 draft budget. Water Corporations contractors are currently finalising their works, it is anticipated that the traffic calming will be constructed in the first quarter of 2017/18.
- Newcastle Street footpath, southern side, Carr Place to the Water Corporation offices (629 Newcastle Street), budget \$85,000. Awaiting on Water Corporation confirmation of start date, anticipate installing the new footpath in early 2018 (third quarter 2017/18).
- Bicycle Network, Oxford Street North (Anzac Road to Scarborough Beach Road) and Greening Plan, combined budget \$250,000. Water Corporations contractors are currently working on western side and are likely to start on the eastern side in the near future. The project was previously presented to Council at workshop in the latter part of 2016 and will be subject of a Council report seeking an approval, with an anticipated commencement in 2018 (third quarter of 2017/18).

Officer Comment:

The City is yet to receive the Water Corporations 2017/18 Construction Program to determine what impacts it is likely to have on the scheduling of the City's 2017/18 Capital Works Program.

However the Water Corporations Project Director has advised that the 'Cast Iron renewal works in the City of Vincent for this coming financial year 2017/18 will be significantly less than this current year.' (2016/17).

Other Projects:

Project	Locality	Budget
Newcastle Street (Oxford St to Carr Pl) – median improvements	Leederville	\$50,000
Nova Lane - Reconstruction	North Perth	\$100,000
Newcastle and Palmerston Streets – Black Spot Improvement	West Perth/Perth	\$40,000

- Newcastle Street, Oxford Street to Carr Place (Roads to Recovery), budget \$50,000. The works involves removing and replacing the damaged median kerbing where the large gum trees roots have dislodged the existing kerbing. An additional tree will also be planted between first and second trees from Oxford Street. The works were deferred because Western Powers underground power cable has become entangled in the roots and has to be disconnected and re-laid. The City is awaiting Western Power’s confirmation of site availability. It is anticipated constructed will be completed by the end of August 2017.
- Nova Lane Reconstruction, budget \$100,000. Initially delayed to accommodate a new water main being laid in Nova Lane. However a review of the scope of works indicates that the City would be better served by engaging a private contractor and to this ends a Request for Quotation has been sent to a number of qualified Civil Contractors. Depending the prices received it may be subject to a further report to Council.
- Newcastle and Palmerston Street Black Spot Improvement, budget \$40,000. As Newcastle Street is a boundary road with the City of Perth it requires their approval before proceeding, which is yet to be received. The scope of works involves closing the median island in Newcastle Street to prevent the right turns in and out, while maintaining fully bicycle access. A meeting is to be arranged with the City of Perth in first quarter of 2017/18 in order to progress the project.

CONSULTATION/ADVERTISING:

Consultation will be undertaken for those projects that it is required, such as Nova Lane, in accordance with the City’s Community Consultation policy. For the remainder, such as the Newcastle Street footpath replacement, the affected properties will be notified of the commencement of works via an Information Bulletin.

LEGAL/POLICY:

The road reserves, parks and reserves, as discussed in this report, come under the care and control of and/or are vested with the City.

RISK MANAGEMENT IMPLICATIONS:

Low/Medium: All of the projects listed are currently funded. However the City has little or no control over the project costs as imposed by State Government Agencies and there is an element of risk that the quoted costs will exceed that of the budget. In these instances a report will be presented Council outlining the options in respect of varying the scope and scheduling of works.

STRATEGIC IMPLICATIONS:

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

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Description	Budget	% year	% spent
The combined budget of the projects listed in the report.	\$1,590,000		0%
Expenditure to date	Nil	0%	0%

COMMENTS:

As indicated in the body of the report there are a number of significant infrastructure projects that have been deferred for various reasons. The majority of the expenditure for the outstanding Main Roads traffic signal controls projects require limited City input or resources whereas a number of the projects deferred because of the Water Corporations projects will require considerable City input and resources. This in-turn will impact upon the City's workload in the 2017/18 financial year.

10.2 WILLIAM STREET, PERTH - PROPOSED PARKING RESTRICTION CHANGES

TRIM Ref: D17/75423

Author: Craig Wilson, A/Director Technical Services

Authoriser: Craig Wilson, A/Director Technical Services

Attachments: 1. Summary of Comments [↗](#) 
2. Appendix 7.3 (E) - Special Council Meeting 5 July 2011 [↗](#) 

RECOMMENDATION:

That Council:

1. **NOTES** the comments received regarding the proposed changes to the parking restrictions in William Street, Perth, as shown in Attachment 1;
2. **APPROVES** the introduction of 2P paid ticket parking restrictions between 8am and 7.00pm, and paid ticket parking between 7.00pm and 12.00pm, seven days per week; and
3. **ADVISES** the respondents of its decision.

PURPOSE OF REPORT:

To consider previous Council decisions in conjunction with the outcome of the recent public consultation regarding the proposal to change the parking restrictions in William Street, Perth.

BACKGROUND:**Special Meeting of Council 5 July 2011:**

At the above meeting Council received a comprehensive report titled:

“City of Vincent Car Parking Strategy 2010 Consideration of Submissions – City of Vincent Parking and Parking Facilities Local Law 2007 – Adoption of Amendments (2011), Adoption of New Time Restrictions Areas and Adoption of Parking Permit Policy No. 3.9.8 and Advertising of Additional Ticket Machine Zones”

Having considered the report Council approved, in part, the following:

“TICKET MACHINE ZONES – DAYS AND HOURS OF OPERATION

4. *APPROVES the amended days and times of operation of the Ticket Machine Zones, as shown in Appendix 7.3(E);”*

Appendix 7.3 (E), **Attachment 2**, identified in which streets tickets machines were to be installed and what restrictions were to be applied, including that of William Street, between Brisbane and Newcastle Streets.

Officer Comment:

What has become apparent in preparing this report is that the proposed 2P paid ticket parking restrictions between 8.00am and 7.00pm, and paid ticket parking between 7.00pm and 12.00pm, seven days per week, in William Street between Brisbane and Newcastle Streets, and those of Lindsay, Money, Monger Streets and Forbes Road were approved by Council at its Special Meeting of 5 July 2011.

As a consequence the new tickets machines, and signage, were installed in Lindsay, Money, Monger Streets and Forbes Road, in the latter part of 2011, but excluding that of William Street (the existing ticket machines were also retained).

While not well documented, it appears that the William Street traders objected to the new restrictions, as they did not align with the City of Perth restrictions at the time, and as a consequence the new restrictions signage was held in abeyance, and not installed, and the existing restrictions retained.

However, in the absence of a rescission motion the Council's decision of 5 July 2011 'stands' and William Street's restrictions should be the same as the aforementioned surrounding streets.

Ordinary Meeting of Council 18 November 2014:

At its Ordinary Meeting held on the 18 November 2014 Council considered a report on the *Car Parking Strategy Implementation – Progress Report No. 1*. The report made a number of significant recommendations in respect of implementing the parking strategy including proposed changes to the parking restrictions in William Street, between Brisbane and Newcastle Streets.

After some debate the Presiding Member ruled that the Officer Recommendation would be split and voted on individually, Council made the following decisions (in part):

"That Council:

6. *CONSULTS with the community regarding the following parking changes:*
 - 6.1 *amending the paid parking and parking restrictions in William Street between Brisbane Street and Newcastle Street, including Lindsay, Money, Monger Streets and Forbes Road to be ticketed every day, with a fee of \$3.70 per hour from 8am to midnight, with a 2P restriction between 8am and 7pm;....*
9. *RECEIVES a further report at the conclusion of the community consultation referred in 6 above."*

Council then moved and endorsed the following amendment:

"AMENDMENT 1

That Recommendation 6.1 be amended as follows:

- 6.1 *amending the paid parking and parking restrictions in William Street between Brisbane Street and Newcastle Street, including Lindsay, Money, Monger Streets and Forbes Road to be ticketed every day, with a fee of \$3.70 per hour from 8am to ~~midnight~~ 10pm, with a 2P restriction between 8am and 7pm;*

At the conclusion of the debate, and specific to recommendation No. 9, Council made the following decision:

"That Recommendations 7, 8 & 9 be deferred to a Forum being held on 9 December 2014.

Council Forum 9 December 2014:

The notes from the forum of 9 December 2014, as per below, make no mention of either recommendations No. 6 or 9:

"4.2.2 Car Parking Strategy - Presentation by City's Officers

Commenced at: 6.28pm

Closed at: 7.00pm

Members of Public: 1

Comment:

A/DComS provided information on usage for Fitzgerald Street and Oxford Street, as well as Richmond Street kerbside parking. Surveys were conducted for 17 days for each of the car parks and provided some evidence to support the officer's recommendation to introduce paid parking in the Fitzgerald Street car park and Lawley Street south kerbside parking, as well as increased parking fees on Richmond Street. The status quo was recommended for Oxford Street car park with continued enforcement.

It was suggested that the survey for Fitzgerald Street car park continue for another two (2) weeks.

A review of the ACROD Bays was provided, with a recommendation that a consultant be engaged to provide specialist advice. Currently, "No Ticket required in ACROD Bays" signs have been trialled in Raglan and Chelmsford Roads, as well as on Barlee Street. This has been well received."

The aforementioned parking fees were subsequently increased (as per the City's 2015/16 Fees and Charges) in accordance with Council's decision.

Office Comment:

As a result of the above sequence of events there is an anomaly in that the surrounding streets currently have more stringent, or restrictive, parking controls than that of William Street.

The current Williams Street restrictions are 2P paid ticket parking between the hours 8.00am and 6.00pm Monday to Friday, and 8.00am to 12 noon on Saturday's, after which it is both unrestricted and free.

The City of Perth's restrictions in William Street, south of Newcastle Street, are currently 8.00am to 6.00pm Monday to Saturday and 12noon to 6.00pm Sunday.

As a consequence in the evenings, and in particular on weekends, it encourages people visiting the Northbridge area (south of Newcastle Street) and the Perth Central Business District to park within the City of Vincent's area and walk in, thereby avoiding having to pay for parking. On any given weekend most of the William Street on-road parking is usually occupied resulting in local businesses and restaurants potentially losing trade as the parking spaces do not 'turnover' as frequently as would be expected.

The City subsequently wrote to the businesses and residents in May 2017 seeking their views on amending the restrictions to 2P paid ticket parking between 8.00am and 7.00pm, and paid ticket parking between 7.00pm and 12.00pm, seven days per week. The changes were suggested so as to ensure that parking is readily available during the peak times and to bring William Street into line with Lindsay, Money and Monger Streets, and Forbes Road, having had the restrictions installed in 2011, and having proved very effective in managing parking demand.

In addition the City recently entered into a parking management agreement with the owners of the 'Northbridge Shopping Centre' at 375-393 William Street, to manage their parking area, re-branded as the City's William Street Car Park, which now has 2P paid parking from 8.00am to 7.00pm and paid parking from 7.00pm to 10.00pm, seven days per week.

DETAILS:

In light of the above the City recently consulted with the residents and businesses in William Street, between Brisbane Street and Newcastle Street, seeking their comments on bringing the William Street parking restrictions into line with that of the surrounding streets.

CONSULTATION/ADVERTISING:

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

In May 2017 businesses and residents of William Street, Brisbane Street to Newcastle Street, were consulted regarding the introduction of a 2P paid parking restriction 8.00am to 7.00pm and paid parking 7.00pm to 12.00pm, seven days per week.

A total of 326 consultation packs were distributed to potentially affected businesses and residents requesting their comments-

At the close of consultation on 26 May 2017 seven responses were received with one respondent in favour of the proposal and six against (as shown in **Attachment 1**).

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Low: This proposal will improve the availability of parking within the precinct, particularly on weekends leading to an improved level of service and amenity.

STRATEGIC IMPLICATIONS:

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

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Description	Budget	% year	% spent
2017/18 Budget supply and installation of parking signs and street name blades	\$45,000		
Expenditure to date	Nil	0%	0%
Estimated cost to change the signage in William Street	\$1,200		

COMMENTS:

As indicated the body of the report there is a 'disconnect' between Councils decision of its Special Meeting of 5 July 2011, its Ordinary Meeting of 18 November 2014 and the Council Forum of 9 December 2014. As a result William Street is essentially 'free' parking after 6.00pm on weekday evenings and the majority of weekends.

Of those who did provide a written response to the consultation an Officer of Salvation Army (Perth Fortress Corps 333 William Street) raised concerns that the proposed restrictions would impact upon the congregation attending Sunday services, and in particular elderly parishioners who can ill afford to pay. If Council were of the same opinion then, similar to the City of Perth, the Sunday restriction could apply from 12noon.

There were also comments in respect of the potential impact upon local businesses in that it would discourage customers. However there are a finite number of parking spaces in William Street, and once full, the driver will likely park in a paid space in an adjoining streets (both within Vincent and City of Perth), or a City of Perth car park, of which there are several in the immediate area south of Newcastle Street. Further, free parking discourages 'churn' in that there is no incentive to move your vehicle leading to a lack of available parking.

It should also be noted that proposed restrictions will bring William Street into line with the current parking restrictions in the Mt Lawley / Highgate and Leederville Town Centres which apply between 8.00am and Midnight, seven days per week.

10.3	TENDER NO 535/17 - PROVISION OF GENERAL CLEANING SERVICES - BEATTY PARK LEISURE CENTRE.
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TRIM Ref: D17/70489
Author: James Hopper, Coordinator Asset Management
Authoriser: Craig Wilson, A/Director Technical Services
Attachments: 1. Tender No 535/17 - Confidential

RECOMMENDATION:

That Council **ACCEPTS** Tender No 535/17 from Quay Clean Australia Pty Ltd for the provision of general cleaning services for Beatty Park Leisure Centre for the fixed period expiring 31 August 2019, (with an option period of one year at the sole discretion of the City) for the fixed annual price of \$109,837.20 (excluding GST) as per the pricing schedule (Confidential Attachment 1) in the tender submission and general conditions of tendering.

PURPOSE OF REPORT:

To consider awarding of Tender No 535/17 – provision of general cleaning services for Beatty Park Leisure Centre.

BACKGROUND:

Beatty Park Leisure Centre is cleaned every day of operation, excluding Christmas Day and Good Friday when the centre is closed. The centre's change rooms, administration, public areas, café, gym weights and cardio room and group fitness studios are cleaned each night by contract cleaners, this contract expired 3 June 2017. Due to the nature of the operations of the centre, additional detail cleans are conducted during operating hours by City of Vincent employed cleaning staff.

Additional periodical cleaning tasks are conducted throughout the year, including carpet steam cleaning, window washing and hard floor strip and sealing. These tasks are generally of a sporadic nature and conducted by specialist contractors.

An internal stakeholders group was consulted resulting in agreed levels of service within budget forward forecasts and scoped into an all-inclusive contract. By including monthly, quarterly and bi-annual cleaning duties, Administration expects to receive greater value for money going forward.

CONSULTATION/ADVERTISING:

Tender 535/17 - provision of general cleaning services – Beatty Park Leisure Centre was advertised on Wednesday 3 May 2017 in the West Australian and on the City's website.

A mandatory site inspection was conducted on Thursday 11 May 2017.

Contract Type	Lump sum contract
Contract Term	Fixed term.
Commencement date	On award.
Expiry Date	31 August 2019.
Extensions of contract	1 year at the sole discretion of the City.
Rise and fall included	Not applicable.

DETAILS:**Tenders Received:**

At the close of the tender advertising period 16 tenders were received from the following companies, all of whom attended the mandatory site briefing:

<ul style="list-style-type: none"> • Academy Services (WA) Pty Ltd • AMC Commercial Cleaning • Brightmark Group Pty Ltd • CCM Cleaning Services • Cleaning Edge Solutions Pty Ltd • Cleanpro Workplace Services Pty Ltd • DMC Cleaning • Iconic Property Services 	<ul style="list-style-type: none"> • Mission Impossible Cleaning Pty Ltd • Multiclean WA • OCE Corporate Cleaning • Quay Clean Australia Pty Ltd • Southern Cross Cleaning Service • Southern Cross Group Services • TJS Services (Vic) Pty Ltd • VVM Pty Ltd
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Tender Assessment:

Under Delegation 4.3, Regulation Part 4 s14(2a) of the Local Government Act, the Director Technical Services, on 19 April 2017, authorised the evaluation criteria below.

CRITERIA	WEIGHTING
<p>Lump sum flat price calculated monthly This contract is offered on a fixed lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST).</p>	35%
<p>Capacity to deliver Demonstrate capacity to achieve the proposed level of cleaning. Use demonstrated examples of contracts held with similar scopes (where possible). Include in your response clear documented evidence (may include but not limited to; software programs, QAS management, nominated supervisory and contact staff, staff training, HSE statements, SWMS etc.) of successful results in relevant previous projects demonstrating the ability to provide a high level of:</p> <ol style="list-style-type: none"> a) Finish b) Site supervision c) Practices providing a safe working environment d) Practices of environmental protection 	25%
<p>Expertise and relevant experience in similar projects Provide evidence of demonstrated knowledge and experience in cleaning of projects of a similar nature. Include in your response no less than three separate examples clearly outlining demonstrated experience in projects of a <u>similar scope</u> including:</p> <ol style="list-style-type: none"> a) Written references and referees contact details b) Tenure of engagement c) Scope of work conducted d) Size of building e) Approximate value of contract P/A (to nearest \$10,000) 	20%
<p>Relevant experience of key personnel Credentials (i.e. formal qualifications, training and experience) of key personnel of the organisation. Provide an organisational chart. Roles of the key personnel for this contract and their experience, including position in the firm's organisational structure. Include in your submission the name and contact details of the proposed contract manager, leading hand or supervisor for this contract and their relevant experience.</p>	10%
<p>Financial history and evidence of stability Demonstrate financial history of your organisation to carry out works for this contract including demonstrated evidence of stability and experience.</p>	10%
Total	100%

The Procurement Plan Project Team are noted as follows:

Coordinator Asset Management
 Manager Finance
 Manager Asset & Design

Under Delegation 4.2 and 4.3 of the Local Government Act the Procurement Plan was executed by the Director Technical Services.

The tenders were assessed individually by each member of a Tender Evaluation Panel (below) and each tender was assessed using the aforementioned evaluation criteria. A scoring system was used as part of the assessment of the evaluation criteria. Unless otherwise stated, a response to one of these criteria, that provided all the information requested, was assessed as satisfactory and in the first instance, was awarded an average score of five points from a possible 10 points. The extent to which the response demonstrated greater or lesser relevant satisfaction of each of these criteria resulted in a score greater (6-10) or less (4-0) than average. The aggregate score of each response was used in assessing the submissions.

Tender Evaluation Panel:

Community Engagement – Beatty Park Leisure Centre – Coordinator Aquatic & Operations
 Corporate Services – Manager Governance
 Corporate Services – Finance Officer Contracts & Purchasing (reference checks only)
 Technical Services – Coordinator Asset Management
 Technical Services – Project Officer Parks & Environment
 Technical Services – Asset Officer Maintenance

All 16 tenders received were considered to be compliant and were assessed by each individual listed above, over a three week period. Scores were collated by the panel chair and three tenders were shortlisted. Initial reference checks were conducted and each member of the panel individually re-reviewed the three shortlisted tenders.

The panel convened and noted that the submission received by Multiclean included abridged detail in reference to financial stability and provided accountant details for the purposes of confirming such. The panel chair, contacted firstly by phone and then in writing, the accounting firm for confirmation and further financial detail to support the submission, however did not receive a written response in detail by the required deadline.

Southern Cross Cleaning Service ranked first position in submitted price, however ranked lesser than both Multiclean and Quay Clean in all other qualitative criteria as demonstrated by the cumulative scoring in the table below.

Further documented telephone qualitative reference checks were conducted. The panel convened and make the following recommendation.

Tender Evaluation Ranking:

Tender rankings are shown in the following table. Full details and submitted prices are shown in the table in **Confidential Attachment 1**.

Tenderer Name	Weekly Price	Capacity to Deliver	Expertise & Relevance	Personnel Experience	Financial Stability	Total	Rank
CRITERIA (max score)	35.00	25.00	20.00	10.00	10.00	100.00	-
Quay Clean Aus. Pty Ltd	24.40	20.00	16.20	7.20	8.60	76.40	1st
Multiclean WA	29.20	19.00	14.00	7.40	5.60	75.20	2nd
Southern Cross Cleaning Service	35.00	16.00	11.60	6.20	6.20	75.00	3rd
Iconic Property Services	29.00	17.50	10.80	6.40	6.20	69.90	4th
Academy Services (WA) Pty Ltd	18.20	20.00	14.80	7.60	8.40	69.00	5th

Tenderer Name	Weekly Price	Capacity to Deliver	Expertise & Relevance	Personnel Experience	Financial Stability	Total	Rank
Mission Impossible Cleaning Pty Ltd	35.00	17.75	5.20	6.40	4.50	68.85	6 th
TJS Services (Vic) Pty Ltd	21.40	16.25	15.60	6.60	8.00	67.85	7 th
AMC Commercial Cleaning	22.80	16.00	12.00	6.80	8.30	65.90	8 th
Brightmark Group Pty Ltd	31.70	14.25	12.00	6.30	1.40	65.65	9 th
VVM Pty Ltd	15.00	17.50	12.80	7.20	8.00	60.50	10 th
OCE Corporate Cleaning	17.90	15.25	13.00	6.60	4.00	57.75	11 th
DMC Cleaning	14.60	16.00	13.20	6.00	5.60	55.40	12 th
CCM Cleaning Services	17.20	14.00	11.00	4.60	1.80	48.60	13 th
Southern Cross Group	8.80	16.75	10.20	5.60	4.00	45.35	14 th
Cleanpro Workplace Services Pty Ltd	11.20	11.50	5.40	4.40	0.40	32.90	15 th
Cleaning Edge Solutions Pty Ltd	7.50	10.00	6.00	4.00	0.60	28.10	16 th

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$104,000 has been allocated in the 2017/18 budget for the cleaning of Beatty Park Leisure Centre.

COMMENTS:

Administration is satisfied that the submission by Quay Clean Australia demonstrates a detailed understanding of the scope required for this high profile operational building. Administration is also satisfied with the quality of work and communication currently provided by Quay Clean Australia as Beatty Park Leisure Centre's incumbent cleaning contractor. Qualitative reference checks to other Local and State Governments, and private enterprise of similar/greater sizes and scopes provided positive feedback.

The submission by Quay Clean Australia complies with all of the tender requirements and they have satisfactorily performed in similar roles and their tender submission provides acceptable value for money.

It is therefore recommended that Council approves Tender No 535/17 – provision of general cleaning services for Beatty Park Leisure Centre.

11 CORPORATE SERVICES**11.1 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 01 JUNE 2017 TO 30 JUNE 2017**

TRIM Ref: D17/77546
Author: Nikki Hirrill, Accounts Payable Officer
Authoriser: John Paton, Director Corporate Services
Attachments: 1. Payment by EFT June 17 
 2. Payment by Cheque June 17 
 3. Payment by Credit Card June 17 

RECOMMENDATION:

That Council RECEIVES the list of accounts paid under delegated authority for the period 1 June 2017 to 30 June 2017 as detailed in attachment 1, 2 and 3 as summarised below:

Cheque Numbers 81294 – 81412	\$121,426.73
Cancelled Cheques 80024, 81281, 81322 & 81285	-\$712.50
EFT Documents 2092 - 2105	\$4,598,250.17
Payroll	\$1,129,386.37

Direct Debits

- Lease Fees \$1,101.28
- Loan Repayments \$147,112.30
- Bank Fees and Charges \$18,585.02
- Credit Cards \$10,908.62
- Infringement Lodgement Fees \$33,814.00

Total Direct Debit	\$211,521.22
Total Accounts Paid	\$6,059,871.99

PURPOSE OF REPORT:

To present to Council the expenditure and list of accounts paid for the period 01 June 2017 to 30 June 2017.

BACKGROUND:

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

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

DETAILS:

The Schedule of Accounts paid, covers the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account (Attachment 1, 2 and 3)		

Cheques	81294 – 81412	\$121,426.73
Cancelled Cheques	80024, 81281, 81322 & 81285	-\$712.50
EFT Payments	2092 - 2105	\$4,598,250.17
Sub Total		\$4,718,964.40

Transfer of Payroll by EFT	13/06/17	\$581,510.34
	27/06/17	\$547,876.03
	June 2017	\$1,129,386.37

Bank Charges and Other Direct Debits

Lease Fees		\$1,101.28
Loan Repayments		\$147,112.30
Bank Charges – CBA		\$18,585.02
Credit Cards		\$10,908.62
Infringement Lodgement Fees		\$33,814.00
Total Bank Charges and Other Direct Debits (Sub Total)		\$211,521.22

Less GST effect on Advance Account		0.00
Total Payments		\$6,059,871.99

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 revised Annual Budget.

COMMENTS:

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

11.2 INVESTMENT REPORT AS AT 30 JUNE 2017

TRIM Ref: D17/79755
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 30 June 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 30 June 2017 including on call in the City's operating account were \$24,670,461 as compared to \$23,024,830 for the period ended 30 June 2016.

Total Investments for the period ended 30 June 2017 were \$23,533,279 as compared to \$25,718,292 for the period ended 31 May 2017 and \$21,005,952 for the period ended 30 June 2016 respectively.

Investment comparison table:

Month Ended	2015/16		2016/17	
	Total Funds Held	Total Investments	Total Funds Held	Total Investments
July	\$17,885,002	\$14,961,000	\$19,683,412	\$18,420,252
August	\$32,600,029	\$26,961,000	\$26,167,645	\$22,573,297
September	\$33,331,757	\$31,361,000	\$36,754,571	\$34,302,896
October	\$32,212,324	\$30,701,564	\$37,581,885	\$34,521,542
November	\$32,694,298	\$31,206,505	\$37,034,885	\$35,775,011
December	\$29,737,925	\$27,239,542	\$33,692,431	\$31,165,443
January	\$30,282,430	\$29,229,172	\$34,645,041	\$33,201,749
February	\$31,529,914	\$29,221,565	\$34,028,716	\$32,316,251
March	\$28,785,278	\$27,983,289	\$32,070,200	\$31,424,409
April	\$27,011,580	\$26,587,166	\$30,661,122	\$26,206,328
May	\$24,348,546	\$23,486,917	\$27,412,051	\$25,718,292
June	\$23,024,830	\$21,005,952	\$24,670,461	\$23,533,279

Total accrued interest earned on Investments as at 30 June 2017:

	Revised Budget	YTD Budget	YTD Actual	% of FY Budget
Municipal	\$436,000	\$436,000	\$486,092	111.49%
Reserve	\$206,000	\$206,000	\$205,608	99.81%
Leederville Gardens Inc Surplus Trust*	\$0	\$0	\$140,392	0.00%
Total	\$642,000	\$642,000	\$832,092	129.61%

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

City of Vincent Investment Report Grouping*	Long Term Rating (Standard & Poor's) or Equivalent	Short Term Rating (Standard & Poor's) or Equivalent	Direct Investments Maximum % with any one institution		Managed Funds Maximum % with any one institution		Maximum % of Total Portfolio	
			Policy	Actual	Policy	Actual	Policy	Actual
	AAA	A1+	30%	Nil	45%	Nil	100%	Nil
Group A	AA	A1+	30%	27.5%	30%	Nil	90%	52.6%
Group B	A	A1	20%	18.8%	30%	Nil	80%	36.0%
Group C	BBB	A2	10%	11.3%	n/a	Nil	20%	11.4%

*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 2.67% for current investments including the operating account, and 2.73% excluding the operating account respectively. The Reserve Bank 90 days Accepted Bill rate for June 2017 is 1.72%.

As at 30 June 2017, the City's total investment earnings exceed the year to date budget estimate by \$190,092 (29.61%). However, of this, \$140,392 was earned by the Leederville Gardens Inc Surplus Trust and funds in this trust are restricted. Investment earnings from this trust were excluded from the 2016/17 budget calculations. Excluding this Trust income, the balance of the investment revenue is exceeding year to date budget by 7.74%.

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, 47.32% of the City's investments were held in non-fossil fuel lending institutions as at 30 June 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 & Earnings Charts;
- Investment Portfolio;
- Investment Interest Earnings; and
- Investment Current Investment Holding.

11.3 ADOPTION OF 2017/2018 ANNUAL BUDGET

TRIM Ref: D17/74641

Author: John Paton, Director Corporate Services

Authoriser: John Paton, Director Corporate Services

Attachments:

1. Annual Budget Commentary 2017/18 [⇒](#) 
2. Statutory Budget [⇒](#) 
3. 17/18 Draft Capital Budget [⇒](#) 
4. Summary of Income & Expenditure by Service Unit [⇒](#) 
5. Supporting Schedules [⇒](#) 
6. Fees and Charges [⇒](#) 

RECOMMENDATION:

That Council BY ABSOLUTE MAJORITY:

1. BUDGET:

Pursuant to the provisions of Section 6.2(1) of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, ADOPTS the City of Vincent Annual Budget as detailed in Attachments 2 and 3 for the 2017/18 financial year, which includes:

- 1.1 Statement of Comprehensive Income by Nature and Type showing a net result for that year of \$1,017,939 as detailed on Attachment 2 page 2.1;
- 1.2 Statement of Comprehensive Income by Program showing a net result for that year of \$1,017,939 as detailed on Attachment 2 page 2.2 and 2.3;
- 1.3 Rate setting Statement showing an amount required to be raised from rates of \$32,939,532 as detailed on Attachment 2 page 2.4;
- 1.4 Statement of Cash Flows showing a net cash provided by operations of \$7,907,053 and net decrease in cash held of \$3,155,488 as detailed on Attachment 2 page 2.5;
- 1.5 Transfers to / from Reserves as detailed on the Reserve Fund Statement showing a 30 June 2018 Closing Balance of \$9,426,600 as detailed on Attachment 2 page 2.29;
- 1.6 Notes to and Forming Part of the Budget as detailed on Attachment 2 pages 2.6 – 2.40; and
- 1.7 Capital Works Program showing a total of \$13,411,320 (including 2016/17 carry forward projects) as detailed on Attachment 3 pages 3.1 – 3.8.

2. RATES:

NOTES consideration of the submission received in response to the Notice published in accordance with section 6.36(1) of the *Local Government Act 1995* and for the purpose of yielding up the deficiency disclosed by the Budget adopted in 1 above, Council pursuant to Sections 6.32, 6.33 and 6.35 of the *Local Government Act 1995*, IMPOSES the following differential general rates and minimum payments on Gross Rental Values:

2.1 General Rates

- Residential 6.289 cents in the dollar
- Commercial Vacant 12.236 cents in the dollar
- Other 6.489 cents in the dollar

2.2 Minimum Payments

- Residential \$1,100
- Commercial Vacant \$1,414
- Other \$1,100

2.3 RATE PAYMENT OPTIONS:

Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, ADOPTS the following due dates for payment in full by instalments:

	INSTALMENT	DATE
(a)	Due Date/First instalment	12 September 2017
(b)	Second instalment	6 November 2017
(c)	Third instalment	8 January 2018
(d)	Fourth instalment	6 March 2018

2.4 INSTALMENT AND ARRANGEMENTS ADMINISTRATION FEES AND INTEREST CHARGES:

2.4.1 Pursuant to Section 6.45(3) of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, ADOPT an instalment administration charge of \$13.00 per instalment for payment of rates by instalments, to apply to the second, third and fourth instalment; and

2.4.2 Pursuant to Section 6.45(3) of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, ADOPT an interest rate of 5.5% where the owner has elected to pay rates through an instalment option;

2.5 LATE PAYMENT INTEREST ON OVERDUE RATES AND AMOUNTS:

ADOPTS an interest rate of 11% per annum, calculated daily from the due date and continues until the date of payment on overdue:

2.5.1 rates in accordance with Section 6.51(1) of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations 1996*, subject to Section 6.51(4) of the *Local Government Act 1995*; and

2.5.2 amounts due to the City in accordance with Section 6.13 of the *Local Government Act 1995*;

Excluded are deferred rates, instalment current amounts not yet due under instalment payment options, registered pensioner portions and current government pensioner rebate amounts;

3. RUBBISH CHARGE:

Pursuant to Section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, ADOPTS the following annual charges for the removal of domestic waste and recycling for all non

rateable properties receiving the service:

- 240L weekly waste collection \$350
- 140L weekly waste collection \$220
- 240L fortnightly recycling collection \$95
- 360L fortnightly recycling collection \$125

4. REPORTING OF BUDGET VARIANCES:

Pursuant to Regulation 34 (5) of the *Local Government (Financial Management) Regulations 1996*, ADOPTS the monthly reporting variance for the 2016/17 financial year of 10% or more, where that variance is also more than \$10,000;

5. FEES AND CHARGES

Pursuant to Section 6.16 of the *Local Government Act 1995*, ADOPTS the Schedule of Fees and Charges included in Attachment 6.

6. RATES WAIVER

Pursuant to Section 6.47 of the *Local Government Act 1995*, WAIVES the 2017/18 local government rates for the following groups:

• Floreat Athena Soccer Club	Litis Stadium	\$23,356
• Volleyball WA	Royal Park	\$3,594
• North Perth Community Garden	Woodville Reserve	\$1,100
• Vincent Men's Shed	Woodville Reserve	\$1,300
• North Perth Bowling Club	Woodville Reserve	\$3,412
• North Perth Tennis Club	Woodville Reserve	\$2,476
• Tennis Seniors WA	Robertson Park	\$5,963
• Graham Hay and Artists	Halvorsen Hall	\$2,254
• Forrest Park Croquet Club	Forrest Park	\$4,861
• Perth Junior Soccer Club	Forrest Park	\$1,549
• Kidz Galore Pty Ltd	North Perth	\$3,545
• Perth Soccer Club	Dorrien Gardens	\$17,839
• Azzurri Bocce Club	Dorrien Gardens	\$4,605
• Loftus Community Centre	Loftus Centre	\$6,104
• Gymnastics WA Inc.	Loftus centre	\$13,160
• Loton Park Tennis Club	Loton Park	\$2,737
• Leederville Tennis Club	Richmond St Leederville	\$3,213
• Dental Health Service	Sydney Street, North Perth	\$1,550
• East Perth Football Club	Leederville Oval	\$8,060
• Subiaco Football Club	Leederville Oval	\$9,936

PURPOSE OF REPORT:

To consider for adoption the City's Budget for the 2017/18 financial year, including imposition of differential and minimum rates, adoption of fees and charges and other consequential matters arising from the budget papers.

BACKGROUND:

Between 1 June and 31 August each year, local governments are required to prepare and adopt a budget for the financial year. As in past years, in preparing for the Budget, Administration compiled relevant information, held a series of budget workshops with Council Members and invited community Budget submissions aligned to Council's adopted working priorities for 2017/18. The Draft Budget was therefore

progressively compiled, in consideration of current circumstances, community submissions and the annual review of the Corporate Business Plan (CBP).

A key part of the budget development is identifying the 'budget deficiency' to be made up from the levying of Council Rates. Once an estimate of that budget deficiency is known, local governments are required to give local public notice of any intention to levy differential rates.

At the Ordinary Meeting of Council held 30 May 2017, Council considered a report (Item 11.4) dealing with a proposal to introduce Differential and Minimum Rates in order to fund the Budget Deficiency identified as \$32,939,532. A rating strategy was considered, that recognised approximately 2% of the increase would be generated from the annual growth in the rate base, 2.7% from an increase in the rate in the dollar and the balance from an appropriate increase to Minimum Rates.

As a result, the following resolution was adopted:

"That Council:

- 1. ADVERTISES by local public notice, in accordance with Section 6.36(1) of the Local Government Act 1995 for a period of 21 days its intention to levy the following Differential Rates and Minimum Rates in 2017/18 and invites submissions on the proposal from electors and ratepayers:***

	2017/18	
Rating Category	Rate-in-\$	Minimum
Residential	0.06289	\$1,100
Commercial Vacant	0.12236	\$1,414
Other	0.06489	\$1,100

- 2. NOTES any public submissions received in response to 1 above will be presented to Council for consideration."***

The Budget Commentary document has been updated (**Attachment 1**) to monitor progression and provide a consistent overview of the financial position, budget influences and sustainability strategies of the City.

DETAILS:

The 2017/18 Draft Budget as presented, includes the following components:

- Statutory Budget Statements (**Attachment 2**)
 - Statement of Comprehensive Income by Nature or Type – this statement details the Operating income and expenditure categorised by the nature of the income or expenditure, together with non-operating (capital) grants and profit/loss on asset disposal. Details of the 2016/17 Adopted and Revised Budget, together with projected (forecast) Actual are included for comparative purposes.
 - Statement of Comprehensive Income by Programme – this statement categorises the income and expenditure by the Program (function) it applies to. This schedule also details the distribution of the profit and loss and capital grants by Programme.
 - Rate Setting Statement (RSS) – identifies the amount of rates necessary to undertake all annual activities, once all income is recognised, non-cash items are adjusted back, Reserve transfers are incorporated and opening and closing balances are factored in. Note a minor amendment to the format of this statement from previous years to extract non-operating income from Revenue from Operating Activities and group other items under categories of Investing Activities and Financing Activities
 - Statement of Cash Flows – this statement reflects how cash and cash equivalents have been generated and used over the reporting period.
 - Explanatory Notes to the Statements.
- 2017/18 Draft Capital Budget (**Attachment 3**)
- Summary of Income and Expenditure by Service unit (**Attachment 4**).
- Supporting Schedules (**Attachment 5**).
- Fees and Charges Schedule (**Attachment 6**)

Operating Budget

INCOME STATEMENT BY NATURE OR TYPE								
	2013/14	2014/15	2015/16	2016/17		2017/18	Variance to:	
	Audited Actual	Audited Actual	Audited Actual	Revised Budget	Forecast Actual	Draft Budget	Revised Budget	Forecast Actual
REVENUE								
Rates	25,362,390	27,478,028	29,601,379	31,208,530	31,236,554	32,939,532	5.5%	5.5%
Operating Grants, Subsidies & Contributions	1,435,384	2,138,565	966,658	1,431,535	1,990,756	815,585	-43.0%	-59.0%
Fees and Charges	19,187,447	19,654,668	19,285,579	19,157,720	18,484,502	18,888,300	-1.4%	2.2%
Interest Earnings	897,486	907,919	1,106,722	936,200	958,715	958,080	2.3%	-0.1%
Other Revenue	1,099,417	1,418,990	1,503,562	1,460,360	1,173,138	1,323,155	-9.4%	12.8%
	47,982,124	51,598,170	52,463,900	54,194,345	53,843,665	54,924,652	1.3%	2.0%
EXPENDITURE								
Employee Costs	(22,996,728)	(23,287,895)	(24,323,430)	(25,139,415)	(25,295,113)	(25,939,930)	3.2%	2.5%
Materials and Contracts	(14,385,556)	(14,237,564)	(14,999,747)	(16,765,570)	(16,146,735)	(17,749,340)	5.9%	9.9%
Utility Charges	(2,176,874)	(1,913,034)	(1,927,414)	(1,947,070)	(1,819,900)	(1,955,570)	0.4%	7.5%
Depreciation on Non-Current Assets	(11,760,170)	(11,214,551)	(10,089,839)	(9,833,560)	(9,689,243)	(9,663,980)	-1.7%	-0.3%
Interest Expenses	(1,145,812)	(1,163,983)	(1,093,320)	(1,048,240)	(1,048,240)	(995,630)	-5.0%	-5.0%
Insurance Expenses	(878,414)	(1,137,988)	(923,484)	(908,370)	(888,600)	(889,760)	-2.0%	0.1%
Other Expenditure	(449,720)	(173,107)	206,804	268,995	467,314	183,780	-31.7%	-60.7%
	(53,793,274)	(53,128,122)	(53,150,430)	(55,373,230)	(54,420,517)	(57,010,430)	3.0%	4.8%
OPERATING RESULT	(5,811,150)	(1,529,952)	(686,530)	(1,178,885)	(576,852)	(2,085,778)	76.9%	261.6%
Non-Operating Grants & Contributions	1,903,855	1,000,136	1,384,622	2,728,547	2,252,775	2,692,344		
Profit/Loss on Asset Disposal	2,296,451	6,694,802	3,487,327	1,020,686	1,020,686	411,373		
Revaluation		(814,891)	0					
NET RESULT	(1,610,844)	5,350,095	4,185,419	2,570,348	2,696,609	1,017,939		

The above table shows the movements in the Operating Budget since 2013/14, with the percentage variation from 2016/17 calculated. Key factors contributing to the variations are detailed below:

REVENUE

- Rates: The budget has increased by 5.5%, attributed to a 2% increase in the rate base (the number of rateable properties increased by 350), an average 2.7% increase in the rate in dollar plus increase to the Minimum Rate.
- Grants/Subsidies/Contributions: 50% of the 2017/18 Financial Assistance Grant was received in advance and recorded as revenue for 2016/17, therefore requiring a corresponding reduction in the 2017/18 Budget.
- Fees and Charges: The budget is reflecting a decrease of 1.4% over the 2016/17 Budget, but a 2.2% increase on the 2016/17 Forecast Actual. This is reflecting a reduced level of activity being sustained impacting on Development and Building Applications and Beatty Park revenue in particular.
- Interest Earnings: Overall interest revenue is forecast to increase by 2.3% on the previous budget, primarily attributable to an increase in the funds held in Reserves.
- Other Revenue: This income area can vary each year depending on circumstances contributing to sundry income. A significant contributor to the reduction is the removal of management fees associated with the City's past role of managing the Leederville Gardens Retirement Village.

EXPENDITURE

- Employee Costs: A 3.2% increase on budget which includes an additional 4.1(FTE) positions to assist in delivering City services.
- Materials and Contracts: A 6.1% increase is proposed, with increases spread across a variety of operational areas. The largest relates to an increase in the cost of Contractors, with painting and asset maintenance being a major reason. Other significant variations, include the increased cost of postage, valuation charge for the triennial GRV review, events, parking revenue

'profit share' and elections. In addition, a substantial component relates to delivering on a range of projects listed in the Corporate Business Plan.

Utility Charges: A combination of competitive rates being obtained for 'contestable' power and forecast efficiencies in gas consumption is seeing utility costs being maintained at a constant level.

Other Expenditure: This expenditure area covers a wide range of accounts, including areas of maintenance, programmes, overheads and internal cost recoveries. The variation is therefore a combination of a wide range of circumstances.

Non-Operating Budget

This area of the budget, as detailed in the Statement of Comprehensive Income by Program, provides for Capital Income, with the following proposed for 2017/18:

- Capital Grants directly associated with the Capital Works Program (including carry forwards) totalling \$2.692 million.
- Profit (and Loss) on Disposal of Assets for a total of \$0.411 million. This takes into account the current 'book value' of assets being sold against the total proceeds from the sale. The RSS specifies \$0.538 million for Proceeds from Disposal of Assets, which relates to the following assets:
 - \$333,333 for the distribution from Tamala Park Regional Council for land sale activities. This is down from \$916,666 in 2016/17, reflecting the softening in the land sales market.
 - \$204,500 for the sale/trade-in of plant listed for replacement in the 2017/18 Capital Works Program (including carry forwards).

Financing Activities

The Rate Setting Statement also lists the loan principal repayments scheduled for 2017/18, being \$881,398, together with transfers to (\$1,860,534) and from (\$1,309,605) Reserves.

Capital Budget

The 2017/18 Draft Capital Works Programme (**Attachment 3**) lists total projects to the value of \$13,411,320 as summarised below:

Draft Capital Works Budget 2017/18					Funding Source				
Category	Total	Renewal	Upgrade	New	Total	Municipal	Reserve	Grant	Contribution
Land & Buildings	1,782,500	1,060,000	705,000	17,500	1,782,500	1,433,685	319,815	25,000	4,000
Infrastructure Assets	6,131,645	2,728,145	2,158,000	1,245,500	6,131,645	3,660,700	175,000	2,295,945	0
Plant and Equipment	1,277,210	1,183,000	0	94,210	1,277,210	433,210	639,500	0	204,500
Furniture and Equipment	1,013,500	447,500	175,000	391,000	1,013,500	1,013,500	0	0	0
	10,204,855	5,418,645	3,038,000	1,748,210	10,204,855	6,541,095	1,134,315	2,320,945	208,500

Following a review of the progress of works in 2016/17 and addition of the Carry Forward projects to the value of \$3,206,465, the following table then summarises the full budget for capital expenditure in 2017/18.

Draft Capital Works Budget 2017/18 with Carry Forwards					Funding Source				
Category	Total	Renewal	Upgrade	New	Total	Municipal	Reserve	Grant	Contribution
Land & Buildings	2,343,358	1,480,490	835,248	27,620	2,343,358	1,924,543	389,815	25,000	4,000
Infrastructure Assets	8,358,501	3,344,505	3,295,209	1,718,787	8,358,501	5,472,117	223,040	2,663,344	0
Plant and Equipment	1,597,846	1,476,500	0	121,346	1,597,846	696,596	696,750	0	204,500
Furniture and Equipment	1,111,615	453,500	212,500	445,615	1,111,615	1,111,615	0	0	0
	13,411,320	6,754,995	4,342,957	2,313,368	13,411,320	9,204,871	1,309,605	2,688,344	208,500

In developing the Capital Works Programme, particular attention has been given to the level of expenditure incurred on Renewal/Replacement of Assets. One of the key measures used by the Department of Local Government and Communities (the Department) to determine whether a local government is effectively managing its assets is the Asset Sustainability Ratio. This ratio indicates whether a local government is replacing or renewing existing assets at the same rate that its overall asset stock is wearing out. It is calculated by measuring expenditure on Renewal, relative to the depreciation expense. The Department's target standard for this ratio is 90% - 110%.

Ratio	2010/11 Actual	2011/12 Actual	2012/13 Actual	2013/14 Actual	2014/15 Actual	2015/16 Actual	2016/17 Budget	2017/18 Budget
Asset Sustainability Ratio	0.87	1.21	1.43	0.50	0.46	0.53	0.70	0.70

The above table demonstrates that the renewal component of the 2017/18 Capital Budget equates to an Asset Sustainability Ratio of 0.7. Whilst that is below the target standard, it is pertinent, that the City has previously negotiated significant leases that assign asset responsibility to the Lessee, however accounting standards still require the depreciation to be reflected in the City's accounts. Notwithstanding, the City has accepted that the level of data and condition reporting held is required to be enhanced to enable effective analysis of renewal requirements over the longer term. This information has been progressively compiled over the course of 2016/17 and is due to be completed in 2017/18, therefore it is expected that future budgets will be significantly better informed in this respect.

Cash Backed Reserves

The Reserve Fund Statement (**Attachment 2** pages 2.29 to 2.33) and RSS reflects transfers to Reserve of \$1,860,534, with the transfer from Reserves totalling \$1,309,605, thereby providing in 2017/18 for a net inflow to the City's Reserves of \$550,929.

The transfers from Reserve are funding specific projects listed in the Draft Capital Budget. Transfers to Reserves is made up of the following:

- \$258,420 interest earnings from the Reserves and reflects the anticipated income listed in the Operating Budget.
- \$60,000 to the Cash in Lieu of Parking Reserve and reflects new contributions (Note: funds held in Trust have not been transferred to Reserve pending a full reconciliation).
- \$79,600 to various Reserves associated with lease provision.
- \$1,462,514 transfer to the Tamala Park Land Sales Reserve, made up of \$333,333 proceeds/dividend payment from Tamala Park Regional Council and a Municipal contribution of \$1,129,181 to ensure funds are sufficient in this reserve to fund a 'balloon' capital repayment on a loan due in 2019.

CONSULTATION/ADVERTISING:

Two consultation processes have been implemented in the lead-up to consideration of the annual budget.

CONSULTATION 1 Community Submissions aligned to Council Priorities

At the Ordinary Meeting of Council held 7 March 2017, Council considered a report presenting a range of priorities to be used to guide Council's focus during 2017/18 and to inform considerations for the 2017/18 Annual Budget. In addition, Council resolved to invite public submissions from the community, aligned to the Council Priorities for consideration in the development of the 2017/18 Annual Budget.

Notices were published in the Guardian Express (14 & 21 March) and Voice News (18 & 25 March), the City's Facebook page, Twitter, E-News and the City's website, with submissions to be provided in writing and received by 5pm Friday 31 March 2017.

A separate report is listed under this agenda dealing with the outcome of the Community Budget Submissions.

CONSULTATION 2 Intention to Implement Differential and Minimum Rates - Section 6.36(1) of the Act

Notices were published in the Guardian Express on 6 June and Voice News on 10 June and included relevant details of Council's intention to impose Differential and Minimum Rates and an invitation for submissions from electors and ratepayers in respect to the proposed differential rates. Submissions were required to be made in writing and provided by 4pm 28 June 2017.

In response to the invitation, one submission was received by email on 27 June 2017. As Council is required to consider any submissions received before imposing differential rates, a copy of the full submission has been provided separately to all Council Members, however the key issues appear to be:

1. the proposed 9.2% rise in the Minimum Rate for Residential properties, noting that the City also “*put the minimum rate up by 10.5% last year and 28% the year before*”;
2. suggesting the City should be “*more up front and say that if you have a little one bedroom unit in Vincent, then your rates are going up by 9.2% so ratepayers are fully informed ...*”;
3. *if we were not paying our way for a number of years then why didn't the City of Vincent address this earlier*”; and
4. Suggesting that the “*large rate rises*” are linked to the loss of Alfresco Dining licence revenue.

Administration Comment:

As outlined in the Differential Rating Strategy Report presented to the Ordinary Meeting of Council on 30 May 2017, in 2016/17 the City of Vincent had the second lowest Minimum Rate in the metropolitan area, behind the City of Perth and that, after a 28% increase in 2015/16 and further 11% in 2016/17. The increases have been considered and progressive to bring the City's Minimum Rate up to a more appropriate and equitable level.

The information provided in the Council report very clearly showed the rates levied over the last 4 years, including the percentage increases for the various rate-in-\$ and Minimum Rates. It is noted that in the Notice provided on-line to explain the ‘objects and reasons’ for the Differential and Minimum Rates, it does indicate a 2.7% increase and specifies the Minimum Rate as \$1,100 however it does not provide the percentage increase for the Minimum. That is a detail that can be added to in future years, however, particularly this year due to the triennial revaluation, the reference to a 2.7% increase is an average, due to potential variations in individual household GRVs, whereas the Minimum Rate quoted is static and cannot be confused.

Finally, in respect to the reduced revenue due to the discontinuation of the Alfresco Dining Licence fee, had that fee still been levied and overall revenue increase accordingly, there may have been an impact on the 2.7% increase, but the reduction is unlikely to have affected the increase to the Minimum Rate, which is a strategic pricing decision.

LEGAL/POLICY:

The following clauses from the *Local Government Act 1995* are relevant to the preparation of the Annual Budget.

6.2. Local government to prepare annual budget

- (1) *During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

* *Absolute majority required.*

- (2) *In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —*
 - (a) *the expenditure by the local government; and*
 - (b) *the revenue and income, independent of general rates, of the local government; and*
 - (c) *the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.*
- (3) *For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.*

- (4) *The annual budget is to incorporate —*
- (a) *particulars of the estimated expenditure proposed to be incurred by the local government; and*
 - (b) *detailed information relating to the rates and service charges which will apply to land within the district including —*
 - (i) *the amount it is estimated will be yielded by the general rate; and*
 - (ii) *the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;*
- and*
- (c) *the fees and charges proposed to be imposed by the local government; and*
 - (d) *the particulars of borrowings and other financial accommodation proposed to be entered into by the local government; and*
 - (e) *details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and*
 - (f) *particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and*
 - (g) *such other matters as are prescribed.*
- (5) *Regulations may provide for —*
- (a) *the form of the annual budget; and*
 - (b) *the contents of the annual budget; and*
 - (c) *the information to be contained in or to accompany the annual budget.*

6.36. Local government to give notice of certain rates

- (1) *Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.*
- (2) *A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).*
- (3) *A notice referred to in subsection (1) —*
- (a) *may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency; and*
 - (b) *is to contain —*
 - (i) *details of each rate or minimum payment the local government intends to impose; and*
 - (ii) *an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and*
 - (iii) *any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed; and*
 - (c) *is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*
- (4) *The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*

Fees and Charges

The fees and charges schedule has been reviewed in conjunction with the Budget development. The following provisions are relevant to the implementation of fees and charges.

6.16. Imposition of fees and charges

- (1) *A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

- (3) *Fees and charges are to be imposed when adopting the annual budget but may be —*

- (a) *imposed* during a financial year; and*
(b) *amended* from time to time during a financial year.*

** Absolute majority required.*

RISK MANAGEMENT IMPLICATIONS:

Moderate: The 2017/18 Budget is based on the best information available and considered to be a reasonable and prudent representation of the financial performance for the year ahead.

STRATEGIC IMPLICATIONS:

Council's budget process is in accordance with Council's *Strategic Community Plan 2013-2023* and *Corporate Business Plan 2013-2017*, Objective "4. Leadership, Governance and Management":

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

"4.1.4 *Plan effectively for the future*":

It is noted however that a major review of the Strategic Community Plan is underway and that a separate report is listed on this agenda dealing with the review of the Corporate Business Plan.

SUSTAINABILITY IMPLICATIONS:

There are a range of issues that impact on the confidence level of the City's forecasting capability, primarily due to the following:

- The status of the Strategic Community Plan and ongoing relevance as a strategic informing tool; and
- The extent of asset data available to support the Asset Management Plans, to define and effectively plan for asset renewal/replacement requirements over the longer term.

This situation is steadily being enhanced, with building asset data capture commenced in 2015/16 and progressed through 2016/17, with further work proposed over the next 12 months in developing service standards and long term renewal plans. In addition a major review of the Strategic Community Plan has been initiated, which will inform further reviews of the CBP and enable an integrated approach to the preparation of a 10 Year Capital Works program.

In the interim, a review of the Long term Financial Plan (LTFP) has been undertaken, based on available data and nominated parameters to gain a general understanding of the City's financial position going forward based on maintaining service levels and the capacity to manage the activities detailed in the draft CBP, together with a projected capital works program. Given the improvement achieved over the last few years and a continuation of prudent budget practices, the preliminary results are reflecting a reasonably manageable outlook, however the limitations are recognised and understood. Subject to the adoption of the 2017/18 Budget and CBP, it is proposed to present the updated draft LTFP to the August meeting of Council.

FINANCIAL/BUDGET IMPLICATIONS:

Subject to Adoption of the Budget on 25 July 2017, the Rates notices would then be able to be distributed from 7 August 2017. Fees and Charges are set to increase following the Budget adoption, unless set by a Statutory Authority to commence on any other date.

COMMENTS:

The 2017/18 Draft Budget is considered overall, to be a consolidating budget, but continuing to build on a prudent and sustainable approach. Operationally, it is stable, but with a strong alignment to the reviewed Corporate Business Plan. The Capital Budget includes a total level of planned expenditure of \$13.411 million and is fully funded within the City's annual financial capacity.

Opportunities have been investigated for the introduction of efficiencies and these have included:

- Reviewing the management of leases to ensure appropriate apportionment of costs and maintenance responsibilities.
- Reviewing the use of equipment operating leases to ensure best value.
- Undertaking a competitive procurement process for contestable electricity sites.
- Reviewing areas of the organisation and launching a full review of the Workforce Plan.

It is of note that the RSS included with the Differential Rating Strategy report presented to the Ordinary Meeting of Council held 30 May 2017, identified an amount required to be raised from Rates of \$32,939,532 whilst relying on a surplus Opening Balance of \$385,955 and providing for a transfer to Reserves of \$1,326,392. Whilst the current RSS (Attachment 2 Page 2.4) still identifies a demand for Rates remains at \$32,939,532, there are key changes:

- The Budget for General Purpose funding has been reduced to recognise the \$583,015 advance payment of the 2017/18 Financial Assistance Grant received by the City in June 2017;
- Carry forward capital projects to the value of \$3,206,465 have been added to the existing works program listed under Investing Activities;
- Non-operating Grants have been removed from Revenue from Operating Activities (changes to accounting directions) and have been shown separately under Investing Activities. In addition, grant funding directly linked to the carry forward projects has been added to bring the total to \$2,692,344;
- Transfers from Reserve have been increased to add funding directly linked to the carry forward projects bringing the total to \$1,309,605.
- Transfer to Reserves increased from \$1,326,392 to \$1,860,534.
- The surplus Opening Balance for 2017/18 has been increased from \$385,955 to \$4,035,268, a change of \$3,649,313. This is attributable to:

\$2,663,776	Municipal funding for carry forward projects totalling
\$586,000	Estimated surplus from 2016/17 Capital Works program
\$583,015	50% advance of the 2017/18 Financial Assistance Grant

The Closing Balance for 2016/17 is an estimate, as is the forecast for carry forward projects. Each of these will be submitted to Council for review following the annual audit of the 2016/17 Financial Statements. In the interim, the estimates are considered reasonable for calculation of the Opening Balance. Excluding the carry forward funding and Financial Assistance Grant, which is essentially income received in advance, the Opening Balance is bringing forward approximately \$788,477 funding to offset demand from rates, with the surplus from the 2016/17 operations being the main contributor to being able to increase the transfer to Reserves to \$1,860,534, an improvement of \$534,142. It is of note that the overall improvement in the Reserves balance in 2017/18 (Opening less Closing Balance) is \$550,929, closely aligns to the extra amount now able to be transferred.

Local Government Properties - Rates Waiver

As part of the review of the City's Rating Strategy, it has been identified that there are a number of City owned or controlled properties covered by a lease that have in the past been treated as exempt from Rates, however do not appear to meet the criteria. The Act provides that:

6.26. *Rateable land*

- (1) *Except as provided in this section all land within a district is rateable land.*

Subsection (2) then goes on to specify the nature of properties that are exempt, which in essence includes:

- (a) Crown Land being used for a public purpose or is unoccupied;
- (b) Local government land used for a local government purpose;
- (c) Regional local government land used for that Regional Local Government's purposes;
- (d) Land used exclusively for a religious body as a place of worship, residence of a minister, a convent, nunnery or monastery or occupied exclusively by a religious brotherhood or sisterhood;
- (e) Land used exclusively by a religious body as a school;
- (f) Land used exclusively as a non-government school;
- (g) Land used exclusively for charitable purposes;
- (h) Land vested in trustees for agricultural and horticultural show purposes;
- (i) Land owned by Co-operative Bulk Handling Limited;
- (j) Land exempt from rates under any other written law;
- (k) Land which is declared by the Minister to be exempt from rates.

An assessment has been undertaken, which revealed that a number of leased sites do actually meet one of the above exemption criteria, however not all can be allocated to one of the criteria. The majority of leases held by the City involve sporting or other community groups. As the land or portion of the land covered by the lease is under the control of the Lessee and being used for the groups purposes, it does not meet exemption criteria (b) 'local government land used for a local government purpose'. Assuming the groups have not been granted a specific exemption by the Minister, then the only other exemption category that offers any potential is category (g) 'land used exclusively for charitable purposes'. In the case of sporting clubs and a range of other community groups whether incorporated or not, they may qualify as not-for-profit, but that does not mean they would meet the requirement of a charity. The Australian Charities and Not-for-profits Commission actually states that generally, "*sporting clubs or associations do not meet the legal meaning of charity. Although sporting and recreation clubs make a valuable contribution to our community, as a matter of law, their purposes are generally not recognised as charitable*".

Notwithstanding whether the land can be exempt from rates, the Council is entitled to consider waiving a rate in accordance with section 6.47 of the Act:

6.47. Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

** Absolute majority required.*

This approach is not uncommon with other local governments, although there is a wide range of treatments. If a waiver is to be considered, it is necessary for it to be considered at the time of the adoption of the budget. This is certainly the approach being proposed by Administration this year, given the past practice of not rating these Lessees, whether incorporated groups, individuals or even private companies. However it is also proposed to develop a Waiver of Local Government Rates Policy for Council to consider in 2017/18 to ensure there is transparency in the process and its objectives for future application.

A recommendation has therefore been included to give Council the opportunity to expressly waive the rates for individual leased local government properties that do not meet any of the defined exemption criteria under section 6.26 (2) of the Act. It should be noted, that the value of these rates (totalling \$120,614) has not been calculated into the Rates modelling and therefore will not affect the 2017/18 Rates Budget. Also, waiving of the Rates does not impact on the liability for the Emergency Services Levy or the City's Waste Collection Service of provided.

Conclusion

Overall, it is considered that the 2017/18 Draft Budget is a positive outcome, delivering a good balance between the level of service provided and cost implications on the community. Accordingly it is proposed that the Draft Budget be adopted as presented.

Following the Council Briefing Session on Tuesday 18 July 2017, a few minor amendments have been made to the budget. The Council Report and all attachments reflect the impact of those changes, which are listed hereunder for clarity:

Vehicle Registration Fee

- In 2016/17 the City paid approximately \$35,300 in vehicle registration fees, however \$76,000 was listed in the draft 2017/18 Budget as a result of the State Government's announcement that the exemption from the licence fee enjoyed by local governments was to be removed.
- On 27 June 2017 a Disallowance Motion pertaining to the Road Traffic (Vehicles) Amendment Regulations (No.2) 2017 was raised by a Member of the Legislative Council in the Parliament of Western Australia. The amendment regulation to discontinue licence concessions on all Local Government Authority (LGA) and WA Local Government Association (WALGA) registered vehicles was due to take effect from 1 July 2017.
- The Disallowance Motion was upheld and advice has now been received that the action required to effect changes to the Department of Transport licensing system to reinstate the concession on eligible LGA and WALGA registered vehicles has now been completed.
- In view of this, the cost of vehicle registrations should remain in line with the previous year and therefore the Budget has now been reduced by \$40,000 to \$36,000.

Carry Forward Projects

A further review of the carry forward projects included in the draft 2017/18 Capital Works Budget has been undertaken, resulting in the following:

- The 2016/17 Capital Budget included a \$120,995 contribution to the Perth Soccer Club towards the upgrade of the Dorrien Gardens club facility. \$63,547 was expended in 2016/17, with the balance of \$57,448 incorrectly recorded as not being carried forward and therefore treated as surplus. This has now been corrected and added to the carry forward projects listed under the Land & Buildings category. This has an impact on funding demand as it is to be funded from the surplus portion of the Opening Balance.
- A few minor adjustments have been made to a number of the carry forward projects to recognise recent costs attributed to these projects in 2016/17 and therefore resulting in a reduction in the value to be carried forward. These changes totalling \$60,736 have no impact on the 2017/18 funding as the Opening Balance is reduced accordingly.

Funding Impact

As stated above, the reduction in the carry forward projects in 2017/18 is offset by a corresponding increase in expenditure in 2016/17 and flow-on reduction to the 2017/18 Opening Balance. The net effect of the reduction in the Operating Expenditure of \$40,000 and the Perth Soccer Club contribution of \$57,448 means the funding for Transfer to Reserves has been reduced by \$17,448 to maintain a balanced budget (2017/18 Closing Balance forecast as \$0).

12 COMMUNITY ENGAGEMENT**12.1 PUBLIC ARTWORK DONATION - HOMO SAPIENS SAPIENS BY DESMOND MAH**

TRIM Ref: D17/73877
Author: Alanna Curtin, A/Coordinator Arts & Creativity
Authoriser: Michael Quirk, Director Community Engagement
Attachments: 1. **Public Artwork Images** [↔](#) 
 2. **Public Artwork Proposed Location** [↔](#) 
 3. **Public Artwork Footing Details** [↔](#) 

RECOMMENDATION:

That Council **ACCEPTS** the donation of ‘Homo Sapiens Sapiens’ artwork from Desmond Mah for installation at Kyilla Park, North Perth.

PURPOSE OF REPORT:

To consider the acceptance of a public artwork donation from artist Desmond Mah to be installed and maintained at the City’s cost within Kyilla Park, North Perth.

BACKGROUND:

Desmond Mah is an Australian contemporary artist living in North Perth. He graduated from Loughborough University (UK) and LaSalle College of the Arts (Singapore) where he studied painting and sculpture. Desmond’s sculptures take the forms of humans, animals or objects, adapted from origami, painted with Asian motifs to highlight the importance of paper in traditional Chinese culture.

In March 2017, Desmond Mah wrote to the City offering to donate his artwork ‘Homo Sapiens Sapiens’ (**Attachment 1**) that was recently exhibited at Sculptures by the Sea. The artwork is about understanding Australia from a migrant’s perspective, and aims to raise questions on racial tolerance and cultural acceptance while encouraging understanding from the community. The only condition associated with the donation was for the artwork to be installed in Kyilla Park to inspire and educate children at the adjacent primary school about cultural diversity and harmony.

Council’s Policy No. 3.10.7 – Art Policy states that donations may be accepted into the art collection although they are to be evaluated in the same manner as all other acquisitions, that is, by using the aims and objectives of the policy with particular emphasis on the long term cultural value to the community. While the current policy did not necessarily contemplate the donation and acceptance of public art this evaluation process is still deemed appropriate.

Notably, at the Ordinary Meeting of Council held on 30 May 2017, it was resolved to advertise the proposed new draft Policy No. 3.10.11 – Public Art that includes specific criteria upon which public art proposals, expressions of interest, donations and gifts will be assessed. This policy is being advertised for public comment and remains subject to further consideration by Council.

DETAILS:**Artwork Donation**

Administration has assessed the proposed artwork donation utilising the objectives of Policy No. 3.10.7 – Art Policy states, as follows:

Policy Objective	Comment
Celebrate and acknowledge the City’s cultural and social diversity through the acquisition and encouragement of art in the City	The Artists expressed intent through the artwork is to encourage cultural acceptance by the community.
Encourage the development of quality art in the City	While art excellence and innovation can be

Policy Objective	Comment
of Vincent by ensuring a commitment to excellence and innovation	subjective the artwork is high quality hence its inclusion in Sculptures by the Sea.
Engage the public with artwork that will enliven and enhance public space within the City and create a sense of place amongst the residents and visitors to the City	The artwork is proposed to be located in the public realm to encourage enjoyment and education with the local North Perth Primary School, Kyilla Farmers Markets and local residents.
Encourage a sense of community through the acquisition and encouragement of art in the City	The acquisition of this artwork supports a local artist and local art making, and the intent of the artwork to encourage cultural acceptance promotes a sense of community.

In addition, while the new draft Policy No. 3.10.11 – Public Art does not currently have any formal status, Administration took the opportunity to assess the artwork donation utilising the public art criteria, as follows:

Policy Criteria	Comment
Show strong artistic merit, creativity and innovation	The artwork demonstrates high quality artistic merit and creativity, and this is reaffirmed through its inclusion in Sculptures by the Sea.
Provide public enjoyment and engagement	The proposed location of this artwork in a public open space with close proximity to a playground and primary school will encourage public enjoyment and engagement.
Artworks that are integrated into urban design elements	Not applicable.
Celebrate the City's diverse community	The intent of the artwork is to encourage cultural acceptance while encouraging understanding by the community, and this aligns with Vincent's cultural diversity.
Enhance the public space and local identity	The addition of public art will add to the visual amenity at Kyilla Park and will provide added identity to the public open space.
Functional artwork that provides a second purpose	Not applicable.
A representation of Aboriginal and Torres Strait islander cultures, and in particular the Whadjuk people	This artwork does not represent or interpret Aboriginal and Torres Strait Islander cultures. It should be noted that the policy (draft) does not require an artwork to achieve all criteria.

Based upon this evaluation it is considered that the artwork meets the objectives of the existing Art Policy and also substantially meets the criteria proposed within the new draft Public Art Policy. The proposed donation was subsequently referred to the Arts Advisory Group on 23 March 2017 where acceptance was supported subject to an assessment of the structural integrity of the artwork.

Artwork Structural Design & Location

The Artist specifically requested that the artwork be located in Kyilla Park (**Attachment 2**) to inspire and educate the children at Kyilla Primary School about cultural diversity and harmony, and this location also has specific relevance to the artist as he resides in North Perth.

A position on the Lawler Street side of Kyilla Park within a mulched garden bed has been identified as being suitable. Technical Services has approved this position and confirmed that the artwork footings will not interfere any infrastructure or underground services, and the garden bed location will limit any impact on public safety.

The artwork is made from steel with all sharp edges removed, and measures 2600mm tall x 800mm wide x 6mm thick. The footings are 700mm deep with 2 reinforced horizontal steel rods to be installed into a concrete fill that measures 1m x 1m (**Attachment 3**). Technical Services has reviewed the artwork structural integrity and proposed footings as well as the structural certification and wind speed testing as part of the Sculptures by the Sea exhibition. They are comfortable with its suitability for installation within Kyilla Park.

Artwork Installation & Maintenance Costs

A condition of accepting the artwork donation will be the provision of a maintenance manual from the artists to assist Administration with conserving and maintaining the artwork. The estimated installation cost of \$1,500 and any ongoing maintenance/repair costs will be met through the Artwork Maintenance operating budget.

CONSULTATION/ADVERTISING:

Consultation will be undertaken in accordance with Council Policy No. 4.1.5 – Community Consultation which requires advertising through a public notice for a 21 day period as well as letters being sent directly to residents surrounding Kyilla Park. Any written submissions received during the public comment period will be reviewed by Administration and the Arts Advisory Group, and may be presented to Council for further consideration if required.

LEGAL/POLICY:

Policy No. 3.10.7 – Art Policy states that donations may be accepted into the art collection subject to the artwork aligning with the aims and objectives of the policy. Policy No. 4.1.5 – Community Consultation states that the City will undertake formal community consultation when a decision is likely to have a significant impact on a particular individual or group in the community.

RISK MANAGEMENT IMPLICATIONS:

Low: Structural certification and assessment of the artwork has been completed, and Technical Services have assessed the proposed footings and location to ensure the effective management of key risks associated with this public artwork. The artwork will be added to the City's Public Art Collection with maintenance and repair scheduled accordingly.

STRATEGIC IMPLICATIONS:

The acceptance and installation of this public artwork aligns with key objectives within the City's *Strategic Community Plan 2013-2023*, as follows:

- 1.1.6 Enhance and maintain the City's parks, landscaping and natural environment*
- 3.1.1 Celebrate, acknowledge and promote the City's cultural and social diversity.'*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The City will be responsible for the installation, maintenance, repair and insurance of the artwork. The estimated cost for installation is \$1,500 with funding available in the draft 2017/18 budget for this purpose, and any maintenance costs of approximately \$200 per annum (not including any as required repair costs) will be funded within the Artwork Maintenance operating budget.

COMMENTS:

Public art is one of the most visible and accessible forms of art that makes Vincent a culturally rich place to live and visit, and the proposed installation of this artwork within Kyilla Park further demonstrates the ability for art to enliven and activate our public spaces. The acceptance of this artwork donation from a local North Perth resident also assists with the ongoing encouragement and support of local artists. It is recommended that Council accept the 'Homo Sapiens Sapiens' artwork from Desmond Mah and proceed with installation at Kyilla Park.

12.2 PROPOSED DOGS AMENDMENT LOCAL LAW 2017

TRIM Ref: D17/70201

Author: Tim Evans, Manager Governance and Risk

Authoriser: Michael Quirk, Director Community Engagement

Attachments: 1. Consolidated Dogs Local Law 2007 - marked up version [⇒](#) 
2. Dogs Amendment Local Law 2017 [⇒](#) 
3. List of Dog Exercise Areas within the City of Vincent [⇒](#) 

RECOMMENDATION:

That Council:

1. **GIVES** Statewide and local public notice, in accordance with section 49 of the *Dog Act 1976* and 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 Dogs Amendment Local Law 2017 included as Attachment 2;
 - 1.2. The purpose of the Dogs Amendment Local Law 2017 is to amend the Dogs Local Law 2007 in order to delete references to a "pound keeper", to update references to prescribed forms and to remove PART 5 and schedules 4 and 5 relating to dogs in public places;
 - 1.3. The effect of the Dogs Amendment Local Law 2017 is to align the City's Dogs Local Law with controls over dogs which exist under the *Dog Act 1976* and Dog Regulations 2013.
 - 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;
3. **NOTES** that the existing dog exercise areas will continue to apply; and
4. **SPECIFIES BY ABSOLUTE MAJORITY**, pursuant to section 31(2B) of the *Dog Act 1976*, the following places as places where dogs are prohibited at all times:
 - 4.1 Land designated as a children's playground by the City; and
 - 4.2 Beatty Park Leisure Centre.

PURPOSE OF REPORT:

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

BACKGROUND:

At its meeting held 7 March 2017 Council resolved (in part) as follows:-

"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*:

Local Law	Reason
Dogs Local Law 2007	To update the prescribed forms following the introduction to the <i>Dog Regulations 2013</i> ; and To consider maintaining a list of dog exercise areas externally to the Dogs Local Law.

This report is presented to amend the City of Vincent Dogs 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:

Recent amendments to the *Dog Act 1976* have changed the prescribed forms required to give and withdraw an infringement notice. Previously, these were included in the Act as forms 7 and 8 respectively, but are now referred to as forms 8 and 9 respectively. The references made to those forms in the Dogs Local Law 2007 will be updated.

The *Dog Act 1976* amendments also now allow local governments to specify a public place where dogs are prohibited and to specify dog exercise areas by means of council resolution, whereas previously these areas had to form part of the local law itself to be of effect.

As a consequence, Administration is proposing that the local law be amended to remove section 5.2 and schedules 4 and 5 which both relate to dog exercise areas. It is proposed that the list of dog exercise areas within the City of Vincent will be published on the City's website immediately adjacent to the Dogs Local Law. No changes to the existing dog exercise areas are currently proposed although Administration will review these areas, and further consider the community need for fenced dog exercise areas, based upon the Public Open Space Strategy outcomes.

Administration is proposing to remove section 5.1 which relates to places where dogs are prohibited absolutely. This section currently prohibits dogs from entering into any public building or business premises, public swimming pool, building site or children's playground.

It is considered that the *Dog Act 1976* and the Food Standards already deal adequately with allowing dogs on to business premises and food premises, while section 31(2) of the Dog Act allows a local government to prohibit dogs from places that it has care and control of by means of council resolution rather than through the local law itself. Therefore, it is proposed to remove section 5.1 in its entirety, but maintain a ban on dogs at children's playgrounds and the City's aquatic centre through a separate council resolution, which is proposed as clause 4 of the recommendation.

The final proposed change is to remove references to a "pound keeper". It is proposed that the pound will no longer be attended at set hours, but rather that members of the public are able to call and book an appointment at the pound during business hours. They will be met there by any available Ranger or another staff member. Consequently, the designation of "pound keeper" is no longer relevant.

CONSULTATION/ADVERTISING:

Through the City's eight year local law review a submission was received requesting the City to consider removing the prohibition on dogs entering business premises where the owner's consent is given.

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:

Section 31(2B) of the *Dog Act 1976* states:

" 31. Control of dogs in certain public places

- ..(2B) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited —
- (a) at all times; or
 - (b) at specified times."

Section 3.12 of the *Local Government Act 1995* sets out the requirements for making a local law:

"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:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

The eight year local law review concluded that the current local law was generally working efficiently and effectively. Consequently, the proposed amendments to the City's Dogs Local Law are minor in nature and are primarily being proposed in order to ensure that the City's local law aligns with the amended *Dog Act 1976*.

In considering whether or not to allow dogs to enter into business premises with the owner's consent, it was noted that section 24 of Standard 3.2.2 of the Australia New Zealand Food Standards Code already prohibits animals – other than companion animals - from entering food premises with the exception of certain outdoor dining areas. It is therefore considered that the combination the provisions of the *Dog Act 1976* and the Food Standards Code are sufficient to mitigate the health risks that the presence of dogs in business premises may bring. Administration considers that allowing dogs into business premises does increase the risk of dog attacks and incidents as a result of dogs and people being together in an enclosed space. However, the *Dog Act 1976* imposes penalties of up to \$5000 for any owner that fails to control their dog, which is greater than the penalties available in the current local law. On balance it was decided that removal of the prohibition was in the public interest.

The *Local Government Act 1995* requires the person presiding at a Council meeting to give notice of the purpose and effect of the proposed local law by ensuring that the purpose and effect is included in the agenda for the meeting and that the minutes of the meeting include the purpose and effect of the proposed local law:

Purpose: The purpose of the Dogs Amendment Local Law 2017 is to amend the Dogs Local Law 2007 in order to delete references to a "pound keeper", to update references to prescribed forms and to remove PART 5 and schedules 4 and 5 relating to dogs in public places;

Effect: The effect of the Dogs Amendment Local Law 2017 is to align the City's Dogs Local Law with controls over dogs which exist under the *Dog Act 1976* and Dog Regulations 2013.

13 CHIEF EXECUTIVE OFFICER**13.1 CORPORATE BUSINESS PLAN 2017/18-2020/21****TRIM Ref:** D1774692**Author:** Len Kosova, Chief Executive Officer**Authoriser:** Len Kosova, Chief Executive Officer**Attachments:** 1. 2017 City of Vincent Draft Corporate Business Plan **RECOMMENDATION:**

That Council **ADOPTS BY ABSOLUTE MAJORITY** the City of Vincent Corporate Business Plan 2017/18 – 2020/21 contained in Attachment 1 as an outcome of the review and revision of the Corporate Business Plan 2016/17 – 2019/20 and **NOTES** that final editorial, design and formatting of the document will be determined by the Chief Executive Officer.

PURPOSE OF REPORT:

To consider adopting the Corporate Business Plan (CBP) 2017/18 – 2020/21 as a replacement to the 2016/17 – 2019/20 CBP adopted by Council at its Ordinary Meeting of 26 July 2016.

BACKGROUND:

The preparation of a Corporate Business Plan covering a period of at least 4 years is a statutory requirement for local governments under the *Local Government (Administration) Regulations 1996*, and is a key element of the integrated planning and reporting framework. A Corporate Business Plan sets out the City's priorities and actions consistently with relevant priorities established in the Strategic Community Plan, and informs the preparation of the City's Annual Budget.

At its Ordinary Council Meeting on 7 March 2017, Council adopted eight Strategic Priorities to guide revision of the CBP and development of the 2017/18 Annual Budget, pending completion of the review of the City's Strategic Community Plan.

DETAILS:

The current Strategic Community Plan document has the existing Corporate Business Plan actions embedded into the same document and therefore, these items need to be isolated to determine what are strategies (that belong in a Strategic Community Plan) and what are the actions (that belong in a Corporate Business Plan).

Administration has comprehensively reviewed the Corporate Business Plan 2016/17 – 2019/20 and prepared a revised Draft Corporate Business Plan 2017/18 – 2020/21, included as **Attachment 1**. This was done during January to June 2017 in collaboration with Council Members and having regard to:

- The 2017/18 Strategic Priorities adopted by Council in March 2017;
- Proposals raised through the 2017/18 Community Budget Submissions;
- Progress reports presented to Council in February and March 2017 relating to (respectively) achievement of Council's 2016/17 Strategic Priorities and Corporate Business Plan 2016/17 – 2019/20;
- The numerous new initiatives identified by Council and Administration over the past 12 months to deliver improved outcomes for the community; and
- The City's financial and resourcing capacity to deliver new initiatives in the new CBP over the coming four years.

CONSULTATION/ADVERTISING:

The draft Corporate Business Plan 2016/17 – 2019/20 has not been advertised, however it has been prepared on the basis of Council's adopted Strategic Priorities and informed by proposals raised through community budget submissions.

LEGAL/POLICY:

The development of the Corporate Business Plan covering a period of at least 4 financial years is a requirement of Regulations 19DA(1) and 19DA(2) of the *Local Government (Administration) Regulations 1996*. Regulation 19DA(3) in turn requires a Corporate Business Plan to:

- a) Set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district;
- b) Govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
- c) Develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

RISK MANAGEMENT IMPLICATIONS:

Low: The Corporate Business Plan 2017/18 – 2020/21 reflects existing and new projects and initiatives and aligns with Council's 2017/18 Strategic Priorities, through which the current Strategic Community Plan will be delivered. Corporate business planning helps to manage risk to the City of Vincent by ensuring that commitments reflect the Council's strategic direction and are sufficiently matched to the City's resourcing capability to successfully deliver projects and services.

STRATEGIC IMPLICATIONS:

The Corporate Business Plan 2017/18 – 2020/21 is structured according to the direction set by Council's 2017/18 Strategic Priorities and is aligned to continue delivering on the four Key Result Areas and Objectives of the City's current Strategic Community Plan 2013 – 2023.

SUSTAINABILITY IMPLICATIONS:

Corporate business planning is a key element in the City's operations to become more sustainable.

FINANCIAL/BUDGET IMPLICATIONS:

The Corporate Business Plan priorities have been reflected in the draft Annual Budget for 2017/18.

COMMENTS:

Corporate business planning is critical to achieving the Council and community's strategic priorities. Allocation of actions listed in the CBP to responsible Directorates, together with regular review of progress towards the CBP will ensure that:

- Clear authorities and accountabilities are established for delivery of those actions;
- The City's work efforts are aligned to the strategic direction and priorities informed by the community and set by Council; and
- People and resources are available to deliver on agreed actions as and when required/planned.

The City has commenced a major review of the Strategic Community Plan 2013 – 2023 through the *Imagine Vincent* community engagement campaign, with a new Strategic Community Plan expected to be finalised by the end of the 2017 calendar year. Therefore, it will no longer be necessary to determine stand-alone annual strategic priorities beyond 2017/18, as the City's annual budgeting and corporate business planning will then be directly informed by the new community-led SCP and fully integrated planning and reporting framework by 2018/19.

In the meantime, the Corporate Business Plan 2016/17 – 2019/20 represents the final bridging document between the Strategic Community Plan 2013 – 2023 and Council's more recent/contemporary 2017/18 Strategic Priorities, with future Corporate Business Plans to specifically align and accord with the new SCP.

It is recommended that Council adopts the Draft Corporate Business Plan 2017/18 – 2020/21 included as **Attachment 1**.

13.2 COMMUNITY BUDGET SUBMISSIONS 2017/2018

TRIM Ref: D17/81687
Author: Len Kosova, Chief Executive Officer
Authoriser: Len Kosova, Chief Executive Officer
Attachments: 1. Community Budget Submissions 2017/18 

RECOMMENDATION:**That Council:**

1. **RECEIVES** the 2017/18 Community Budget Submissions and **ENDORSES** Administration's responses to those submissions as detailed in Attachment 1; and
2. **Subject to adoption of the 2017/18 Annual Budget, NOTIFIES** the persons and groups who made a Community Budget Submission of the outcome of their proposal.

PURPOSE OF REPORT:

To consider the community budget submissions received for consideration in the development of the City's 2017/18 Budget, aligned to Council's Strategic Priorities for the year ahead.

BACKGROUND:

At its Ordinary Meeting on 7 March 2017, Council adopted the following eight Strategic Priorities to guide the City's focus and work efforts in 2017/18 and to inform development of the 2017/18 Draft Annual Budget:

- More Inviting Green & Open Spaces
- Improving Community Connection & Inclusion
- Meaningful & Smarter Community Engagement
- Best Practice Transparency, Accountability & Financial Management
- A Better Customer Experience
- Thriving & Creative Town Centres
- Supporting Liveable Neighbourhoods
- A Sustainable City

Council also resolved to invite community budget submissions aligned to the above Strategic Priorities for consideration in the development of the 2017/18 Draft Budget – consistent with the approach taken by Council when developing the 2016/17 Draft Budget.

DETAILS:

In response to the invitation for community budget submissions, the City received a total of 55 individual submissions raising 64 proposals for consideration. This represents an increased response from the same exercise undertaken in 2016/17, which yielded 50 submissions raising 60 proposals. While several of the submissions were received after the close of the invitation period, all have been considered and assessed as part of this report.

Administration's summary of submissions received and comments on each is included as **Attachment 1** to this report.

A breakdown of the number of proposals received by Strategic Priority area is listed in the table below:

2017/18 Strategic Priorities	No. of Proposals
1. More Inviting Green & Open Spaces	22
2. Improving Community Connection & Inclusion	7
3. Meaningful & Smarter Community Engagement	Nil
4. Best Practice Transparency, Accountability & Financial Management	3
5. A Better Customer Service Experience	1
6. Thriving & Creative Town Centres	3
7. Supporting Liveable Neighbourhoods	21
8. A Sustainable City	7

Administration has assessed each of the community budget submissions for alignment with Council's 2017/18 Strategic Priorities and against the City's capacity to deliver on the proposals raised now and in the future. As a result of this exercise, all submissions have been colour-coded in **Attachment 1** for ease of reference into the four categories of – Supported; Supported in Part; Defer Consideration; and Not Supported.

In total, Administration is recommending that:

- 19 proposals are Supported (equating to 29.7% of all proposals);
- 10 proposals are Supported in Part (equating to 15.6% of all proposals);
- 18 proposals are Deferred for Consideration at a later date (equating to 28.1% of all proposals);
- 17 proposals are Not Supported (equating to 26.6% of all proposals)

The 29 proposals that are Supported or Supported in Part have an estimated implementation value of \$400,000 in 2017/18 and have already been incorporated in the Draft 2017/18 Budget. The estimated value of the proposals that are Supported, Supported in Part or recommended for Deferral and to be considered at a later date, equates to \$450,000 (where proposals could actually be costed based on current information).

Importantly, the proposals that are recommended for deferral and consideration at a later date will not be lost and, instead those proposals have been referred to the nominated Responsible Directorate shown in **Attachment 1** corresponding to each item, to ensure those matters are addressed at a more opportune time in future, to coincide with other bodies of work to be undertaken by the City.

In summary, almost three-quarters of all proposals raised through the 2017/18 Community Budget Submissions are either Supported, Supported in Part or recommended for Deferral for more detailed consideration at a later date.

CONSULTATION/ADVERTISING:

Community budget submissions were invited throughout March 2017 (closing on 31 March 2017), by way of notices published in local newspapers, promotion on the City's website and social media channels, and invitations sent to local community groups.

All persons and groups who made a community budget submissions have been contacted, provided with an electronic link to this report and notified that the matter is being presented to the 18 July Council Briefing and 25 July Council Meeting.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Low: The invitation for community budget submissions provides all members of the Vincent community with a meaningful opportunity to contribute to development of the City's current and future annual budgets in order to assist with the achievement of Council's adopted Strategic Priorities for the year ahead.

STRATEGIC IMPLICATIONS:

In future, following adoption of a new Strategic Community Plan and further revised Corporate Business Plan, Council will need to determine whether and how to continue inviting community budget submissions on an annual basis.

SUSTAINABILITY IMPLICATIONS:

Several community budget submissions have raised proposals to improve the City's waste management practices, greening of public places and urban water management and all have been either Supported, Supported in Part, or recommended for Deferral for consideration at a later date.

FINANCIAL/BUDGET IMPLICATIONS:

There are approximately \$400,000 worth of proposals that have been included in the draft 2017/18 Annual Budget to implement community budget submissions.

COMMENTS:

The community budget submissions have generally been well thought out and the submissions have contained sufficient details to be meaningfully assessed by Administration. This process has assisted Administration and Council in understanding current community needs aligned to the 2017/18 Strategic Priorities and developing an Annual Budget that responds well to the submissions received.

It is recommended that Council receives and endorses Administration's assessment of the Community Budget Submissions and notifies the community members who made a submission of the outcome of the process.

13.3 INFORMATION BULLETIN**TRIM Ref:** D17/63488**Author:** Emma Simmons, Governance and Council Support Officer**Authoriser:** Len Kosova, Chief Executive Officer

- Attachments:**
1. Minutes from the Children and Young People Advisory Group Meeting held on 29 May 2017 [⇒](#) 
 2. Minutes from the Safer Vincent Crime Prevention Partnership Meeting held on 1 June 2017 [⇒](#) 
 3. Minutes from the Environmental Advisory Group Meeting held on 12 June 2017 [⇒](#) 
 4. Unconfirmed Minutes of the Pedestrian and Cycling Advisory Group held on 19 June 2017 [⇒](#) 
 5. WALGA State Council Meeting Summary Minutes – July 2017 [⇒](#) 
 6. Minutes of Mindarie Regional Council Meeting held on 6 July 2017 [⇒](#) 
 7. 2017 Environmental Grants - Successful Submissions [⇒](#) 
 8. Development Application Services as at end of June 2017 [⇒](#) 
 9. Litis Stadium Master Plan Final Progress Update [⇒](#) 
 10. Manna In. Free Meal Service at Weld Square - Quarterly Update 1 April to 30 June 2017 [⇒](#) 
 11. Register of Legal Action and Prosecutions (Monthly) - Confidential
 12. Register of Legal Action Orders and Notices (Quarterly) - Confidential
 13. Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 30 June 2017 [⇒](#) 
 14. Register of Applications Referred to the MetroWest Development Assessment Panel – Current [⇒](#) 
 15. Register of Applications Referred to the Design Advisory Committee – Current [⇒](#) 
 16. Register of Petitions - Progress Report - July 2017 [⇒](#) 
 17. Register of Notices of Motion - Progress Report - July 2017 [⇒](#) 
 18. Register of Reports to be Actioned - Progress Report - July 2017 [⇒](#) 

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated 25 July 2017.

14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

**15 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
(WITHOUT DISCUSSION)**

Nil

16 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

17 URGENT BUSINESS

**18 CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE
CLOSED**

Nil

19 CLOSURE