



**CITY OF VINCENT**

# **AGENDA**

## **Council Briefing 7 November 2017**

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

**Len Kosova**  
**Chief Executive Officer**



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**PROCEDURE FOR PUBLIC SPEAKING TIME**

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

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

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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 PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS**

**4 DECLARATIONS OF INTEREST**

## 5 DEVELOPMENT SERVICES

5.1 NO. 399 (LOT: 1; STR 44491) WILLIAM STREET, PERTH - PROPOSED AMENDMENT TO HOURS OF OPERATION OF PREVIOUS APPROVAL: CHANGE OF USE FROM EATING HOUSE TO SMALL BAR AND ASSOCIATED ALTERATIONS (UNLISTED USE) AND ALFRESCO ADDITION TO SMALL BAR (UNLISED USE)

TRIM Ref: D17/140280

Author: Rob Sklarski, Special Project Officer

Authoriser: John Corbellini, Director Development Services

Ward: South

Precinct: 13 – Beaufort

Attachments:

1. Attachment 1 - Consultation and Location Plan [⇒](#) 
2. Attachment 2 - 7 October 2008 Planning Approval for Change of Use from Eating House to Unlisted Use – Small Bar and Associated Alterations [⇒](#) 
3. Attachment 3 - 26 July 2016 Development Approval for Alfresco Area Addition to Existing Small Bar [⇒](#) 

### RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY ABSOLUTE MAJORITY the application to amend the existing planning approvals:

1. For Change of Use from Eating House to Unlisted Use – Small Bar and Associated Alterations at No. 399 (Lot: 1; Strata Plan: 44491) William Street, Perth granted on 7 October 2008 and numbered 5.2008.356.1, subject to the following conditions:
  - 1.1. All conditions and advice notes detailed on development approval 5.2008.356.1 granted on 7 October 2008 included in Attachment 2 shall remain with the exception of:
    - 1.1.1. Condition (viii) which is to be amended to read as follows:
 

*“The hours of operation of the Small Bar (Unlisted Use) and associated alfresco area shall be limited to the hours of:*

      - a) *Monday to Saturday and Sundays immediately prior to a Monday public holiday: 7:00am to midnight; and*
      - b) *Sundays not immediately prior to a Monday public holidays: 10:00am to 10:00pm;”*
  - 1.2. The detailed management plan for the Unlisted Use - Small Bar and Associated Additions shall be amended to reflect the additional operating hours and apply the same management measures to Sunday nights as is currently applied to Saturday nights to the satisfaction of the City, prior to the commencement of the additional operating hours;
2. For Alfresco Area Addition to Existing Small Bar at No. 399 (Lot: 1; Strata Plan: 44491) William Street, Perth granted on 26 July 2016 and numbered 5.2016.108.1, subject to the following conditions:
  - 2.1. All conditions and advice notes detailed on development approval 5.2016.108.1 granted on 26 July 2016 included in Attachment 3 shall remain with the exception of:
    - 2.1.1. Condition 2 which is to be amended to read as follows:
 

*“The hours of operation of the Small Bar (Unlisted Use) and associated alfresco*

*area shall be limited to the hours of:*

- a) *Monday to Saturday and Sundays immediately prior to a Monday public holiday: 7:00am to midnight; and*
- (a) *b)Sundays not immediately prior to a Monday public holidays: 10:00am to 10:00pm;”.*

#### PURPOSE OF REPORT:

To consider an application to amend a condition of approval that was applied to two previous planning approvals granted by Council for a small bar at No. 399 William Street, Perth.

#### BACKGROUND:

|                             |   |
|-----------------------------|---|
| <b>Landowner:</b>           | Kammy Australia Pty Ltd                                 |
| <b>Applicant:</b>           | RP Cream  |
| <b>Date of Application:</b> | 25 July 2017  |
| <b>Zoning:</b>              | MRS: Urban<br>TPS1: Commercial<br>TPS2: District Centre |
| <b>Built Form Area:</b>     | Town Centre   |
| <b>Existing Land Use:</b>   | Small Bar   |
| <b>Proposed Use Class:</b>  | Small Bar – Unlisted Use                                |
| <b>Lot Area:</b>            | 711m <sup>2</sup>                                       |
| <b>Right of Way (ROW):</b>  | Nil   |
| <b>Heritage List:</b>       | Not applicable  |

The subject site is situated in the William Street Town Centre and is surrounded by a variety of commercial uses including shops and eating houses as shown in **Attachment 1**. The nearest residential properties are situated approximately 45 to 60 metres away to the east along Wellman Street, and to the west along Monger Street.

The site is zoned ‘Urban’ under the Metropolitan Region Scheme (MRS) and ‘Commercial’ under the City’s Town Planning Scheme No.1 (TPS1). The subject site is occupied by a three-unit building complex that straddles three lots being No’s. 399, 401 and 403 William Street. Three car bays are provided onsite to serve all three units.

The commercial uses currently operating from the three strata units on the subject site consist of the following:

- No. 399 William Street (Strata Lot 1) – Small Bar (Unlisted Use) (subject tenancy);
- No. 401 William Street (Strata Lot 2) – Eating House approved 7 June 2005; and
- No. 403 William Street (Strata Lot 3) – Eating House approved 24 May 2005.

All three of the units in the building complex have direct street frontage to William Street. No. 399 is the subject of this application and is currently occupied by the “399 Bar”, which comprises a small bar with a floor area of 137 square metres, accommodating up to 84 patrons. The ‘Small Bar’ was first conditionally approved by Council on 7 October 2008 (Item 10.1.2). A subsequent approval was issued by Council on 26 July 2016 (Item 9.1.1) for alfresco additions. The approval notices and approved plans for each of these approvals are included as **Attachments 2** and **3** respectively.

Condition (viii) of the initial planning approval for the ‘Small Bar’, dated 7 October 2008, limits the hours of operation of the Small Bar and reads as follows:

*“(viii) The hours of operation of the Small Bar shall be limited to 7:00am to midnight Monday to Saturday, and 10:00am to 10:00pm Sunday, inclusive.”.*

Condition 2 of the development approval for the alfresco area additions to the ‘Small Bar’, dated on 26 July 2016, limits the hours of operation of the Alfresco area and reads as follows:

“2. Hours of Operation

*The hours of operation shall be limited to:*

*Alfresco area:*

- *Monday to Saturday: 7:00am to Midnight; and*
- *Sunday: 10:00am to 10:00pm;”.*

The current application proposes to amend these conditions to allow the small bar to operate until midnight on Sundays where the following Monday falls on a gazetted public holiday. The application does not contemplate any other amendments to the approval conditions, or any physical modifications to the premises.

**DETAILS:**

The applicant is seeking to amend a condition of the existing planning approvals for the site to extend the operating hours on Sundays where the following Monday falls on a public holiday. The application has been assessed against the provisions of the City of Vincent Town Planning Scheme No. 1 (TPS1), the City's Policy No. 7.5.7 – Licensed Premises and Policy No. 7.5.21 – Sound Attenuation. The proposal falls outside of the “guide for appropriate operating hours” set out in Policy No. 7.5.7 – Licensed Premises, which lists operating hours up until 10:00pm on Sunday's for ‘Small Bars’ in ‘Commercial’ zones.

**CONSULTATION/ADVERTISING:**

Community consultation on the proposal occurred for a period of 21 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 1 September 2017 to 21 September 2017. The method of community consultation included a sign on site, a notice in the local newspaper ‘The Voice’, details being placed on the City's website and at the Administration Centre/Library, and 491 letters being mailed to all owners and occupiers as shown on **Attachment 1**.

A total of nine submissions were received including three objections and six submissions in support. None of the submissions of objection were accompanied by comments. The objections were indicated via the objection tick box on the pro forma Community Consultation Submission Form provided by the City. Given the absence of any comments provided in the objection submissions, Administration is unable to provide a response to the submissions received, however, has provided an assessment of the proposal against the City's policies in the Comment section below.

**Design Advisory Committee (DAC):**

Referred to DAC: 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. 7.5.7 – Licensed Premises;*
- *Policy No. 7.5.21 – Sound Attenuation; and*
- *Policy No. 4.1.5 – Community Consultation.*

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

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

**Delegation to Determine Applications:**

This matter is being referred to Council as the application proposes to modify conditions of a previous approvals 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:**

Nil.

**COMMENTS:**

The applicant is seeking to amend a condition of the existing planning approvals for the premises to extend the approved operating hours from 10:00pm to midnight on Sundays where the following Monday falls on a gazetted public holiday. The application does not contemplate any other amendments to the approval conditions or any physical modifications to the premises. Modification of the conditions would result in extended trading on five occasions in 2018 and also in 2019, and in effect results in an average of 10 additional trading hours per annum into the future.

The proposal falls outside of the "guide for appropriate hours" outlined in the City's Policy No. 7.5.7, which lists operating hours on Sunday's up until 10:00pm for 'Small Bars' in 'Commercial' and 'District Centre' zones. The Policy provides that applications for extended trading permits for an ongoing extension to the hours of operation must be submitted with a Management Plan, and Public Interest Assessment.

A detailed management plan that addressed the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and other related matters was previously submitted and approved by the City in accordance with the original 7 October 2008 approval 5.2008.356.1. The City has not received any complaints with respect to noise or other operational elements of the premises since trading as a small bar commenced in 2008 and the current management measures are considered appropriate. Given this, it is recommended that the management plan be updated to ensure the management plan reflects the change in operating hours on Sundays prior to a public holiday so that the same management measures for a Saturday night also apply to these additional operating hours.

The extent of the additional trading hours being sought by the applicant is limited in terms of duration and frequency. The subject site is situated within the William Street Town Centre precinct, and is sufficiently separated from nearby residential zoned areas and residential properties to ensure the additional hours are unlikely to have adverse impact on residential amenity.

It is noted that Council at its meeting of 17 October 2017 granted the same hours of operation to the proposed Tavern use at Nos. 452 – 460 William Street demonstrating a consistent approach to Sunday trading hours for licensed premises in this locality.

Accordingly, it is recommended that Council approves the proposal by amending the relevant conditions of the two applicable development approvals, subject to the current Management Plan for the site being updated accordingly.

**5.2 NOS. 60 AND 62 ROBINSON AVENUE, PERTH AND NOS. 5 AND 7 BRISBANE TERRACE, PERTH (LOT: 3 STR: 69968) - PROPOSED AMENDMENT TO CONDITION OF APPROVAL: FOUR GROUPED DWELLINGS**

TRIM Ref: D17/153000  
 Author: Emily Andrews, Urban Planner  
 Authoriser: John Corbellini, Director Development Services  
 Ward: South  
 Precinct: 12 – Hyde Park  
 Attachments:
 

1. Attachment 1 - Consultation and Location Map 
2. Attachment 2 - Previous Planning Approval 
3. Attachment 3 - Dilapidation Survey Performance Solution Report 
4. Attachment 4 - Map Showing Extent of Previous Dilapidation Report Requirement 
5. Attachment 5 - Summary of Submission 
6. Attachment 6 - Map Showing Extent of Recommended Dilapidation Report Requirement 

**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 development approval 5.2015.166.1 for Four Grouped Dwellings at No. 60 and 62 (Lots: 4 & 3) Robinson Avenue, Perth and Nos. 5 and 7 (Lots: 2 & 1) Brisbane Terrace, Perth granted on 31 May 2016, subject to the following condition:

1. All conditions, requirements and advice notes detailed on development approval 5.2015.166.1 granted on 31 May 2016 continue to apply to this approval, with the exception of Condition 6.5 which is amended to read as follows:

**“6.5 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 in accordance with the requirements of the City’s Policy No. 7.5.23 – Construction Management Plans and shall include the following:*

**6.5.1 Dilapidation Reports at the applicant’s cost to the satisfaction of the City for the following properties:**

- (a) Nos. 51, 64A and 64B Robinson Avenue, Perth;
- (b) No. 32 Brookman Street, Perth;
- (c) No. 3 Brisbane Place, Perth;
- (d) Nos. 2 Brisbane Terrace, Perth (for the units fronting Brisbane Terrace only); and
- (e) No. 4 Brisbane Terrace, Perth.

*Construction on and management of the site shall thereafter comply with the approved Construction Management Plan.”*

**PURPOSE OF REPORT:**

To consider an application to amend a condition of the development approval for four grouped dwellings at Nos. 60 and 62 Robinson Avenue, Perth, and Nos. 5 and 7 Brisbane Terrace, Perth relating to the preparation of dilapidation reports.

**BACKGROUND:**

|                             |  |
|-----------------------------|--|
| <b>Landowner:</b>           | M J Leung  |
| <b>Applicant:</b>           | Daly & Shaw Pty Ltd  |
| <b>Date of Application:</b> | 20 September 2017  |
| <b>Zoning:</b>              | MRS: Urban<br>TPS1: Zone: Residential R Code: R50<br>TPS2: Zone: Residential R Code: R50 |
| <b>Built Form Area:</b>     | Residential  |
| <b>Existing Land Use:</b>   | Vacant   |
| <b>Proposed Use Class:</b>  | Grouped Dwellings  |
| <b>Lot Area:</b>            | 458m <sup>2</sup>  |
| <b>Right of Way (ROW):</b>  | Not applicable   |
| <b>Heritage List:</b>       | Not applicable   |

The subject site is zoned Residential with a density code of R50. The site is currently vacant, with the demolition of the property completed in August 2015. The locality consists of residential properties, with a number of properties within close proximity to the subject site being on the State Heritage Register. The site is bounded by Brisbane Terrace to the north and Robinson Avenue to the south, with flats to the east and a strata unit to the west. The site has two street frontages being Robinson Avenue to the south and Brisbane Terrace to the north. The location of the subject site is included as **Attachment 1**.

The subject site was issued approval (subject to conditions) to construct four grouped dwellings by Council at the Ordinary Meeting on 31 May 2016 (Item 9.1.4). At the time of approval, the subject lot was No. 62 Robison Avenue, Perth, and had not been subdivided. The site has since been subdivided into four strata lots, with the strata plan registered by Landgate on 18 October 2016. The street addressing for the subject site now consists of:

- No. 60 (Lot 4) Robinson Avenue, Perth;
- No. 62 (Lot 3) Robinson Avenue, Perth;
- No. 5 (Lot 2) Brisbane Terrace, Perth; and
- No. 7 (Lot 1) Brisbane Terrace Perth.

The previous approval issued by Council included a condition 6.5 as follows:

“6. The following is to form part of the application for a Building Permit, and shall be approved by the City prior to commencement of the development:

*...6.5 A Construction Management Plan that details how the construction of the development will be managed to minimise the impact on the surrounding area in accordance with the requirements of the City’s Policy No. 7.5.23- Construction Management Plans and shall include the following:*

*6.5.1 Dilapidation Reports at the applicant’s cost to the satisfaction of the City for the following heritage listed properties:*

- (a) Nos. 7 – 32 Brookman Street, Perth;*
- (b) Nos. 8 – 28 Moir Street, Perth;*
- (c) Nos. 43-45 and 51-53 Robinson Avenue, Perth;*
- (d) No. 427 William Street, Perth; and*
- (e) Nos. 165-171 Brisbane Street.*

*Construction on and management of the site shall thereafter comply with the approved Construction Management Plan.”*

A full copy of this approval is provided in **Attachment 2**.

On 20 September 2017 Daly & Shaw Builders lodged an application with the City to amend the existing approval to delete Condition 6.5.1 of the Council’s determination. The application provided additional information in the form of a Dilapidation Survey Performance Solution Report, prepared by a qualified Building Surveyor, to justify the removal of the condition, which is included as **Attachment 3**.

**DETAILS:**

The application seeks to amend the previous development approval issued by Council by removing the condition that relates to the requirement for a number of dilapidation reports to be undertaken on all of the heritage listed properties that fall within 150 metres of the subject site. The current condition requires dilapidation reports to be undertaken on 49 properties in total and for these to be lodged with the Building Permit application. **Attachment 4** shows the extent of the properties required by the current condition to have dilapidation reports prepared with the Building Permit application.

The above condition was placed on the original determination in accordance with the City's Policy No. 7.5.23 – Construction Management Plans. The City determined that all properties within 150m of the subject site required a dilapidation report, which was consistent with the City's previous Construction Management Plans Policy requirement. At the time of the initial recommendation and approval there was no evidence provided by the applicant to demonstrate that the surrounding heritage buildings would not be damaged by the proposed works.

This application to delete the dilapidation report requirements, including the Dilapidation Report Performance Solution prepared by Building Surveyor, has been assessed against the City's Policy No. 7.5.23 – Construction Management Plans.

**CONSULTATION/ADVERTISING:**

Community consultation on the proposal occurred for a period of 14 days, from 28 September 2017 to 11 October 2017. The method of community consultation involved 217 letters being mailed out to all owners and occupiers within a 75 metre radius of the site, as shown in **Attachment 1**, in accordance with the City's Policy No. 4.1.5 - Community Consultation. In addition, letters were also sent to all heritage properties within a 150 metre radius of the site, given those properties are included in the current condition.

A total of eight submissions were received, including three objections, three in support and two with comments only. The comments raised in the submissions related to the potential impact the construction could have on both surrounding heritage properties and other existing properties in the immediate vicinity of the site. A summary of the submissions received during the consultation period and Administration's response to each concern is contained within **Attachment 5**.

**Design Advisory Committee (DAC):**

Referred to DAC: Not applicable.

**LEGAL/POLICY:**

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation; and
- Policy No. 7.5.23– Construction Management Plans.

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

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

**Delegation to Determine Applications:**

This matter is being referred to Council as the application proposes to amend an application 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:**

Nil.

**COMMENTS:**

The Dilapidation Survey Performance Solution Report provided with the application references a Geotechnical Report prepared in 2015, which states that the subject site consists of silty stable sands to a depth of 800mm. The report also states that the site has been tested and shows good compaction, which will result in minimal compaction works being required for the site. This will ensure that the extent of vibrations created by the development of the site will be reduced and as such will have little to no impact on the immediately adjoining properties and structures and will not adversely impact properties that are not immediately adjacent to the site.

Given these findings the Dilapidation Survey Performance Solution Report recommends that dilapidation reports be completed for any adjoining and adjacent heritage buildings only, being No. 32 Brookman Street and No. 51 Robinson Avenue, which are directly opposite the site on Robinson Avenue. No heritage properties immediately adjoin the site. The applicant has advised that dilapidation reports have already been undertaken for those adjoining properties directly impacted by the proposed building works. This is a specific requirement under the *Building Act 2011* and applies in all circumstances where construction proposes to impact on another property.

As outlined above, the previous application provided insufficient information for the City to conduct an assessment on the potential impact of the surrounding properties, in particular heritage listed properties, and as such the City imposed a condition to ensure that the heritage properties within the locality were not compromised by the development. The Dilapidation Survey Performance Report provided with this application provides sufficient information to demonstrate that the development of the four grouped dwellings on the subject site are unlikely to have any impact on the surrounding properties. Nevertheless, the Report recommends that dilapidation reports be undertaken for the heritage listed properties opposite the subject site. This recommendation does not extend to the properties immediately adjoining the subject site on the basis that these properties are not listed on the heritage list. However, these properties are closer to the subject site and there is greater potential for these buildings to be inadvertently impacted by the construction activities. A number of submissions received during the consultation period highlight that construction activities have the same potential to impact a property whether it is heritage listed or not and given that the Dilapidation Survey Performance Solution Report provided with the application recommends dilapidation reports be undertaken for properties opposite the subject site, it is considered reasonable that these reports also be required for those properties immediately adjoining the subject site, which will be in closer proximity to the construction activity.

It is therefore recommended that dilapidation reports therefore be provided for the following properties as shown in **Attachment 6**:

- Nos. 51, 64A and 64B Robinson Avenue, Perth;
- No. 3 Brisbane Place, Perth;
- Nos. 2 and 4 Brisbane Terrace, Perth; and
- No. 32 Brookman Street, Perth.

It is recommended that the condition as shown on the determination issued by Council on 31 May 2016 be deleted and replaced to reduce the number of dilapidation reports required to the above properties only.

**5.3 NO. 6 (LOT: 6 D/P: 4004) CHURCH STREET, PERTH - PROPOSED AMENDMENT TO PREVIOUS APPROVAL: CHANGE OF USE FROM RECREATIONAL FACILITY (YOGA STUDIO) TO RECREATIONAL FACILITY (YOGA STUDIO/GROUP FITNESS AND PERSONAL TRAINING GYM) (RETROSPECTIVE)**

**TRIM Ref:** D17/137783  
**Author:** Heidi Miragliotta, Urban Planner  
**Authoriser:** John Corbellini, Director Development Services  
**Ward:** South  
**Precinct:** 13 - Beaufort  
**Attachments:** 1. Attachment 1 - Consultation and Location Plan    
 2. Attachment 2 - Previous Development Approval    
 3. Attachment 3 - Summary of Submissions  

**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 development approval 5.2015.575.1 granted on 5 April 2016 for a Change of Use from Recreational Facility (Yoga Studio) to Recreational Facility (Yoga Studio/Group Fitness and Personal Training Gym) (Retrospective) at No. 6 (Lot: 6; D/P: 4004) Church Street, Perth, subject to the following condition:

1. All conditions and advice notes detailed on development approval 5.2015.575.1 granted on 5 April 2016 included in Attachment 2 continue to apply to this approval, with the exception of Condition 1, which is deleted.

**PURPOSE OF REPORT:**

To consider an application to amend the existing development approval for the Recreational Facility (yoga studio/group fitness and personal training gym) at 6 Church Street, Perth, to delete the temporary approval condition and grant permanent approval.

**BACKGROUND:**

|                             |  |
|-----------------------------|--|
| <b>Landowner:</b>           | M Allmark  |
| <b>Applicant:</b>           | R Steel and L Falaniko   |
| <b>Date of Application:</b> | 14 April 2017  |
| <b>Zoning:</b>              | MRS: Urban<br>TPS1: Zone: Residential/Commercial R Code: R80<br>TPS2: Zone: Residential/Commercial R Code: R80 |
| <b>Built Form Area:</b>     | Mixed Use Area   |
| <b>Existing Land Use:</b>   | Recreational Facility  |
| <b>Proposed Use Class:</b>  | Recreational Facility  |
| <b>Lot Area:</b>            | 352m <sup>2</sup>  |
| <b>Right of Way (ROW):</b>  | Not Applicable   |
| <b>Heritage List:</b>       | No   |

The subject site and the surrounding area to the north west, south west and south east is zoned 'Residential/Commercial' with a density of R80. The land to the north east of the subject site is Stuart Street Reserve which is reserved as 'Parks and Recreation'. Church Street is characterised by a mix of uses such as residential, offices and warehouses. The location of the subject site is shown in **Attachment 1**.

Council at its meeting of 10 February 2015 granted temporary approval for a change of use from Warehouse to Recreational Facility, with a condition limiting this approval to a period of 12 months. On 7 April 2015 Council approved an amendment to the previous approval extending the hours of operation. At the same

time a request from the applicant to extend the period of the approval from 12 months to 3 years was not supported by Council.

On 5 April 2016 Council considered a request to extend the period of approval given the previous 12 month temporary approval was due to lapse. The proposal was again granted a temporary approval for a period of 12 months. The development approval, including the approved plans, is included as **Attachment 2**.

The subject development offers yoga, fitness classes and personal training. The hours of operation set out in the previous development approval are 6:00am to 8:30 pm Monday to Friday and 8:00am to 6:00pm on Saturdays and Sundays. The previous approvals also limit the site to a maximum of 20 persons at any one time.

The previous planning approvals for the Recreation Facility use required an acoustic report, the provision of bicycle bays and a bin store and for the existing kerbing to be modified to allow vehicles to enter the property and park at 90 degrees to the street. The development has satisfied these requirements with the reconfiguration of the parking area, provision of the bicycle parking and a bin store. The applicant also previously submitted and had approved by the City an acoustic assessment prepared by EcoAcoustics (September 2016) which considered potential noise sources from the site including the group fitness classes, personal training, car parking and general movements of people on site. In accordance with this report, noise attenuation measures have been implemented as required by the acoustic report including insulation to the floor, walls, doors and windows. In addition, the report required that classes which involve dropping of equipment onto the floor do not commence until after 7:00am and music played on site be limited to low volumes to ensure the music cannot be heard outside of the building.

The current application seeks approval to amend Condition 1 of the previous development approval to allow the ongoing use of the site as a Recreational Facility (yoga studio/group fitness and personal training gym).

#### 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), Policy No. 7.5.21 – Sound Attenuation and Policy 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/<br>Deemed-to-Comply | Requires the Discretion<br>of Council |
|--------------------|---|---------------------------------------|
| Land Use           |   | ✓                                     |
| Parking and Access | ✓                                       |                                       |
| Sound Attenuation  | ✓                                       |                                       |

##### 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<br>“P” Use | Recreational Facilities - “AA” Use |

The above element of the proposal requires the discretion of Council and is discussed in the comments section below.

#### CONSULTATION/ADVERTISING:

Community consultation was undertaken for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 21 July 2017 to 3 August 2017. The method of community consultation included advertising the proposal on the City’s website and 15 letters being mailed to all owners and occupiers within close proximity to the subject site, as shown on **Attachment 1**.

A total of two submissions were received, one of which was in support and the second submission did not support or object to the proposal but provided some comment. The comments raised in the submission can be summarised as follows:

- Concerns in relation to traffic and accessibility; and
- Concerns that on a limited number of occasions there have been more than 20 people at the premises.

A summary of the submissions and Administration's comment on the issues raised is included as **Attachment 3**.

**Design Advisory Committee (DAC):**

Referred to DAC: 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; and
- Policy No. 7.5.21 – Sound Attenuation; and
- Policy No. 7.7.1 – Parking and Access.

**Delegation to Determine Applications:**

This matter is being referred to Council as the application proposes to amend an application 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:**

Nil.

**COMMENTS:**

Land Use

The development falls within the definition of a 'Recreational Facility' which is an 'AA' use under the City's TPS1. The subject site and surrounding area is zoned 'Residential/Commercial' with a residential density of R80, which is not contemplated to change in the Draft Local Planning Scheme No. 2 (LPS2) adopted by Council.

Council has previously considered the proposal to be appropriate in this location on a temporary basis to ascertain whether the use is able to operate without impact on surrounding locality. The current Recreational Facility use has been in operation on the subject lot since mid-2016 and during this time the City has only received one complaint in regard to a vehicle associated with the development parking in a no standing zone. This was not a breach of the development approval issued for the site, which complied with the City's Parking and Access Policy in regard to onsite car parking.

Concern was raised during the advertising period that the development has on occasion exceeded the maximum of 20 patrons permitted by the previous approvals. The City has no record of these concerns being raised with the City at the alleged times and therefore cannot verify these concerns. However, the applicant has been advised of these complaints and the requirement to comply with the 20 patron maximum permitted by the previous approval. The applicant is not proposing to alter the intensity of the development and should concerns be raised in future the City will formally investigate and ensure compliance with the conditions of the approval.

The development has demonstrate compliance with all other conditions of the approval, including reconfiguration of the parking area, provision of the bicycle parking and provision of a bin store. The acoustic assessment previously approved by the City is considered to be effective in addressing the noise impacts on the surrounding area, with no complaints received regarding noise since its implementation in 2016. The measures implemented through the Acoustic Report are considered to appropriately respond to the objectives of this zone and protect the amenity of the nearby residential properties and continue to satisfy the City's requirements.

The existing use, when operating in accordance with the conditions, is considered to be compatible with the surrounding Residential/Commercial zoned area. On this basis the development is considered to be consistent with the objectives of the 'Residential/Commercial' zone and be appropriate.

The development has been operating with minimal impact on the adjoining properties and it is not considered necessary to further limit the approval given the conditions imposed on the previous approvals have been successful in managing the impact of the development on the surrounding area. It is recommended that Council approve the deletion of the Condition 1 of the previous approval to permit ongoing operation of the development, subject to continued compliance with the previous conditions of approval limiting the maximum number of patron and operating hours as well requiring appropriate noise management, waste management on site car parking and bicycle parking facilities.

**5.4 LATE REPORT: FURTHER REPORT: NOS. 1-16/17 (LOTS: 1-16; STR: 59813) HARWOOD PLACE, WEST PERTH - CHANGE OF USE FROM MULTIPLE DWELLINGS TO SERVICED APARTMENTS (AMENDMENT TO APPROVAL)**

REPORT TO BE ISSUED PRIOR TO COUNCIL BRIEFING 7 NOVEMBER 2017.

**5.5 TOWN CENTRE PLACE PLANS**

**TRIM Ref:** D17/137093

**Authors:** Georgia Lawrence, Place Manager  
David Doy, Place Manager

**Authoriser:** John Corbellini, Director Development Services

**Attachments:** 1. Attachment 1 - Volume 1: Vincent Town Centres Place Plan    
2. Attachment 2 - Volume 2: North Perth Town Centre Place Plan  

**RECOMMENDATION:**

**That Council:**

1. **ENDORSES** for the purpose of advertising the Draft Town Centre Place Plans inclusive of:
  - 1.1. Volume 1: Vincent Town Centre Place Plans; and
  - 1.2. Volume 2: North Perth Town Centre Place Plan;which are included as Attachments 1 and 2; and
2. **INVITES** submissions from the community on the Draft Town Centre Place Plans for a period of 28 days by way of local public notice, invitation to comment to all town teams, display at the Administration and Civic Centre and Library, and publication on the City's website and social media platforms.

**PURPOSE OF REPORT:**

To consider the Draft Town Centre Place Plan approach and adopting for the purposes of advertising *Volume 1: Vincent Town Centre Place Plans* and *Volume 2: North Perth Town Centre Place Plan*.

**BACKGROUND:**

At the Ordinary Meeting of Council (OMC) on 23 August 2016 (Item 9.1.5) Council endorsed Administration's approach to Place Management and the preparation of a Town Centre Place Plan (TCPP) for each of the City's five town centres.

Item 9.1.5 from the 23 August 2016 OMC explains that the City's approach to Place Management is evolving through the following three-phase process:

- Phase 1: Establish
- Phase 2: Plan
- Phase 3: Manage

The City's Place Management is currently in the Planning Phase and will move into the Management Phase following the completion of the TCPP's which are identified as projects in the City's Corporate Business Plan (CBP) over the next four years (Item 6.3).

***Place Planning***

The Place Plans are 'place based' strategic documents that guide the direction of funding and resources in each of the City's town centres. The Place Plans:

- capture and build upon previous work and strategic planning undertaken by the City across a range of disciplines;

- include new actions that:
  - are directly informed by the priorities identified in the local town team Action Plans;
  - aligned with best practice; and
  - are informed by data collected in accordance with the Town Centre Performance Measurement Strategy.

The Place Plans actions are intended to be implemented over four years with the expected implementation and delivery of each action outlined in the Implementation Framework sections.

These actions may be captured in the City's Corporate Business Plan from year to year and may ultimately feed into the annual budget process.

### ***Town Centre Place Plans Structure***

Administration presented an earlier draft version of the North Perth Town Centre Place Plan (NPTCPP) to Council at the 2 May 2017 OCM. Council deferred the item and expressed a desire to simplify the document and improve its readability.

In response to the deferral, Administration has restructured the TCPP's into a volumes that can be progressively completed and updated over time. The proposed TCPP structure will be simpler to update and easier to navigate than simply having five separate Place Plans. The explanatory text is now primarily included in Volume 1, significantly reducing the length of the volumes for each Town Centre. The new structure has also sought to reduce the text and analysis relating to each action, while still outlining the key information and providing the same recommendations as those presented at the 2 May 2017 OCM. The new structure is outlined in the Details section below.

The proposed Volume 1 of the TCPPs, which covers all of Vincent's Town Centres and the City's approach to Place Plans is included at **Attachment 1**, while the proposed Place Plan for North Perth Town Centre, (Volume 2) is included as **Attachment 2**.

### **DETAILS:**

#### **Town Centre Place Plans – Structural Overview**

The TCPP has been restructured into a series of volume as outlined below:

#### **VOLUME 1 – VINCENT'S TOWN CENTRE PLACE PLANS (contained in **Attachment 1**)**

- 00 Introduction
- 01 Activity
- 02 Movement
- 03 Character
- 04 Implementation Framework
- 05 Monitoring & Review

#### **VOLUME 2 – NORTH PERTH TOWN CENTRE PLACE PLAN (contained in **Attachment 2**)**

- 00 Introduction
- 01 Activity
- 02 Movement
- 03 Character
- 04 Implementation Framework

#### **VOLUME 3 – MOUNT HAWTHORN TOWN CENTRE PLACE PLAN (to be completed)**

- 00 Introduction
- 01 Activity
- 02 Movement
- 03 Character
- 04 Implementation Framework

## VOLUME 4 – LEEDERVILLE TOWN CENTRE PLACE PLAN (to be completed)

- 00 Introduction
- 01 Activity
- 02 Movement
- 03 Character
- 04 Implementation Framework

## VOLUME 5 – MOUNT LAWLEY/HIGHGATE TOWN CENTRE PLACE PLAN (to be completed)

- 00 Introduction
- 01 Activity
- 02 Movement
- 03 Character
- 04 Implementation Framework

## VOLUME 6 – PERTH TOWN CENTRE PLACE PLAN (to be completed)

- 00 Introduction
- 01 Activity
- 02 Movement
- 03 Character
- 04 Implementation Framework

**Volume 1 – Vincent’s Town Centre Place Plans**

Volume 1 is divided into six key sections as follows:

1. *Introduction*

This section provides an overview of the TCPP Volume Series and explanation of Place Management and the Place Plans. It outlines:

- The Volume Series structure;
- The locations of Vincent Town Centres;
- Who the Town Teams are and how they relate to the TCPP Volume Series;
- The City of Vincent’s Place Management approach;
- How the Place Plans function and fit into the City’s overall corporate planning structure;
- How the Place Plans will be implemented; and
- Provides a broad demographic and economic snapshot of each of Vincent’s town centre’s.

2. *Activity*

The Activity focus area identifies actions that will enhance activity in each of Vincent’s Town Centre’s. The Activity Focus Area outlines the projects relating to:

- events and activation;
- improved maintenance of town centre’s so they are attractive, comfortable and useable;
- Enabling Town Teams, businesses and the broader community to make things happen in the Town Centre’s;
- The marketing and branding of our Vincent’s town centre’s as unique and attractive destinations, to locals, the broader community, business and tourists;
- support for local business to help them succeed and grow;
- encouraging the development of the night time economy; and

- exploring development opportunities for the City and how this might support the growth and evolution of Vincent's Town Centres.

The Activity focus area in Volume 1 identifies a variety of actions designed to improve activity across all of Vincent's town centres. This informing strategy will allow Administration to plan, manage and deliver community driven, place based 'activity' focused projects that positively impact all of Vincent's town centres.

### 3. *Movement*

The Movement focus area identifies actions which will improve and encourage walking, cycling, and public transport use as well as better parking management. These actions are designed to create more pedestrian friendly and connected town centres. The actions in the Movement focus area in Volume 1 seeks to find the right balance between cars, buses and bicycles so that Vincent's Town Centre function as great places for people and business. The Movement focus area outlines the projects designed to:

- improve the active transport environment to increase cycling and walking; and
- improve advocacy for better public transport options.

The Movement focus area does not supplant the future Vincent Transport Strategy but rather provides town centre specific actions and guidance. The TCPP Volume Series and future Transport Strategy will work in tandem.

### 4. *Character*

The Character focus area identifies actions which build upon and expand on those traits that make Vincent's town centre's unique and special. This encompasses the buildings, the businesses, the people, the institutions, the local stories and the history. Many of the actions that come from the Character focus area will be enshrined in the place specific TCPP's in Volumes 2 to 6. However, there are design fundamentals that should be consistent across all of Vincent's town centres and therefore are appropriately located in Volume 1.

### 5. *Implementation Framework*

The Implementation Framework sets out the actions, timeframes and the responsible teams for the delivery of all of the identified projects in Volume 1.

### 6. *Monitoring and Review*

The TCPP Volume Series is a living document which will evolve and be refined over time. The TCPP Volume Series will be the subject of both a major and a minor review that will be informed by the City's ongoing data collection, updates to Town Team Action Plans and ongoing commitment to best practice management for town centres.

A high-level minor review will be conducted annually. This review will include:

- a review of town team priority projects and initiatives which are supported by best practice, emerging data trends and Council and community priorities;
- changes to the City's Corporate Business Plan; and
- priority projects, initiatives and items which may arise in relation to shifts in best practice, in response to specific data trends and/or external funding opportunities from private organisations, state and/or federal agencies.

A four year major review will include a full review of the TCPP documents, including possible content and structural revisions to reflect changes to the town team structures, emerging data trends and changing Council and community aspirations as part of the City's Strategic Community Plan review.

**Volume 2 – North Perth Town Centre Place Plan**

Volume 2 – North Perth Town Centre Place Plan (NPTCPP) is separated into five key sections:

**1. Introduction**

This section provides:

- an overview of the NPTCPP;
- a historic, demographic and economic snapshot of the North Perth Town Centre;
- a condensed version of the rationale for TCPP's and their relationship to the City's overall corporate planning structure;
- an introduction to North Perth Local and their relationship to the City and its Place Management approach.

**2. Activity**

The Activity focus area identifies actions that will enhance activity in the North Perth Town Centre. The Activity focus area outlines the projects relating to:

- existing and future public open space within and adjacent to the North Perth Town Centre;
- the improvement of North Perth Town Centre's night time economy;
- the creation of a safer environment; and
- potential development opportunities to deliver great place outcomes in the North Perth Town Centre.

These identified actions will allow Administration to plan, manage and deliver community driven, place based 'activity' focused projects in the North Perth Town Centre.

**3. Movement**

The Movement focus area identifies projects that will encourage active transport modes such as walking, cycling and public transport. The Movement actions seek to find the right balance between cars, buses, bicycles and pedestrians in order for the North Perth Town Centre to become a great place for people and business. The Movement focus area outlines the City's focus on:

- improving the active transport environment to increase cycling and walking in the North Perth Town Centre; and
- advocating for better public transport options connecting to and from North Perth Town Centre.

**4. Character**

The Character focus area identifies actions that build upon and expand on those traits that make the North Perth Town Centre distinctive. The Character focus area focuses on improving the North Perth Plaza surrounds and capitalising on North Perth's built heritage as a major opportunity.

**5. Implementation Framework**

The Implementation Framework sets out the actions, timeframes and the responsible teams for the delivery of all of the identified projects in the NPTCPP.

**Volumes 3 – 6: Town Centre Place Plans**

The TCPP Volume Series includes separate Volumes for the remaining TCPP's which will also be structured with the same five key sections as Volume 2, as outlined below:

1. Introduction
2. Activity
3. Movement
4. Character
5. Implementation Framework.

The remaining Volumes, which will be prepared between 2017/2018 and 2020/2021 in accordance with the Corporate Business Plan, include:

1. Volume 3 – Mount Hawthorn Town Centre Place Plan (to be completed)
2. Volume 4 – Leederville Town Centre Place Plan (to be completed)
3. Volume 5 – Mount Lawley/Highgate Town Centre Place Plan (to be completed)
4. Volume 6 – Perth Town Centre Place Plan (to be completed).

#### CONSULTATION/ADVERTISING:

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

|                      |   |
|----------------------|---|
| Consultation Period: | 28 days   |
| Consultation Type:   | Website<br>Social Media<br>Local Public Notice<br>Letter and presentation to each Town Team |

#### LEGAL/POLICY:

The TCPPs are an informing strategy to the City's Corporate Business Plan which outlines the work the City plans to undertake over a rolling four year period.

#### RISK MANAGEMENT IMPLICATIONS:

The TCPPs provides strategic direction to manage the City's ongoing investment in town centres and support for local Town Teams. The TCPPs will help improve project planning to avoid budgetary and timing issues.

#### STRATEGIC IMPLICATIONS:

The TCPPs will contribute to many 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.

##### A Better Customer Experience

Our success depends on our community's satisfaction. We do not just want to provide customer service, we want to provide a great customer experience that is modern and matches our community's expectations.

##### 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.

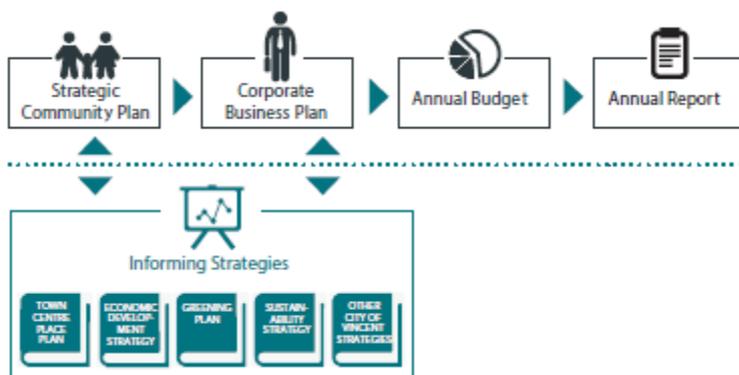
##### Improving Community Connection & Inclusion

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.

The Place Plans form a part of the City’s suite of informing strategies. The Integrated Planning and Reporting Framework outlined by the Local Government (Administration) Regulations 1996 requires the City to adopt a Strategic Community Plan and a Corporate Business Plan (CBP). The Place Plans are an informing strategy to the City’s CBP, and any identified new future projects will be considered for inclusion into the CBP as part of the annual CBP review process.

Their relationship with the City’s future Strategic Community Plan and Corporate Business Plan is illustrated in the diagram below.

**Figure 1: Town Centre Place Plans relationship with Integrated Planning and Reporting Framework**



**SUSTAINABILITY IMPLICATIONS:**

Actions within the Movement section of the TCPPs are consistent with the Sustainable Environment Strategy as outlined below:

| TCPP Volume Series   | Sustainable Environment Strategy   |
|--|--|
| Item 2.2 – Advocate to State Transport Authorities for improvements to Transport Infrastructure including improved east-west connections | Action 1.10 – Advocate for improved public transport links within and to the City                                    |
| Item 2.3 – Advocate for After-hours Transport Options  |  |
| Item 2.4 – Prepare a Transport Education Program   | Action 1.11 – Promote public transport within and to the City, through community education and incentive initiatives |

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of advertising and any further changes required to the TCPPs will be met through the existing operational budget.

**COMMENTS:**

The City’s Place Management approach is currently in the ‘Plan’ phase and the preparation of the overall TCPP document as well as the specific Place Plan for the North Perth Town Centre represents a significant milestone in transitioning Place Management to the ‘Manage’ phase.

The actions outlined in *Volume 1: Vincent Town Centre Place Plans* will contribute to the continued development and evolution of all of Vincent’s town centres as highly liveable destinations with strong local economies.

The actions outlined in *Volume 2: North Perth Town Centre Place Plan* are specific to North Perth Town Centre and provide an understanding of the ‘place-specific’ projects the City will undertake.

The proposed TCPP structure also includes a place for the following individual TCPPs, which will be completed over the coming 3 years:

- Volume 3 - Mount Hawthorn Town Centre Place Plan;
- Volume 4 - Leederville Town Centre Place Plan;
- Volume 5 - Mt Lawley/Highgate Town Centre Place Plan; and
- Volume 6 – Perth Town Centre Place Plan.

The TCPPs are a critical document that will allow the City to better manage service delivery to support the town centres. The ongoing review of the documents will ensure that the City's direction keeps pace with emerging trends and community aspirations. The City will continue to work closely with the local Town Teams to regularly update and improve their Action Plans, which will in turn inform evolution of the TCPPs.

It is recommended that Council endorses *Volume 1: Vincent Town Centre Place Plans* and *Volume 2: North Perth Town Centre Place Plan* of the TCPPs for the purpose of advertising for public comment.

## 6 TECHNICAL SERVICES

### 6.1 HYDE PARK OBLONG TURTLE POPULATION STUDY

TRIM Ref: D17/82769

Author: Sarah Hill, Project Officer - Parks & Environment

Authoriser: Jeremy van den Bok, Manager Parks & Property Services

Attachments: 1. Hyde Park Lakes Oblong Turtle Population Study - University of Western Australia Report 2016 [⇒](#) 

2. Hyde Park Oblong Turtle Population Study - University of Western Australia Proposal for Further Studies [⇒](#) 

#### RECOMMENDATION:

That Council:

1. **RECEIVES** the completed 2015/16 study of the Hyde Park Oblong Turtle population as shown in Attachment 1;
2. **NOTES:**
  - 2.1 that the works undertaken as part of the Hyde Park Lakes Restoration project are likely to improve the survival chances of hatchlings and juvenile turtles as outlined within the report; and
  - 2.2 funding, in the form of a grant, will be considered in future Operating Budgets to allow for completion of the study as follows:

| Financial Year | Amount  |
|----------------|---------|
| 2018/19        | \$8,000 |
| 2019/20        | \$8,000 |
| 2020/21        | \$2,686 |

3. **APPROVES** the continuation of the Hyde Park Oblong Turtle Population Study over the next three and a half years.

#### PURPOSE OF REPORT:

To advise Council of the 2015/16 study conducted by the University of Western Australia on the Oblong Turtle population in Hyde Park Lakes and to request approval for further studies to be undertaken.

#### BACKGROUND:

Hyde Park contains two lakes that are occupied by a population of oblong turtles, a near-threatened species endemic to the southwest of Western Australia. A decrease in sightings of both juvenile and adult turtles in the lakes has raised concern within the community, prompting the City to conduct a study on the population.

In 2015, the City in conjunction with the Claise Brook Catchment Group Inc., engaged the University of Western Australia (UWA) to conduct the first ever study into the oblong turtle population present in Hyde Park Lakes.

The study, conducted by an Honours Student, overseen by UWA staff, commenced in September 2015 and the completed report (as shown in **Attachment 1**) was presented to the City in September 2016.

In order to carry out the study, the City provided \$5,000 which was funded through the Environmental Grants and Environmental Monitoring budgets. Details of the study are outlined below.

**DETAILS:**2015/16 Hyde Park Oblong Turtle Population Study

In September 2015, UWA commenced trapping for oblong turtles in Hyde Park Lakes. All captured turtles were weighed, measured, micro chipped and their sex determined. Mature females were given ultrasound scans to detect whether mature eggs and follicles (immature eggs) were present. Captured turtles were then released back into the lake they were taken from.

This trapping process was repeated with sessions occurring approximately monthly between September 2015 and March 2016.

A summary of the results of the study are as follows:

- A total of 114 turtles were captured during the trapping process. Of these, 47 were recaptures. Mark-recapture techniques were used to estimate the size of the turtle population in both lakes as being approximately 300 turtles.
- A total of 62 females and 52 males were captured in the lakes indicating an adult sex ratio not significantly different.
- A total of 43 female turtles were given ultrasound scans. Of these, 34 were found to be carrying either eggs or follicles, or both.
- No hatchling or juvenile turtles were caught in this initial study.

The above results suggest that the turtle population within Hyde Park Lakes is ageing and suffering from a lack of recruitment of juveniles. This means that the population may be vulnerable and that once the older turtles now present in the lakes reach the limit of their natural life, the population may suddenly collapse.

Following receipt of the final report in September 2016, and as a result of the findings, the City's Administration began discussing options for further studies on the turtle population with UWA. Details of the proposed future study are outlined below.

**COMMENTS:**

It should be noted that there have been a number of reported, though undocumented, sightings of hatchlings by both community members and the City's Parks Staff, and validation of those reports is a key reason for continuing the study.

Proposed Hyde Park Oblong Turtle Population Study

The initial study conducted by UWA of the oblong turtle population within Hyde Park Lakes revealed a large, healthy population comprised exclusively of adults. These results highlight that the population has been suffering from a lack of juvenile recruitment for the last 15 - 20 years and unless the cause of this is identified and addressed, the population will eventually decline or even become locally extinct.

UWA staff have suggested there could be several reasons for this including but not limited to the below:

- Predation of the nests;
- Failure of the nests to produce hatchlings; and
- Predation of hatchlings.

Due to the large scope of work necessary for the further study, it would need to be carried out over a longer period of time, therefore it was ascertained that it would be best conducted by a PhD student over a three and a half year duration.

The main objectives of the proposed study will be to replicate the initial study and continue to assess the reproductive potential of female turtles, as well as extend the study to determine the cause of the low recruitment of juveniles and recommendations to overcome this.

Further information on the proposed study is outlined in **Attachment 2**.

What can the City do to ensure survival rates of hatchlings/juveniles improve?

The City's officers have contacted the relevant expert's and departments to seek advice as to what practical measures can be implemented in tandem with the study to improve the chances of survival of the nests and hatchling turtles.

Amy Mutton, Zoologist at the Species and Communities Branch, Science and Conservation – Department of Biodiversity, Conservation and Attractions, has advised that without the results from the proposed further study, it is difficult to recommend any specific measures to undertake, as we do not yet know what is causing the lack of recruitment. However, additional measures that could be taken in the interim would be to provide habitat for turtle hatchlings through the provision of vegetative cover around the fringes of the lakes and within the park itself.

The restoration of the Hyde Park Lakes incorporated vegetated surrounds and a total revegetation of the eastern island which was previously inaccessible. Beaches were also created in the corners of both lakes to provide additional habitat and easier access and egress for turtles moving in and out of the lakes to lay eggs. Parks Staff will continue to monitor this vegetation, provide supplementary planting where required and where identified enclose/secure identified nesting sites. The park will also be assessed for additional areas where vegetative cover can be provided.

Whilst there is concern that the Oblong Turtle population at Hyde Park could one day become locally extinct, Administration are advised that there is no urgent need to undertake any further management action due to the life expectancy of the turtles and the good health of the captured specimens identified from the initial study.

Environmental Advisory Group Recommendations

At the Environmental Advisory Group (EAG) meeting held on the 12 June 2017, Administration presented a report on the proposed Hyde Park Oblong Turtle Population Study for the group's consideration and recommendation.

Recommendations of the EAG is as follows:

*"The EAG recommended that the study be supported, with the stipulation that:*

1. *The City set out clear project outcomes and reporting requirements in its agreement with the University;*
2. *Results of the initial literature review be shared with the City prior to commencement of the field work;*
3. *Field work results be shared with the City via regular progress reports during the study period; and*
4. *The community be informed/involved in the project (e.g. through relevant signage and via reporting of sightings of juveniles on private property."*

**CONSULTATION/ADVERTISING:**

Should Council approve the study, relevant signage will be erected around Hyde Park to notify the public. In addition, the study will also be promoted via the City's website, social media and e-news. The previous study received extensive media coverage from the ABC and local newspapers and this further study will also likely attract media attention.

As part of the previous study, UWA conducted a field day for Primary School students to educate them on the turtle population in the lakes. It is anticipated that for the proposed study, UWA and City of Vincent staff conduct a similar workshop for interested residents in order to educate them on the turtle population as well as outline how they can be involved in the study, as per the EAG's recommendations.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** As the study will be conducted by UWA it will be the University's responsibility to obtain approval from the ethics department and have the necessary insurance prior to commencing field work for the study.

Should the City not undertake the study to determine the cause of the lack of juvenile recruitment, there is a risk that over time the oblong turtle population within the lakes may decline or even become locally extinct.

**STRATEGIC IMPLICATIONS:**

In accordance with the City's *Strategic Community Plan 2013-2023*, Objective 1 *Natural and Built Environment* states:

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

(a)

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

1.1.6 *Enhance and maintain the City's parks, landscapes and the natural environment."*

**SUSTAINABILITY IMPLICATIONS:**

In accordance with the City's *Sustainable Environment Strategy 2011-2016*, Objective 6 states:

"6. *Re-establish, conserve and enhance floral and faunal biodiversity, native vegetation, green spaces and green linkages within the City;*

6.3.8 *Promote faunal protection and habitat enhancement within the City*

6.3.12 *Involve the City's community in establishing baseline data within the City."*

**FINANCIAL/BUDGET IMPLICATIONS:**

The total amount of funding requested for the study by UWA is \$28,686 over three and a half years. Details of the costs associated with the proposed study are summarised below and outlined in detail in **Attachment 2**.

|   |                 |
|---|-----------------|
| Student Stipend/Scholarship Contribution (\$5,000/year for 3.5 years) | \$17,500        |
| Consumables   | \$11,186        |
| <b>TOTAL</b>  | <b>\$28,686</b> |

An amount of \$10,000 has been included in the 2017/18 Operating Budget to enable the study to commence. In order to allow for completion of the study, an additional \$18,686 in funding is required over 2.5 years. The funding, if approved by Council would be allocated in the form of an annual grant to UWA for the life of the project as outlined in the below table:

| Financial Year | Amount          |
|----------------|-----------------|
| 2017/18        | \$10,000        |
| 2018/19        | \$ 8,000        |
| 2019/20        | \$ 8,000        |
| 2020/21        | \$ 2,686        |
| <b>TOTAL</b>   | <b>\$28,686</b> |

**COMMENTS:**

Hyde Park holds significant cultural and heritage importance to the local and wider community. If the Oblong Turtle population is lost from the lakes, it is hard to ascertain exactly what impact this might have on the community as well as the ecosystem.

Further studies on the population will equip the City with the necessary knowledge and information to best manage and assist the turtle population to ensure its future survival.

**6.2 PROPOSED TRAFFIC CALMING - RANDELL STREET, PERTH.**

**TRIM Ref:** D17/55604  
**Author:** Craig Wilson, A/Director Technical Services  
**Authoriser:** Craig Wilson, A/Director Technical Services  
**Attachments:** 1. **Summary of Comments**    
2. **Plan No. 2724-LM-01A**  

**RECOMMENDATION:**

**That Council:**

1. **NOTES** the comments received regarding the proposed implementation of additional traffic calming in Randell Street, Perth (Attachment 1);
2. **DOES NOT PROCEED** with the installation of three additional speed humps, as shown on Plan No. 2724-LM-01A (Attachment 2), and
3. **ADVISES** the respondents of its decision.

**PURPOSE OF REPORT:**

To consider the outcome of the recent community consultation regarding the proposal to install three additional speed humps in Randell Street, Perth.

**BACKGROUND:****Randell Street, Perth**

At its Ordinary Meeting of 27 June 2017 Council received a report on the Proposed Road Safety and Traffic Management in Redfern Street, North Perth and Randell Street, Perth. Specific to Randell Street, Council made the following decision (in part):

*“That Council...*

2. *CONSULTS with the residents of Randell Street, Perth, on the proposed traffic calming measures as shown Plan No 2724-LM-01A (Attachment 2); and*
3. *RECEIVES a further report at the conclusion of the consultations.”*

The City duly consulted with the residents in August 2017, the results of which are discussed in the body of the report.

**DETAILS:****Randell Street, Perth**

Randell Street is approximately 0.25km in length and is classified as an Access Road under the Western Australian Functional Road Hierarchy, linking Fitzgerald Street to Palmerston Street, and is subject to the 50kph urban speed limit.

The function of an Access Road is defined as:

*‘Providing access to abutting properties with safety aspects having priority over the vehicle movement function. In urban areas, these roads are bicycle and pedestrian friendly, with aesthetics and amenity also important. Access Roads are managed by local government’.*

In the later part of 2016 a number of residents of Randell Street approached the City raising concerns about traffic speeds and volumes and in particular the increasing number of 'rat runners' using their street.

#### Analysis of Data

The data, collected in March 2017, showed the average weekday traffic to be in order of 1113 vehicles per day, while the 85% speed is in the order of 50.4kph, therefore within an acceptable degree of tolerance for the 50kph urban speed limit. However in the order of 17% of traffic was travelling at 50 kph and above, commonly referred to as low level speeding.

Further, there is a typical AM peak period, 160 vehicles between 7.00 and 9.00am, and PM peak period, 196 vehicles between 4.00 and 6.00pm (Monday to Friday) with motorists either avoiding the traffic signals at the intersection of Fitzgerald and Bulwer Streets or using Randell Street to access Palmerston and/or Brisbane Streets.

However, the comparative 2014 data actually indicates that both volumes (average weekday and peak period traffic) and speed have declined over the past three years. Some of this may be attributable to the 'Bottleyard' development at 99 Palmerston Street and the regular road closures that occurred during construction.

| Randell Street<br>Fitzgerald St to<br>Palmerston St | AWT   | Ave<br>Speed<br>kph | 85%<br>Speed<br>kph | % Heavy | 5 Day Peak Vehicle/hr |       |
|---|-------|---------------------|---------------------|---------|-----------------------|-------|
|   |       |                     |                     |         | AM                    | PM    |
| March 2017  | 1,113 | 41.5                | 50.4                | 3.3     | 92.0                  | 106.4 |
| April 2014  | 1,407 | 43.7                | 52.6                | 2.6     | 144.2                 | 146.8 |

A representative group of three residents were subsequently invited to attend the Road Safety Advisory Group (RSAG) meeting of 27 April 2017.

#### **CONSULTATION/ADVERTISING:**

The Randell Street consultation was undertaken in accordance with the City's Community Consultation policy.

In August 2017 residents were consulted regarding a proposal to implement further traffic calming measures in accordance with the City's Community Consultation policy.

A total of 48 consultation packs were distributed to potentially affected residents, requesting their comments. At the close of consultation nine responses were received with six in favour and three against. (Refer **Attachment 1**).

#### **COMMENTS:**

As can be seen from the above information, approximately 19% of those canvassed responded to the consultation, of which six were in favour and three against.

The low response rate is somewhat surprising given that the residents who attended the RSAG were confident that the majority of their neighbours would support the additional traffic calming measures. However when the results of data (current and historical) and consultation are combined it is difficult to justify the installation of additional traffic calming measures at this time.

In respect of the residents' concerns about the poor state of the road pavement, Randell Street is listed on the City's 2017/18 road resurfacing program. As part of these works the kerb-side parking lanes will be clearly delineated by the City's standard continuous line-marking. This is typically used to change a driver's perception of the width of the road, which studies show subconsciously leads them to slowing down (albeit marginally).

**LEGAL/POLICY:**

Randel Street is a Local Access Road in accordance with Western Australian Functional Road Hierarchy and are therefore under the care, control and management of the City of Vincent.

**RISK MANAGEMENT IMPLICATIONS**

**Low:** The Randell Street traffic data indicates that both speed and volumes are within the current operating criteria for an Access Road.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment*

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

1.1.4 *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 - Randell Street Resurfacing | \$90,000 |        | 0       |

**COMMENTS:**

As discussed in the body of the report, while the traffic volumes and speed in Randell Street are within the operating criteria for an Access Road there is evidence of peak period 'rat running'. Given that Stuart Street, the parallel street abutting the southern side of Robertson Park is a west bound, left out into Fitzgerald Street south only, it tends to emphasise Randell Street's convenience as an east-west link for both through traffic and the residents within the immediate catchment. However, it is difficult to justify the additional traffic calming measures based upon the traffic data and the inconclusive results of the consultation.

**6.3 LATE REPORT: SAFE ACTIVE STREETS - BIKE BOULEVARD PROGRESS REPORT THREE**

REPORT TO BE ISSUED PRIOR COUNCIL BRIEFING 7 NOVEMBER 2017.

## 7 CORPORATE SERVICES

### 7.1 FUNDING REQUEST FOR REPLACEMENT OF CORRODED STRUCTURAL COLUMNS AT AZZURRI BOCCO CLUB - 3 LAWLEY STREET, WEST PERTH

TRIM Ref: D17/145199

Author: Meluka Bancroft, Property Leasing Officer

Authoriser: John Paton, Director Corporate Services

Attachments: 1. Plan of Bocce Rink, 3 Lawley Street, West Perth    
 2. Azzurri Bocce Club Financial Statements 2015-2017 - Confidential  
 3. Azzurri Bocce Club membership details 2016-2017 - Confidential

#### RECOMMENDATION:

That Council:

1. **REFUSES** the Azzurri Bocce Club Inc's request for the City to fund the replacement of the corroded steel columns which support the roof structure of the bocce rink building, located at 3 Lawley Street, West Perth, quoted at \$16,004 plus GST, on the basis that the Azzurri Bocce Club Inc is responsible for the replacement pursuant to its Lease of the bocce rink.
2. **ADVISES** the Azzurri Bocce Club Inc that the temporary props installed by the City are only an interim measure to ensure the structural integrity of the roof structure, and therefore the corroded steel columns must be replaced by 31 December 2017, otherwise the building may be deemed unfit for occupation in accordance with clause 13.6 of the Lease.

#### PURPOSE OF REPORT:

For Council to consider the Azzurri Bocce Club Inc's request for the City to fund the replacement of the corroded steel roof support columns at the bocce rink located at 3 Lawley Street, West Perth, which is owned by the City and leased to the Azzurri Bocce Club Inc until 31 August 2021.

#### BACKGROUND:

The Azzurri Bocce Club Inc (Club) was formed in around 1967 - 1970. The WA Italian Club Inc assisted in the Club's formation and provided support to the Club following its inception. The Club has advised the City that Club members constructed the bocce rink, including the bocce runs and the roof, in around 1969/1970, using members' funds. The Club added the kitchen and the club rooms in approximately 1991, with the members again funding the costs of these works. The bocce rink is located on land owned in freehold by the City, with the plan attached at **Attachment 1** showing the exact location.

While the Club constructed the bocce rink and was the primary user since its construction, the bocce rink was originally leased to the WA Italian Club (records show the original lease commencing in 1975). The WA Italian Club provided the Club with access to the bocce rink and the Club contributed to the payment of the lease fee.

The original lease between the City of Perth and the WA Italian Club provided that "...the maintenance and upkeep of the building and its immediate surrounds is the sole responsibility of the Club." When the City entered into a new lease with the WA Italian Club in 1999 the City included the following maintenance schedule in its Building Maintenance Program:

| Year | Problem   | Solution  | Action               |
|------|---|---|----------------------|
| 1    | Corroding metal surface<br>Inadequate exit signs                    | Treat and repaint all metal surfaces<br>Install conforming exit signs | Lessee               |
| 5    | Gutters and downpipes<br>deteriorating<br>General painting required | Replace as necessary<br><br>Paint all previously painted services     | Lessee<br><br>Lessee |

|    |                                     |                                       |        |
|----|-------------------------------------|---------------------------------------|--------|
| 10 | Gutters and downpipes deteriorating | Replace as necessary                  | Lessee |
|    | General painting required           | Paint all previously painted services | Lessee |

In 2004 the Club wrote to the City requesting that the WA Italian Club's lease of the bocce rink be assigned to it, on the basis that it paid the lease fee and is the sole user of the bocce rink, with the relationship between the Club and the WA Italian Club being purely administrative. At the Ordinary Meeting of Council held on 25 July 2006 (Item 10.3.4) Council approved a lease of the bocce rink to the Club with a term of five years commencing on 1 September 2006. Upon the expiry of the lease on 31 August 2011, Council approved a new five year lease commencing 1 September 2011, with a further five year option term (OCM 14 June 2011, Item 9.3.3). On 30 June 2016 the City and the Club entered into the option term, which will expire on 31 August 2021.

The key terms of the current lease are as follows:

|                |  |
|----------------|--|
| Rent:          | \$4,225 plus GST, indexed by CPI (currently \$4,632 plus GST)  |
| Term:          | 5 years, commencing 1 September 2011   |
| Further term:  | 5 years, commencing 1 September 2016   |
| Rates & Taxes: | payable by lessee;   |
| Outgoings:     | payable by lessee;   |
| Insurance:     | lessee to maintain public liability insurance and pay building insurance premium;  |
| Maintenance:   | lessee to repair and maintain premises in good, substantial and function repair, order and condition, and repair any damage; |
| Painting:      | lessee to paint every five years; and  |
| Yield up:      | lessee to yield up premises in good and substantial repair, order and condition.   |

On 24 March 2017 the City inspected the bocce rink as part of its annual inspections of all leased properties. At this inspection the City's officers noted that several of the steel columns supporting the roof of the building appeared corroded. The City arranged for Structerre Consulting Engineers to attend the bocce rink on 28 April 2017 to assess the structural integrity of the steel columns. Structerre advised the City that immediate temporary works were required to provide support to the roof frame. Temporary props (which are owned by the City) were installed shortly thereafter by Devco Builders to ensure the structural integrity of the roof. The props are only a temporary solution, with the replacement of the corroded steel columns required to ensure the future structural integrity of the building.

The City has obtained the following quotes for the replacement of the corroded steel roof support columns:

|                     |                   |
|---------------------|-------------------|
| AWB Building Co.    | \$28,040 plus GST |
| Devco Builders      | \$48,140 plus GST |
| Ferret Boilermaking | \$16,004 plus GST |

Administration has assessed the quotes and notes that the scope of the works is consistent and therefore would recommend that Ferret Boilermaking is engaged by the Club to replace the corroded steel columns and ensure the structural integrity of the roof.

#### DETAILS:

Administration advised the Club by email on 12 September 2017 of the estimated cost of the replacement of the corroded steel roof support columns. The Club responded on 26 September to request that Council pay the cost of the replacement of the columns due to the Club's decreasing membership numbers and worsening financial position.

Administration has considered this request in light of the terms of the original construction, current lease and the background to the Club's use of the bocce rink, as well as the Club's ability to fund the works.

The Lease provides at clause 5 that:

*"The lessee must:*

- (a) *keep the Premises in good, substantial and functional repair, order and condition (damage by fair wear and tear and any risk insured against to the extent of the money recovered under that insurance cover excepted);*

- (b) *repair and make good any damage to the Premises where that damage results from want of care, negligence, misuse or abuse by the Lessee or the Lessee's Employees and Visitors or from any breach of the Lessee's Covenant...*"

The corrosion of the steel columns is likely to be a result of the regular watering of the bocce runs (steel beams exposed to water) and an absence of maintenance of the columns (regular rust treatment and painting). The Lease clearly provides that the Club is responsible for maintaining the premises, and therefore regular painting and rust treatment of the columns is the Club's responsibility. The failure of the Club to adequately maintain the columns, in conjunction with an operational practice of watering the rink area has resulted in the damage, and pursuant to clause 5(b) of the Lease the Club is responsible for repairing this damage.

Furthermore, the bocce rink was constructed by the Club and has been occupied by the Club since its construction. The Club has been responsible for the repair and maintenance of the bocce rink since its construction. The Club has therefore exclusively enjoyed the bocce rink for approximately 42 years and will have the benefit of the bocce rink until August 2021 under the terms of the current lease.

According to the membership data provided by the Club, it currently has 68 members, 6 of which reside within the City of Vincent. In the 2015-16 season the Club had 64 members (6 residing within City of Vincent) and in 2014-15 season, 61 members (7 residing within City of Vincent). The Club has noted that there has been a long term trend of decreasing membership, however, in recent years the numbers have been increasing. The current annual membership fee is \$30 for men and \$25 for women. The Club has indicated it has no intention of increasing membership fees.

At 30 June 2017, the Club held funds of \$168,745. The Club has explained that these funds have been set aside to allow for the repair, maintenance and upgrade of the 6 bocce runs and for improvements in the kitchen. In 2015 the Club operated at a loss of \$5,586, in 2016 at a loss of \$5,070 and in 2017 at a loss of \$847. The Club has further noted that the funds held in the bank are required to be kept as a reserve to cover increased future costs and the operating losses experienced by the Club in recent years. Copies of the Club's 2016-17 membership details and 2016-2017 financial statements are attached at **Confidential Attachments 2 and 3**.

Administration acknowledges that the Club has in recent years operated at a loss and has suffered from a long term general decrease in membership, and the City's Community Partnerships team is looking to work with the Club to understand and address this. A Health Check was sent to the Club on 12 October 2017, and following the completion of the Health Check the City will be in a position to better understand the service provided by the Club and what support the City could provide the Club. Notwithstanding this, the Club's financial statement indicated a relatively healthy bank balance of approximately \$168,000. A small portion of this could be used to fund the replacement of the corroded steel roof support columns.

Administration confirms that the props installed in May 2017 to provide structural integrity to the building are only a temporary solution and the corroded steel columns need to be replaced. Relying on temporary supports is not sustainable and failure of replacement of the corroded steel roof support columns will render the bocce rink unsafe for occupation.

Pursuant to clause 13.6 of the Lease, if the premises are destroyed or damaged so as to render it substantially unfit for use or occupation, the Lease may be terminated. The clause further provides at (d) that the City will have no obligation to rebuild or reinstate the premises or make it fit for occupation or use by the Club. Therefore if the corroded steel roof support columns are not replaced the City would be entitled to terminate the Lease.

#### **CONSULTATION/ADVERTISING:**

Administration identified the corroded steel roof support columns at a routine property inspection, which Club representatives attended. The City discussed the potential damage with the Club representatives at the inspection and engaged engineering consultants to assess the damage. The Club was immediately advised of the outcome of the assessment and the temporary measures required to ensure the structural integrity of the roof structure. The Club has subsequently been advised of the cost of the replacement of the columns.

#### **LEGAL/POLICY:**

Clause 5 of the Lease sets out the repair and maintenance responsibilities and provides that:

*“The lessee must:*

- (a) keep the Premises in good, substantial and functional repair, order and condition (damage by fair wear and tear and any risk insured against to the extent of the money recovered under that insurance cover excepted);*
- (b) repair and make good any damage to the Premises where that damage results from want of care, negligence, misuse or abuse by the Lessee or the Lessee’s Employees and Visitors or from any breach of the Lessee’s Covenant...”*

Clause 4.1 of the Lease provides that:

*“(a) The Lessee occupies the Premises at the risk of the Lessee in all respects.”*

Clause 13.6 of the Lease refers to damage to the premises and provides that:

*“If during the term the Premises are destroyed or damaged so as to render them substantially unfit for the use or occupation of the Lessee or so as (in either case) to deprive the Lessee of substantial use of them or so as (in the case of damage or destruction) to render the rebuilding or reconstruction of the Building in its previous form impracticable or undesirable in the opinion of the Lessor, then:*

- (a) this Lease may be terminated (without compensation) by the Lessor or (subject to clause 13.6(b)) the Lessee by notice to the other;*
- (d) nothing expressed or implied in this clause will be deemed to impose any obligation on the Lessor to rebuild or reinstate the Premises or to make them fit for use and occupation of the Lessee.”*

#### **RISK MANAGEMENT IMPLICATIONS:**

**High:** The replacement of the corroded steel roof support columns is essential to ensure the structural integrity of the bocce rink building. While the City has organised for the columns to be propped, this is only a temporary measure and therefore the replacement of the columns as quoted is required as a matter of urgency. It is noted that the Club occupies the premises at its risk and is responsible for ensuring the premises is safe for use by its members. If the corroded steel roof support columns are not replaced the premises would be considered unsafe and therefore the Club could no longer operate from the premises.

#### **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:**

To maintain the City’s assets to an acceptable level of service.

#### **FINANCIAL/BUDGET IMPLICATIONS:**

The Club currently pays an annual rent of \$4,632 plus GST. The table below sets out the City’s net financial result, excluding depreciation, over the last four financial years, in respect to the bocce rink.

| <b>Financial year</b> | <b>Net Financial Result (excl GST)</b> |
|-----------------------|--|
| 2012/2013             | -\$1,620                               |
| 2013/2014             | -\$8,343                               |
| 2014/2015             | -\$603                                 |
| 2015/2016             | -\$3,713                               |
| 2016/17               | \$153                                  |

The financial loss experienced in all financial years excluding 2016/17 is a result of the City undertaking maintenance works at the bocce rink and not recouping the Emergency Services Levy. Pursuant to the Lease the cost of the majority of the maintenance works (general repairs) is the responsibility of the Club and therefore the costs should have been recouped from the Club.

The City organised for temporary props to be installed at the bocce rink by its building contractor, Devco Builders, in May 2017. The props are owned by the City and therefore the only cost to the City was Devco Builders' labour time. Given the urgent nature of the work and the minimal cost Administration is not seeking to recoup this cost from the Club.

The cost of the replacement of the corroded steel roof support columns has been quoted by Ferret Boilermaking to be \$16,004 plus GST.

**COMMENTS:**

Administration confirms that replacement of the corroded steel roof support columns is necessary in order to ensure the structural integrity of the roof structure of the bocce rink building and therefore in order for the Club to continue to operate from the facility.

Administration is exercising tighter control over the City's leases and requiring lessees to accept the relevant responsibilities prescribed in their lease. In this instance, clause 5(b) of the Lease clearly provides that the Club is responsible for the repair of the damaged steel columns as the damage is a result of the failure of the Club to adequately maintain and paint the steel columns in accordance with the Lease terms.

The Club has requested that Council exercise its discretion to fund the replacement of the corroded steel roof support columns on the basis that the Club is experiencing decreased membership and a worsening financial position. Administration recognises this and commits to working with the Club to understand the service it provides to the community and what assistance it requires to improve the service and ensure the future sustainability of the Club. It is noted that currently only 6 of the Club's 68 members reside within the City of Vincent.

The Club is an incorporated not for profit organisation and it has advised Administration that the current funds held in its bank account is to be used for the maintenance and eventual replacement of the 6 bocce runs and for a kitchen upgrade. Administration considers that the priority should be the structural integrity of the facility.

The Club constructed the bocce rink building, has been responsible for maintenance continuously since its construction and appears to have the financial capacity currently to undertake the works. Therefore it is recommended that Council does not exercise its discretion to fund the replacement of the corroded steel roof support columns. In the event that the Club does not fund the replacement, the bocce rink will be deemed unfit for occupation and the City may terminate the Lease in accordance with clause 13.6.

**7.2 LATE REPORT: INVESTMENT REPORT AS AT 31 OCTOBER 2017**

REPORT TO BE ISSUED PRIOR TO COUNCIL BRIEFING 7 NOVEMBER 2017

**7.3 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 23 SEPTEMBER 2017 TO 19 OCTOBER 2017**

**TRIM Ref:** D17/148830  
**Author:** Nikki Hirrill, Accounts Payable Officer  
**Authoriser:** John Paton, Director Corporate Services  
**Attachments:**

1. Payments by EFT October 2017 
2. Payments by Cheque October 2017 
3. Payments by Credit Card October 2017 

**RECOMMENDATION:**

That Council RECEIVES the list of accounts paid under delegated authority for the period 23 September 2017 to 19 October 2017 as detailed in attachment 1, 2 and 3 as summarised below:

|                                   |                |
|-----------------------------------|----------------|
| Cheque Numbers 81633 – 81716      | \$84,663.05    |
| Cancelled Cheques 81521 and 81645 | -\$3,100.00    |
| EFT Documents 2146 - 2159         | \$2,660,823.74 |
| Payroll                           | \$1,149,054.34 |

**Direct Debits**

- Lease Fees \$138,950.19
- Loan Repayments \$100,782.60
- Bank Fees and Charges \$45,442.61
- Credit Cards \$11,649.47

|                            |                       |
|----------------------------|-----------------------|
| <b>Total Direct Debit</b>  | <b>\$296,824.87</b>   |
| <b>Total Accounts Paid</b> | <b>\$4,188,266.00</b> |

**PURPOSE OF REPORT:**

To present to Council the expenditure and list of accounts paid for the period 23 September 2017 to 19 October 2017.

**BACKGROUND:**

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

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

**DETAILS:**

The Schedule of Accounts paid for the period 23 September 2017 to 19 October 2017, covers the following:

| FUND   | CHEQUE NUMBERS/<br>PAY PERIOD | AMOUNT      |
|--|-------------------------------|-------------|
| <b>Municipal Account (Attachment 1, 2 and 3)</b> |                               |             |
| Cheques  | <b>81633 - 81716</b>          | \$84,663.05 |
| Cancelled Cheques                                | <b>81521 and 81645</b>        | -\$3,100.00 |

|   |                     |                       |
|---|---------------------|-----------------------|
| EFT Payments  | 2146 - 2159         | \$2,660,823.74        |
| <b>Sub Total</b>  |                     | <b>\$2,742,386.79</b> |
| <b>Transfer of Payroll by EFT</b>                             | <b>03/10/17</b>     | \$589,099.05          |
|   | <b>17/10/17</b>     | \$559,955.29          |
|   | <b>October 2017</b> | <b>\$1,149,054.34</b> |
| <b>Bank Charges and Other Direct Debits</b>                   |                     |                       |
| Lease Fees  |                     | \$138,950.19          |
| Loan Repayments   |                     | \$100,782.60          |
| Bank Charges – CBA  |                     | \$45,442.61           |
| Credit Cards  |                     | \$11,649.47           |
| <b>Total Bank Charges and Other Direct Debits (Sub Total)</b> |                     | <b>\$296,824.87</b>   |
| <b>Total Payments</b>   |                     | <b>\$4,188,266.00</b> |

**CONSULTING/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

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

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

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

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

13. *Lists of Accounts*

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

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2013-2023:

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**COMMENTS:**

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

|            |   |
|------------|---|
| <b>7.4</b> | <b>FINANCIAL STATEMENTS AS AT 30 SEPTEMBER 2017</b> |
|------------|---|

**TRIM Ref:** D17/152225

**Author:** Nilesh Makwana, Accounting Officer

**Authoriser:** John Paton, Director Corporate Services

**Attachments:** 1. Financial Statements as at 30 September 2017 

**RECOMMENDATION:**

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

**PURPOSE OF REPORT:**

To present the provisional Financial Statements for the period ended 30 September 2017.

**BACKGROUND:**

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

The financial reports as presented provide an estimate of the September position, pending finalisation and audit of the 2016-17 accounts.

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

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

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

**DETAILS:**

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

| Note | Description   | Page  |
|------|---|-------|
| 1.   | Statement of Financial Activity by Programme Report and Graph | 1-3   |
| 2.   | Statement of Comprehensive Income by Nature and Type Report   | 4     |
| 3.   | Net Current Funding Position                                  | 5     |
| 4.   | Summary of Income and Expenditure by Service Areas            | 6-61  |
| 5.   | Capital Expenditure and Funding and Capital Works Schedule    | 62-76 |
| 6.   | Cash Backed Reserves  | 77    |
| 7.   | Rating Information and Graph                                  | 78-79 |
| 8.   | Debtor Report   | 80    |
| 9.   | Beatty Park Leisure Centre Financial Position                 | 81    |

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

### Summary of Financial Activity by Programme as at 30 September 2017

|  | Adopted<br>Budget<br>2017/18<br>\$ | YTD<br>Budget<br>2017/18<br>\$ | YTD<br>Actual<br>2017/18<br>\$ | Variance<br>2017/18<br>\$ | Variance<br>2017/18<br>% |
|--|------------------------------------|--------------------------------|--------------------------------|---------------------------|--------------------------|
| <b>REVENUE</b>   | 22,396,493                         | 5,952,311                      | 5,692,425                      | (259,886)                 | -4%                      |
| <b>EXPENDITURE</b>   | (57,020,430)                       | (14,187,428)                   | (13,011,800)                   | 1,175,628                 | -8%                      |
| <b>NET OPERATING EXCLUDING RATES</b>                           | <b>(34,623,937)</b>                | <b>(8,235,117)</b>             | <b>(7,319,375)</b>             | <b>915,742</b>            | <b>-11%</b>              |
| <b>OPERATING ACTIVITIES EXCLUDED FROM BUDGET</b>               |                                    |                                |                                |                           |                          |
| <b>NON-CASH EXPENDITURE AND REVENUE</b>                        |                                    |                                |                                |                           |                          |
| Add Deferred Rates Adjustment                                  | 0                                  | 0                              | 6,712                          | 6,712                     | 0%                       |
| Add Back Depreciation  | 9,663,980                          | 2,415,957                      | 2,581,760                      | 165,803                   | 7%                       |
| (Profit)/Loss on Asset Disposals                               | (411,373)                          | (11,890)                       | (25,108)                       | (13,218)                  | 111%                     |
| <b>AMOUNT ATTRIBUTABLE TO OPERATING ACTIVITIES</b>             | <b>9,252,607</b>                   | <b>2,404,067</b>               | <b>2,563,363</b>               | <b>159,296</b>            | <b>7%</b>                |
| <b>INVESTING ACTIVITIES</b>                                    |                                    |                                |                                |                           |                          |
| Non-Operating Grants, Subsidies and Contributions              | 2,692,344                          | 584,000                        | 809,666                        | 225,666                   | 39%                      |
| Capital Expenditure  | (13,411,320)                       | (3,326,532)                    | (1,099,676)                    | 2,226,856                 | -67%                     |
| Proceeds from Joint Venture Operations                         | 333,333                            | 0                              | 0                              | 0                         | 0%                       |
| Proceeds from Disposal of assets                               | 204,500                            | 28,000                         | 76,810                         | 48,810                    | 174%                     |
|  | <b>(10,181,143)</b>                | <b>(2,714,532)</b>             | <b>(213,199)</b>               | <b>2,501,333</b>          | <b>-92%</b>              |
| <b>FINANCING ACTIVITIES</b>                                    |                                    |                                |                                |                           |                          |
| Repayments Loan Capital  | (881,398)                          | (213,803)                      | (213,802)                      | 1                         | 0%                       |
| Transfers from Reserves  | 1,309,605                          | 120,290                        | 30,367                         | (89,923)                  | -75%                     |
| Transfers to Reserves  | (1,850,534)                        | (379,280)                      | (89,418)                       | 289,862                   | -76%                     |
|  | <b>(1,422,327)</b>                 | <b>(472,793)</b>               | <b>(272,853)</b>               | <b>199,940</b>            | <b>-42%</b>              |
| Plus: Surplus/(Deficiency) Brought Fwd 1 July 2017             | 4,035,268                          | 4,035,268                      | 4,475,026                      | 439,759                   | 11%                      |
| Surplus/(Deficiency) Before General Rates                      | (32,939,532)                       | (4,983,107)                    | (767,037)                      | 4,216,070                 | -85%                     |
| Total amount raised from General Rates                         | 32,939,532                         | 32,662,852                     | 32,489,256                     | (173,596)                 | -1%                      |
| <b>NET CURRENT ASSETS at JUNE 30 C/FWD - SURPLUS/(DEFICIT)</b> | <b>0</b>                           | <b>27,679,745</b>              | <b>31,722,219</b>              | <b>4,042,474</b>          | <b>15%</b>               |

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

There is a difference in classification of revenue reported by Programme and by Nature and Type. Operating revenue by Programme reporting includes 'Profit on Sale of Assets', but this is excluded in the Nature and Type report, however 'Rates' revenue is added.

Revenue by programme is showing a negative variance of 4% (\$259k), this is due to lower revenue in Transport of \$222k (predominantly parking infringement revenue which is expected to improve) and Recreation and Culture of \$112k (hall hire and timing of various lease recoups).

Operating Revenue as presented on the 'Nature and Type' report (Page 4 of **Attachment 1**) is showing a negative variance of 1%, with the largest negative variation in Fees and Charges.

**Operating Expenditure**

Expenditure by programme is showing a favourable variance of 8% (\$1.17m), this is due to lower expenditure in Recreation and Culture \$698k, Community Amenities \$380k, and Transport \$127k. There is \$163k unfavourable variance in Health which is due to incorrect depreciation on building assets that should be costed to Recreation and Culture, this will be corrected in October 2017.

**Transfer from Reserves**

Transfer from Reserves is aligned with the timing of Capital Works projects that are Reserves funded. Most of these projects have not yet started.

**Capital Expenditure**

The variance is attributed to timing on commencement of projects. For further detail, refer to Note 5 on **Attachment 1**.

**Transfer to Reserves**

Monthly transfer to reserves commenced in July 2017 except for Tamala Park Land sale reserve which is transferred when actual funds are received.

**Opening Funding Surplus / (Deficit)**

The estimated surplus opening balance brought forward from 2016/17 is currently reflecting \$4,475,026, as compared to the adopted budget opening surplus balance of \$4,035,268. This reflects an improvement of \$440k over the anticipated end of year result for 2016/17, subject to audit.

**Closing Surplus / (Deficit)**

There is currently a surplus of \$31,722,219, compared to year to date budget surplus of \$27,679,745. This is substantially attributed to the positive variance in operating expenditure, current level of Capital Expenditure and the increase shown in the opening balance.

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

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

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

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

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

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

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

Net Current Asset is the difference between the current asset and current liabilities, less committed assets and restricted assets. This amount indicates how much capital is available for day to day activities. The net current funding position as at 30 September 2017 is \$31,722,219.

**4. Summary of Income and Expenditure by Service Areas (Note 4 Page 6 – 61)**

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

**5. Capital Expenditure and Funding Summary (Note 5 Page 62 - 76)**

The following table is a Summary of the 2017/2018 Capital Expenditure Budget by programme, which compares Year to date Budget with actual expenditure to date. The full Capital Works Programme is listed in detail in Note 5 of Attachment 1.

|                         | Adopted<br>Budget<br>\$ | Revised<br>Budget<br>\$ | YTD<br>Budget<br>\$ | YTD<br>Actual<br>\$ | Remaining<br>Budget<br>% |
|-------------------------|-------------------------|-------------------------|---------------------|---------------------|--------------------------|
| Land and Buildings      | 2,343,358               | 2,343,358               | 1,106,258           | 200,242             | 91%                      |
| Infrastructure Assets   | 8,358,501               | 8,358,501               | 1,873,023           | 567,786             | 93%                      |
| Plant and Equipment     | 1,597,846               | 1,597,846               | 156,636             | 233,005             | 85%                      |
| Furniture and Equipment | 1,111,615               | 1,111,615               | 190,615             | 98,643              | 91%                      |
| <b>Total</b>            | <b>13,411,320</b>       | <b>13,411,320</b>       | <b>3,326,532</b>    | <b>1,099,676</b>    | <b>92%</b>               |

| FUNDING                           | Adopted<br>Budget<br>\$ | Revised<br>Budget<br>\$ | YTD<br>Budget<br>\$ | YTD<br>Actual<br>\$ | Remaining<br>Budget<br>% |
|-----------------------------------|-------------------------|-------------------------|---------------------|---------------------|--------------------------|
| Own Source Funding -<br>Municipal | 9,204,871               | 9,204,871               | 3,178,242           | 992,499             | 89%                      |
| Cash Backed Reserves              | 1,309,605               | 1,309,605               | 120,290             | 30,367              | 98%                      |
| Capital Grant and Contribution    | 2,692,344               | 2,692,344               | 0                   | 0                   | 100%                     |
| Other (Disposals/Trade In)        | 204,500                 | 204,500                 | 28,000              | 76,810              | 62%                      |
| <b>Total</b>                      | <b>13,411,320</b>       | <b>13,411,320</b>       | <b>3,326,532</b>    | <b>1,099,676</b>    | <b>92%</b>               |

Note: Detailed analysis is included on page 62 - 76 of Attachment 1.

**6. Cash Backed Reserves (Note 6 Page 77)**

The Cash Backed Reserves schedule details movements in the reserves, including transfers and funds used, comparing actual results with the annual budget. The balance as at 30 September 2017 is \$8,967,170.

**7. Rating Information (Note 7 Page 78-79)**

The notices for rates and charges levied for 2017/18 were issued on 07 August 2017.

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

|                   |                   |
|-------------------|-------------------|
| First Instalment  | 12 September 2017 |
| Second Instalment | 06 November 2017  |
| Third Instalment  | 08 January 2018   |
| Fourth Instalment | 06 March 2018     |

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

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

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

The Rates debtors balance as at 30 September is \$14,882,601 (this includes deferred rates of \$102,650). This represents 44.16% of the collectable income compared to 42.73% at the same time last year.

**8. Receivables (Note 8 Page 80)**

Receivables of \$3,351,922 are outstanding at the end of September 2017, of which \$2,783,926 has been outstanding over 90 days. This is comprised of:

- \$2,234,676 (80.3%) relates to unpaid infringements (plus costs) over 90 days. Infringements that remain unpaid for more than two months are sent to Fines Enforcement Registry (FER), who then collect the outstanding balance and return the funds to the City for a fee.
- \$366,140 (13.2%) relates to Cash in Lieu Parking. Some Cash in Lieu Parking debtors have special payment arrangements over more than one year.
- \$183,110 (6.6%) relates to Other Receivables, including recoverable works and property.

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

Rates revenue to date is reflecting a 1% unfavourable variance, which relates to the timing of issuing interim rate notices.

**9. Beatty Park Leisure Centre – Financial Position Report (Note 9 Page 81)**

As at 30 September 2017 the operating deficit for the Centre was \$173,363 in comparison to the year to date budgeted deficit of \$214,930.

The cash position showed a current cash surplus of \$116,949 in comparison to year to date budget estimate of a cash deficit of \$78,193.

**10. Explanation of Material Variances**

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

The materiality thresholds used for reporting variances are 10% and \$10,000. This means that variances will be analysed and separately reported when they are more than 10% (+/-) of the YTD budget, where that variance exceeds \$10,000 (+/-). This threshold was adopted by Council as part of the Budget adoption for 2017/18 and is used in the preparation of the statements of financial activity when highlighting material variance in accordance with *Financial Management Regulation 34(1) (d)*.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

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

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

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

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2013-2023:

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENTS:**

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

## 8 COMMUNITY ENGAGEMENT

### 8.1 LOFTUS COMMUNITY CENTRE - REQUEST FOR WAIVER AND WRITE-OFF OF FEES

TRIM Ref: D17/128782

Author: Karen Balm, Community Partnerships - Projects Officer

Authoriser: Michael Quirk, Director Community Engagement

Attachments: 1. Attachment 1 - Loftus Community Centre Programs    
 2. Attachment 2 - Outstanding Outgoings and Maintenance Recoups    
 3. Attachment 3 - Estimated Outgoings and Maintenance Recoups  

#### RECOMMENDATION:

That Council:

1. APPROVES a waiver of outgoings and maintenance recoups for Loftus Community Centre Inc. for the 2015/16 financial year totalling \$1,652.25 (excl. GST) as listed in Attachment 2 and the 2017/18 financial year totalling \$6,750 (excl. GST – estimate only) as listed in Attachment 3 in recognition of their transition towards lease compliance;
2. APPROVES a write-off of outgoings and maintenance recoups for Loftus Community Centre Inc. for the 2016/17 financial year totalling \$5,630.50 (excl. GST) as listed in Attachment 2 in recognition of their transition towards lease compliance;
3. REQUIRES the immediate payment of outstanding invoices totalling \$2,107.19 (excl. GST) by Loftus Community Centre Inc. for the 2015/16 and 2016/17 financial years as listed in Attachment 2;
4. REQUIRES the payment of outgoings and maintenance recoups estimated at \$8,282 (excl. GST) by Loftus Community Centre Inc. for the 2017/18 financial year as listed in Attachment 3;
5. NOTES that Loftus Community Centre Inc. advised the City on 29 August 2017 that it seeks a six month holding-over period in accordance with clause 13.10 of the Lease to enable completion of their Organisational Review, and that it intends to exercise the option for a further five year term commencing 1 January 2018 in accordance with clause 17 of the Lease;
6. NOTES that Administration has deferred its decision in respect to exercising the option term in accordance with clause 17 of the Lease until June 2018 in order to allow Loftus Community Centre Inc. to complete its Organisational Review at which time a further report will be presented to Council for consideration;
7. APPROVES Loftus Community Centre Inc. continuing to occupy the Loftus Community Centre upon the expiry of the Lease on 31 December 2017, pursuant to clause 13.10 of the Lease, for a period of 6 months to 30 June 2018 to enable completion of their Organisational Review which will inform any subsequent lease negotiations;
8. NOTES that the 10% rent increase for the monthly tenancy period, as provided for in clause 13.10, will not be charged, and therefore the rent will remain at \$1,303 (incl. GST to be indexed by CPI in 2018), and that all other terms and conditions contained in the current Lease will apply, as set out below for clarity:

|     |                                |   |
|-----|--------------------------------|---|
| 8.1 | Further Terms:                 | Two further terms of five years each – commencing 1 January 2018 and 1 January 2023 which may be granted by the City subject to Loftus Community Centre Inc complying with all terms of the Lease during the; |
| 8.2 | Rent:                          | \$1,303 incl. GST (indexed by CPI);   |
| 8.3 | Lettable Area of the Premises: | Approximately 626m <sup>2</sup> ;   |

- |      |   |  |
|------|---|--|
| 8.4  | <b>Permitted Purpose:</b>   | Community Centre;  |
| 8.5  | <b>Rates and Taxes:</b>   | Lessee must pay all Rates and Taxes directly assessed or payable in respect of the Premises during or applicable to the Term;  |
| 8.6  | <b>Outgoings:</b>   | Lessee must pay all charges for water consumption, gas, electricity, telephone or other services, utilities or facilities directly relating to the Premises or the use or occupation of the Premises;                                    |
| 8.7  | <b>Insurance:</b>   | Lessee must effect and keep current a public liability policy, workers compensation and employers indemnity insurance, and a policy to cover fixtures, fittings, plant equipment and stock in the Premises;                              |
| 8.8  | <b>Cleaning:</b>  | Lessee must keep the Premises and its entrances and surrounds thoroughly clean and not allow any rubbish to accumulate on or about the Premises, and remove the Premises at its own expense all rubbish and litter;                      |
| 8.9  | <b>Maintenance:</b>   | Lessee must keep the Premises and the City's installations in good substantial and functional repair, order and condition, and repair and make good any damage to the premises;  |
| 8.10 | <b>Minimum Level of Service (statutory fire compliance checks, pest inspections):</b> | City to conduct at Lessee's cost;  |
| 8.11 | <b>Contribution to Reserve Fund:</b>  | \$6,779 incl. GST (paid quarterly in advance) and indexed by CPI; and  |
| 8.12 | <b>Shared Usage:</b>  | Lessee shall permit the City and community groups, associations or bodies to use the Premises at all times when the Premises are not required by the Lessee at fees commensurate with Council's Adopted 2017/18 Fees & Charges Schedule; |
9. **ADVISES Loftus Community Centre Inc. that consideration of any further funding in 2017/18 remains subject to their Organisational Review and Community Group Health Check being fully completed and submitted to Administration no later than 23 February 2018.**

#### **PURPOSE OF REPORT:**

To consider a request from Loftus Community Centre Inc. to waive and write-off 'new' maintenance costs and service charges while they undertake organisational review which will then guide the negotiations of any new lease or alternative building tenure arrangements.

#### **BACKGROUND:**

The Loftus Community Centre is located within the 'Loftus Precinct' in Leederville in between the Loftus Recreation Centre and Vincent Library and Local History Centre. The Centre includes a community hall with 130 person capacity, learning centre with 50 person capacity and children's room with 26 person capacity with supporting kitchen, playground, office and foyer spaces.

Loftus Community Centre Inc. is a not-for-profit community organisation that has occupied the Loftus Community Centre (Premises) through a variety of lease arrangements for nearly 30 years and provides a wide range of programs and services including playgroup, 3+ Kindy, toy library, seniors platinum club, school holiday programs and child health nurse. The Centre is also made available for hire by numerous community and commercial groups who deliver additional programs and services. A summary of the various programs, services and groups at the Centre has been included in **Attachment 1**.

Loftus Community Centre Inc. was first granted a Lease by the City of Perth for the period 1 July 1989 to 20 June 1995 with rent of \$100 per annum indexed and a sinking fund contribution of \$3,900 per annum both indexed to CPI. Another lease was then granted from 1 July 1996 to 30 June 2002 with rent of \$170 per annum and reserve fund contribution of \$6,065 per annum both indexed to CPI. They were then placed on a monthly lease arrangement from 1 July 2002 to February 2003 with the sinking fund discontinued during this period due to the proposed redevelopment of the Centre. A further one year lease was granted from 1 March 2003 to 30 April 2004 with monthly lease arrangements then continued until February 2008.

At the Ordinary Meeting of Council on 26 February 2008 it was resolved to note a number of items dealt with by the Chief Executive Officer under delegated authority including 'Approval of Lease with Loftus Community Centre Inc. for part of the Loftus Centre, 99 Loftus Street, Leederville'. The associated report approved the lease, authorised the Chief Executive Officer to make minor variations that may arise during the negotiation and finalisation of the lease, and authorised the Mayor and Chief Executive Officer to sign the lease affix the Common Seal. While previous advice to Council proposed a 20 year lease (4 x 5 year terms) with rent of \$5,200 per annum and reserve fund contribution of \$1,000 per annum both indexed to CPI the final lease document dated 21 December 2009 includes rent of \$1,000 per annum and reserve fund contribution of \$5,200 per annum both indexed to CPI. It should be noted that Council wrote-off \$7,532 for rent, reserve fund contribution, insurance and water recoups in 2008/09 as well as \$4,767 reserve fund contribution in 2009/10 due to financial hardship.

The initial term of 10 years expires on 31 December 2017 and the Lease states that the City may grant to the Loftus Community Centre Inc. an extension of the term for a further five year term expiring on 31 December 2022, and a subsequent term expiring on 31 December 2027. Through correspondence dated 29 August 2017 the Centre has expressed their intention to extend the lease for a further five year term. Further, they requested the following actions with respect to their existing lease and funding arrangements with the City:

1. Waiver of 'additional' 2015/16 variable outgoings totalling \$1,187.56 (estimate only).
2. Waiver of 'additional' 2016/17 variable outgoings totalling \$8,467.00 (estimate only).
3. Waiver of 'additional' 2017/18 variable outgoings totalling \$13,232.00 (estimate only).
4. Enact the Lease Holdover Provision until 30 June 2018 to enable strategic and business planning work for the future sustainability of the Centre to be undertaken, and then enter into a five plus five year lease extension as per the lease renewal clause.
5. Investigate alternate lease arrangements for the Centre deemed appropriate for a community centre and not-for-profit organisation.
6. Revisit the funding provided through the 2017/18 Community Budget Bid process.

While Administration recognises that Loftus Community Centre Inc. has longstanding tenure at the Centre and has delivered a wide range of programs and services for the community a number of concerns regarding their ongoing financial sustainability as well as their responsiveness to emerging community demographics and trends. Their specific request regarding the lease and funding arrangements with the City is timely and now requires Council consideration.

## **DETAILS:**

### **Existing Lease Arrangements**

In recent years Administration has reviewed all existing lease arrangements for City properties to ensure that both the Lessor and the Lessee are meeting the associated obligations and responsibilities. Upon reviewing the Loftus Community Centre Inc. Lease in February 2016 it was identified that specific maintenance obligations were not being met and some outgoings were not being recouped. Notably, Administration had not been effectively monitoring such lease obligations and responsibilities to ensure adherence.

Clause 5 of the Lease states that Loftus Community Centre Inc. must keep the premises including all fixtures and fittings in good, substantial and functional repair, order and condition with fair wear and tear excepted. However, the Lease does not expressly provide that the City is responsible to repair damage by fair wear and tear. Through a review of the Lease document Administration advised Loftus Community Centre in March 2016 that they are responsible for the following repair and maintenance obligations:

- Light fittings, switches and power points;
- Grounds maintenance;
- Access;
- Water and sewerage;

- Rubbish;
- Air Conditioner;
- Painting (every five years); and
- Undertaking a minimum level of pest and fire safety inspections.

Loftus Community Centre Inc. were advised that the City can continue to arrange the repair and maintenance of the Premises however the cost of all work is to be recouped.

Clause 3 of the Lease states that Loftus Community Centre Inc. must pay recoups associated with the Premises and through a review of the Lease document Administration also advised that the following costs incurred by the City are considered payable:

- Building insurance premiums;
- Security alarm response and maintenance costs;
- Water use and service charges;
- Maintenance and monitoring of fire equipment;
- Pest inspection and treatment;
- Maintenance and servicing of air conditioning; and
- General maintenance of the Premises.

Loftus Community Centre Inc. were advised that a recoups estimate would be provided each financial year based on the expenses to be recouped which are then to be paid through monthly instalments. This combination of repair, maintenance and outgoings responsibilities are consistent with the intent of the Lease document although as they had not been effectively implemented throughout the Lease period they represented a significant past subsidy by the City and potential cost increase for the Lessee.

### Operating Funding

The City has supported Loftus Community Centre Inc. over an extended period through the provision of annual funding that supports the Centre's operations. It should be noted that such operating funding is completely separate from and not referenced in the Lease. In 2004/05 the funding was \$15,000 and upon request this was increased to \$30,000 in 2005/16 with the table below demonstrating the level of funding then provided over recent years:

| Financial Year | City of Vincent Funding<br>\$ | Total LCC Inc. Revenue<br>\$ | Proportion of Total LCC Inc. Revenue<br>% |
|----------------|-------------------------------|------------------------------|---|
| 2007/08        | 30,930                        | 180,404                      | 17.2                                      |
| 2008/09        | 32,571                        | 230,498                      | 14.1                                      |
| 2009/10        | 50,000                        | 307,038                      | 16.3                                      |
| 2010/11        | 51,500                        | 339,018                      | 15.2                                      |
| 2011/12        | 53,500                        | 357,463                      | 14.9                                      |
| 2012/13        | 58,045                        | 442,876                      | 13.1                                      |
| 2013/14        | 54,000                        | 387,834                      | 13.9                                      |
| 2014/15        | 55,620                        | 403,117                      | 13.8                                      |
| 2015/16        | 56,449                        | 399,855                      | 14.1                                      |
| 2016/17        | 56,450                        | 408,854                      | 13.8                                      |
| <b>TOTAL</b>   | <b>499,065</b>                | <b>3,456,957</b>             | <b>14.4</b>                               |

This funding was historically allocated towards the general operating expenses at the Centre. However, the process for allocating monies changed in 2016/17 with commencement of Council's Community Budget Bid process where Loftus Community Centre Inc. were required to specify the funding required and link that funding with outcomes and deliverables. An amount of \$56,450 was awarded through this process in 2016/17 towards program and service delivery but a specific condition prevented the funding being used for staffing or building maintenance costs.

In addition, the 2016/17 funding agreement required the Centre to undertake a comprehensive review of their current practices and operating model with the aim of being financially sustainable and less reliant upon recurrent funding from the City. Through the funding agreement the Centre was also required to provide attendance and performance data to enable the City to better understand the impact of their programs and services. The table below provides a snapshot of the data provided:

| Focus Area                | Programs | Visits Per Annum | Vincent Residents % |
|---------------------------|----------|------------------|---------------------|
| Health & Well Being       | 19       | 16,812           | 69                  |
| Cultural Awareness        | 5        | 8,880            | 48                  |
| Artistic Creativity       | 13       | 16,320           | 70                  |
| Personal Growth           | 6        | 6,636            | 80                  |
| Social & Community Groups | 7        | 8,592            | 76                  |

The Centre requested an amount of \$75,712 through the 2017/18 Community Budget Bid process with an amount of \$35,000 approved on the basis that the current lease term would expire on 31 December 2017, and any additional funding could then be considered through the mid-year budget review. Administration has included the following deliverables within their funding agreement:

- *Centre Business Plan & Organisational Review* – completion of a Business Plan and organisational governance model that demonstrates the Centre's ability to remain viable and sustainable, including the capacity to meet (or work towards meeting) the range of obligations associated with the lease of a community building
- *Financial Plan* – preparation of minimum five year financial plan identifying key revenue and expenditure sources, and the specific financial support required from the City of Vincent (including funding and lease arrangements) commensurate with community outcomes and deliverables
- *Centre Attendances & Community Outcomes* – compile/maintain Centre and program attendances and identify the proportion of City of Vincent residents that access the Centre's programs and services
- *Responsiveness to Local Community Needs & Demographics* – deliver community services and programs that directly respond to local community needs and demographics

### **Loftus Community Centre Inc. Organisational Review**

The correct interpretation of Lease responsibilities relating to repair, maintenance and outgoings as well as a more competitive process to achieve funding through the Community Budget Bid process has led to financial implications for Loftus Community Centre Inc. In addition, the limited facility attendance and performance data provided by the Centre has made it difficult for Administration to continue to support the longstanding lease and funding arrangements given the increasing demands on Council resources.

Through the 2016/17 and 2017/18 funding agreements Administration has emphasised the importance of undertaking an organisational review to identify any necessary changes to the Centre's objectives, operations, programs and services. Without such organisational planning the Centre is at risk of not remaining financially viable and not meeting the needs of the diverse, rapidly changing Vincent community.

The City's Director Community Engagement provided correspondence to the Centre in November 2016 again emphasising the importance of an organisational review and supporting a request for funding from Lotterywest for this purpose. This correspondence also identified that the organisational review should directly inform the Centre's future lease arrangements. The Centre successfully received a Lotterywest grant of \$25,354 in June 2017 and have since engaged a Consultant to assist with developing a business model to guide their long-term sustainability. It is expected that this organisational review will be completed by February 2018.

### **Loftus Community Inc. Lease & Funding Arrangements Request**

Loftus Community Centre Inc. has requested that the 'new' recoups be waived for the 2015/16, 2016/17 and 2017/18 financial years on the basis that throughout this Lease period (and previous Leases) the City met these costs. The Centre has traditionally budgeted approximately \$15,000 per annum for this purpose and does not currently have capacity to pay these additional costs, and therefore seeks to maintain costs at this level pending the review or renegotiation of lease terms following their organisational review.

2015/16 Outgoings & Maintenance Recoups – Request for Waiver

An amount of \$1,652.25 (excl. GST) for outgoings and maintenance recoups from the 2015/16 financial year are yet to be directly invoiced to Loftus Community Centre Inc. however these costs are payable pursuant to the lease. Loftus Community Centre Inc. has paid the building insurance, water, rent and reserve fund charges for 2015/16. The \$1,652.25 represents maintenance costs and service charges that previously would not have been recouped from the Centre, and therefore in the interests of moving towards more appropriate building tenure arrangements Administration supports this waiver request. A breakdown of the specific costs subject to the waiver can be found in **Attachment 2**.

However, the Emergency Services Levy should remain payable to ensure consistency with all other lessees and licensees. Pursuant to the *Fire and Emergency Services Act 1998* and the associated Regulations, Local Governments are required to pay the Emergency Services Levy on the properties that they own. Emergency Service Levy charges only apply to Local Government owned improved properties. The total amount payable by Loftus Community Centre Inc. for the 2015/16 financial year is \$721.82, and Administration deems it appropriate for the Centre to pay this amount.

2016/17 Outgoings & Maintenance Recoups – Request for Write Off

An amount of \$5,630.50 (excl. GST) for outgoings and maintenance recoups from the 2016/17 financial year have been invoiced but are yet to be paid by Loftus Community Centre Inc. While the Centre initially sought an amount of \$8,467 to be written-off this was based on the outgoings recoup estimate for that financial year, and included the Emergency Services Levy. An amount of \$5,630.50 represents maintenance costs and service charges that previously would not have been recouped from the Centre, and therefore again in the interests of moving towards more appropriate building tenure arrangements Administration supports this write-off request. A breakdown of the specific costs subject to the write-off can be found in **Attachment 2**.

Again, the Emergency Services Levy should remain payable to ensure consistency with all other lessees and licensees. The total amount payable by Loftus Community Centre Inc. for the 2016/17 financial year is \$818.13, and Administration deems it appropriate for the Centre to pay this amount.

2017/18 Estimated Outgoings & Maintenance Recoups – Request for Waiver

In respect to the 2017/18 estimated outgoings and maintenance recoups these have been calculated based on 2016/17 data and total \$15,032. Given that Loftus Community Centre Inc. has previously paid building insurance, water usage and service charges, and the bin levy it is deemed appropriate for the Centre to continue to pay for these outgoings. The Centre should also pay the Emergency Services Levy. On that basis, the estimated outgoings that remain payable are estimated to be \$8,282. Administration deems it appropriate to waive \$6,750 in estimated outgoings which represent costs and service charges that previously would not have been recouped. A breakdown of the estimated outgoings can be found in **Attachment 3**.

An amount of \$1,187.56 (excl. GST) remains outstanding for pest control services, servicing of fire equipment, and the Emergency Services Levy in 2015/16. In addition, an amount of \$919.63 (excl. GST) remains outstanding for a security alarm response and the Emergency Services Levy in 2016/17. These invoices totalling \$2,107.19 remain payable and Loftus Community Centre Inc. should proceed with immediate payment as part of any waiver/write-off decision making by Council.

In 2017/18, the Centre will remain responsible for all other obligations as specified within the existing Lease that they have paid over previous years.

Enact the Lease Holdover Provision & Investigate Alternate Lease Arrangements

Loftus Community Centre Inc. has sought to enact the holding over provision within the Lease until 30 June 2018 to enable completion of their organisational review after which they intend to enter into a further five year Term. Clause 13.10 within the Lease enables them to occupy the Premises on a month-by-month basis after the expiration or earlier determination of the Term with the consent of the City with a proportional amount of rent payable and all outgoings, rates and taxes remain payable.

Given the Centre has also expressly requested the investigation of alternative lease arrangements to better align with the outcomes of their organisational review and associated financial capacity it is considered appropriate to allow this six month holding over period. Administration can then investigate and negotiate future building tenure arrangements with the Centre based upon the findings within their Organisational Review. A report will then be presented to Council by June 2018 for decision making.

#### 2017/18 Operating Funding

Council allocated \$35,000 in the 2017/18 budget given that the Centre's current lease Term expires on 31 December 2017, and the request for additional funding was to be considered through the mid-year budget review. To enable Administration to submit a well-informed mid-year budget request for Council consideration it will be necessary for Loftus Community Centre Inc. to provide their organisational review as well as fully completed Community Group Health Check no later than 23 February 2018.

#### **CONSULTATION/ADVERTISING:**

Nil.

#### **LEGAL/POLICY:**

The *Local Government Act 1995* section 3.58 - Disposing of Property, provides that a local government can only dispose of property (which includes to Lease) in accordance with section 3.58(3) unless the disposition falls within the scope of section 3.58(5), which includes:

*'(d) Any other disposition that is excluded by regulations from the application of this section.'*

In accordance with Section 3.58(5), Regulation 30 of the *Local Government (Functions and General) Regulations 1996* provides a range of dispositions that are exempt from the application of Section 3.58 of the Act, including dispositions to:

*"A body, whether incorporated or not the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions."*

#### **RISK MANAGEMENT IMPLICATIONS:**

**Medium:** The Loftus Community Centre is an important community asset and therefore any lease arrangements need to ensure that community accessibility and utilisation is maximised. The proposed waiver of costs and short-term lease while Loftus Community Centre Inc. undertakes an organisational review will ensure that any future arrangements are well-informed and meet both Council and broader community expectations.

#### **STRATEGIC IMPLICATIONS:**

The outcomes associated with this Report align with the following Objectives in the City's *Community Strategic Plan 2013-2023*:

*"3.1 Enhance and promote community development and wellbeing*

*3.1.5 Promote and provide a range of community events to bring people together and to foster a community way of life;*

*3.1.6 Build capacity within the community to meet its needs.*

*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;*

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

#### **SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Table below demonstrates the recommended response to the Loftus Community Centre Inc. request for a waiver of costs associated with their existing lease:

| <b>Item</b>  | <b>Amount to be Waived/Written Off</b> | <b>Amount to be Paid by LCC Inc.</b> |
|--------------|--|--------------------------------------|
| 2017/18      | \$6,750.00                             | \$8,282.00                           |
| 2016/17      | \$5,630.50                             | \$919.63                             |
| 2015/16      | \$1,652.25                             | \$1187.56                            |
| <b>TOTAL</b> | <b>\$14,032.75</b>                     | <b>\$10,389.19</b>                   |

The City's Delegated Authority Register 2017/18 only enables the Director Corporate Services and Manager Finance Services to waive fees up to an amount not exceeding \$1,000 hence the requirement for Council approval.

**COMMENTS:**

The City's community buildings provide important spaces for various activities, programs and services that strengthen our local community through improved community connections, social participation, and health and wellbeing. Loftus Community Centre Inc. has played a key role in delivering such programs and services from the Loftus Community Centre over an extended period of time, and their contributions to community life are valued.

However, it is evident that the current Lease arrangements no longer align with the expectations and financial capacity of Loftus Community Centre Inc. and their current organisational review provides the opportunity to determine more appropriate arrangements. Noting that any such arrangements must balance the objectives of Loftus Community Centre Inc. with the financial, community and asset management expectations of Council.

The proposed waiver/write-off of outgoings and maintenance recoups as well as enacting the Lease holding over provision will enable the Loftus Community Centre Inc. to continue operating the Centre while their Organisational Review is completed, and Administration then progress discussions regarding the most appropriate and sustainable building tenure arrangements.

**8.2 MANNA INC. - REVIEW OF THE USE OF WELD SQUARE FOR THE PROVISION OF FREE MEAL SERVICES FOR THE HOMELESS**

TRIM Ref: D17/135171  
Author: Kate Allen, Community Partner  
Authoriser: Michael Quirk, Director Community Engagement  
Attachments: Nil

**RECOMMENDATION:**

That Council:

1. **APPROVES** the waiving of fees of \$4,320.00 for Manna Inc. to utilise Weld Square to carry out a free meal service for people who are experiencing homelessness or at risk of homelessness for a period of 6 months, concluding 30 May 2018 subject to the following conditions:
  - 1.1. Hours of operation shall be between 1.30pm and 2.30pm; five days a week Monday to Friday;
  - 1.2. An afterhours contact number for Manna Inc. shall be provided to the City of Vincent;
  - 1.3. Manna Inc. shall ensure that the service provision will have minimal impact and disturbance to the nearby amenities and environment, and comply with all relevant legislation;
  - 1.4. Manna Inc. will work with the City of Vincent, WA Police and Nyoongar Outreach Services to implement solutions that deter anti-social behaviour;
  - 1.5. No more than two vehicles shall be allowed access on Weld Square at any time;
  - 1.6. Manna Inc. will enter Weld Square via the Newcastle Street crossover and provide it's meal service at the Southern side of the park in Winter and the northern side of the park in Summer, with specific dates to be determined by Administration;
  - 1.7. Manna Inc. staff shall strictly pick up all rubbish and litter pertaining to its client group before leaving Weld Square and minimise the amount of disposable items being handed out;
  - 1.8. Permission to operate within Weld Square may be withdrawn by Administration at its discretion;
  - 1.9. Manna Inc. must maintain public liability and endorse to indemnify the City against any accident, injury and damage resulting from or incidents arising from their use of Weld Square as per Policy No. 2.1.7 – Parks, Reserves and Facilities; and
  - 1.10. All Manna Inc. volunteers are required to attend an information session with relevant City of Vincent Officers, Nyoongar Outreach Services and WA Police to reaffirm expectations and protocols;
2. **NOTES** that Administration will meet with key service delivery organisations, including but not limited to Manna Inc. and Salvation Army, to determine a consolidated approach to service delivery at Weld Square that balances a response to homelessness with reasonable park amenity for local residents; and
3. **SUPPORTS** Administration respectfully preventing any unauthorised organisations, groups or businesses from providing services for people experiencing homelessness or at risk of homelessness at Weld Square without the City's prior approval.

**PURPOSE OF REPORT:**

To consider the continued use of Weld Square by Manna Inc. for the purposes of providing a free meal service for people who are experiencing homelessness or at risk of homelessness for a six month period while a consolidated approach to service delivery is determined.

**BACKGROUND:**

Manna Inc. is a not for profit organisation focussed on providing assistance to people experiencing homelessness and other vulnerable individuals within the community. Manna Inc. have been providing services to the community for over 20 years and their Hot 'n' Healthy Meals program is now the largest meal service in Perth for people experiencing homelessness or hardship. Additionally, it is the only regular lunch service available in Perth. This service is currently provided at Weld Square six days a week (excluding Saturday), from 1.30pm to 2.30pm throughout the year.

The service provides on average 250 meals a day, including a soup, main meal (with vegetarian option), dessert, snacks and water. The meals are prepared by volunteers and corporate groups in Manna Inc.'s Kitchen in Victoria Park. The meals are packed in disposable containers and transported to Weld Square where they are distributed to clients from a van. In addition to the service in Weld Square, Manna Inc. also provide 600 meals per week to other community organisations for distribution as well as running a school breakfast program, a school uniform program and a corporate volunteering program.

Manna Inc. moved their 'Hot 'n' Healthy' meal service to Weld Square in August 2008 when the City approved temporary use from 4.30pm-6.30pm each day (excluding Saturdays) until permanent premises were secured. Commencing in October 2013, the City and Manna Inc. agreed to work together to try to find an alternative site or premises for the free food service with Council providing 12 months approvals to utilise Weld Square in the meantime. Such 12 month approvals were granted by Council on 5 November 2013, 2 December 2014, 17 November 2015 and 15 November 2016. A range of conditions have been associated with these 12 month approvals in response to nearby resident and business complaints regarding anti-social behaviour at Weld Square that were allegedly directly linked to the free food services provided by Manna Inc.

Despite Manna Inc. in collaboration with Administration investigating alternative sites an appropriately sized premises in a suitable location could not be identified, and the anticipated costs associated with an indoor premises were deemed not financially sustainable for such a not-for-profit organisation.

Prior to considering the continuation of the Manna Inc. free meal service at Weld Square a petition with 90 signatures was presented at the Ordinary Meeting of Council held on 18 October 2016 requesting Manna Inc relocate the feeding service to a non-residential location. Advice was sought from the Parks Working Group who advised that moving people experiencing homelessness from this location may further marginalise and disadvantage them by reducing their community interaction and making access to services more difficult. Additionally it was identified that issues at Weld Square were not solely related to Manna Inc. services with other contributing factors including proximity to late night entertainment venues, fast food outlets and the inner-City location more generally.

Subsequently, at the Ordinary Meeting of Council held on 15 November 2016 and it was resolved:

*"That Council:*

1. *APPROVES the use of Weld Square by Manna Inc. for a 12 month period concluding 30 November 2017 for the purposes of providing the free meal service for people who are experiencing homelessness or at risk of homelessness, subject to the following conditions:*
  - 1.1 *Hours of operation shall be between 1.30pm and 2:30pm, six days a week excluding Saturdays;*
  - 1.2 *A direct contact number for Manna Inc. shall be provided and made available to local residents and businesses on the City of Vincent website;*
  - 1.3 *Manna Inc. shall ensure that the service provision will have minimal impact and disturbance to the nearby amenities and environment, and comply with all relevant legislation;*
  - 1.4 *Manna Inc. staff shall pick up all rubbish and litter pertaining to its client group before leaving the Square;*

- 1.5 *Manna Inc. must maintain appropriate public liability insurance coverage and indemnify the City against any accident, injury and damage resulting from or incidents arising from Manna Inc.'s use of Weld Square as per Policy No. 2.1.7 Parks, Reserves and Hall Facilities;*
  - 1.6 *No more than two vehicles shall be allowed access on the Square at any time;*
  - 1.7 *Manna Inc. will enter the Square via the Newcastle Street crossover and provide its meal service at the southern side of the park in Winter (May to October) and northern side of the park in Summer (November to April) as identified within Attachment 1 with specific dates to be determined by Administration through liaison with Manna Inc. dependent upon high temperatures; and*
  - 1.8 *Permission to operate within the Square may be withdrawn by the City at its discretion.*
2. *APPROVES a fee waiver up to the amount of \$13,125 for usage of Weld Square by Manna Inc. during the period November 2016 to November 2017; and*
  3. *NOTES that Administration will provide a quarterly update through the Council Information Bulletin detailing key statistics related to the Manna Inc. free meal service at Weld Square including any complaints, issues and associated actions."*

As this 12 month approval will expire at the end of November 2017 it is necessary for Council to again consider this matter. Manna Inc. has indicated their intention to continue to operate the free meal service from Weld Square albeit due to financial and volunteer difficulties they are reducing the service from 6 days per week to 5 days per week. A meal service will no longer be provided on Sundays.

#### **DETAILS:**

There are a number of factors that should be taken into consideration when assessing the ongoing use of Weld Square for the meal service. Homelessness is one of the most severe examples of disadvantage experienced by people living in Australia today. A survey conducted by RUAH for Perth Registry Week 2016, identified 28 people in the City of Vincent and 319 in the City of Perth sleeping rough, many of whom are reported to access Manna Inc.'s services at Weld Square as a regular and often primary source of food. However, statistics from the Department of Child Protection and Support identify that rough sleepers account for less than 10% of people experiencing homelessness at any given time with the majority staying in temporary and supported accommodation, or living in overcrowded dwellings.

Data collected by RUAH during Registry Week 2016 from people experiencing primary homelessness provides insight into additional issues, some of which are listed below:

- 49% of people surveyed reported tri-morbidity of substance use problems, medical and psychiatric conditions
- 42% reported 3 or more emergency visits or hospital admissions in the last 6 months
- 50% reported daily alcohol use
- 46% reported injecting drug use

Whilst some of the above factors (such as substance abuse issues and medical conditions) may have contributed to a person becoming homeless, some occur as a result of homelessness and can further entrench the individual in a cycle of disadvantage. This highlights the importance of preventing at-risk individuals from becoming homeless where possible, through a range of support services including assistance with provision of food. Additionally, inadequate nutrition amongst those already experiencing homelessness can contribute to poorer health outcomes and place greater strain on our health system.

#### **Community Demand for Inner-City Food Relief Services**

A report released in June 2017 by the Curtin University School of Public Health in partnership with a range of other key agencies provided further details on the food needs of homeless and disadvantaged people within inner city areas. The report noted:

- 56% of people that were surveyed who accessed food relief had gone at least one day without any food within the previous week.
- 35% had asked people on the street for money for food
- 30% had asked people on the street for food

- 35% had stolen food or drink
- 27% had taken food from a rubbish bin and;
- 18% had stolen money for food

Only 8% percent of those surveyed reported having a secure source of food, with 74% experiencing severe food insecurity and hunger. Out of the 101 people surveyed, 17% had their own housing and 29% were rough sleepers, highlighting that regular food relief services are accessed and relied upon by a broader sector of the community than the general population may perceive. Responses from survey clients also indicated that there was not enough food available, duplications and gaps in service provision and a lack of accurate information about where assistance was available. A shortage of appropriate and nutritious food was also identified by participants and by the research team.

Over the past few years, Manna Inc. has reported a significant increase in the number of clients seeking assistance which correlates with the above findings and the increase in numbers of people experiencing homelessness. The majority of agencies providing services to homeless and disadvantaged clients are located within the inner-City area, meaning clients will often travel into the City to access services. Additionally the availability of public transport, walkability between services and access to facilities with shelter (such as libraries) attract people experiencing homelessness who wish to remain close to these amenities. Moving the service to an area that is not easily accessible by foot or public transport and is not close to other services may result in clients being unable to access the meal service. As Manna Inc. is currently the only regular free lunch service available this could have a significant impact on the needs of clients and cause additional hardship.

#### **Manna Inc. Free Meal Service – December 2016 to November 2017**

Over the past 12 months Administration has compiled quarterly updates based on advice from Manna Inc, Nyoongar Outreach Services, WA Police and Rangers. As per the November 2016 Council resolution these updates have been included within the Council Information Bulletin. Statistics have not yet been finalised for October and November 2017, however during the period December 2016 to September 2017 the following meals were distributed by Manna Inc.:

| <b>Meal Type</b> | <b>Quantity</b> |
|------------------|-----------------|
| Soup             | 16,967          |
| Vegetarian       | 6,344           |
| Salads           | 6,971           |
| Mains            | 28,146          |
| Dessert          | 16,175          |
| <b>TOTAL</b>     | <b>74,603</b>   |

In addition, information regarding complaints and feedback over the last 12 month period were compiled as follows:

| <b>Stakeholder</b>         | <b>Key Complaints and Issues</b>   |
|----------------------------|--|
| Manna Inc.                 | <ul style="list-style-type: none"> <li>• Concerns of violence and unrest involving aggressive behaviour</li> <li>• People not deemed as homeless accessing the meal service causing tension amongst genuine Manna Inc. clients</li> </ul>  |
| WA Police                  | <ul style="list-style-type: none"> <li>• No specific issues associated with the free meal service</li> <li>• Reported a slight increase in issues during the July to September period due to Perth Police focussing on Wellington Square leading to a decreased presence and interventions at Weld Square</li> <li>• Advised that operations may have displaced homeless people from within City of Perth into the City of Vincent although patrols increased from September 2017 to deal with this issue</li> </ul> |
| Nyoongar Outreach Services | <ul style="list-style-type: none"> <li>• Manna Inc. increasingly relying upon Nyoongar Outreach Services to resolve conflict rather than contacting WA Police</li> <li>• Intervention and mediation on 16 occasions in response to violence and unrest</li> </ul>  |
| City of Vincent            | <ul style="list-style-type: none"> <li>• Several complaints received regarding litter within Weld Square believed to be associated with the free meal service</li> <li>• One complaint received from a resident/business owner in September alleging that anti-social behaviour has increased over the past few months, and that Weld Square is unusable after Manna Inc. leaves due to anti-social behaviour and litter</li> </ul>  |

## **Anti-Social Behaviour at Weld Square and other City of Vincent Parks**

The City is aware that a small proportion of Manna Inc. clients do engage in anti-social behaviours at Weld Square during, before or after the meal service. Some of these behaviours may be either caused or exacerbated by substance abuse, mental health and social issues experienced by clients. It should be noted that reports from Manna Inc. volunteers as well as from the Curtin University survey respondents indicate that many clients of the service also feel threatened or anxious queuing for food when these incidents occur. As part of our partnership with Nyoongar Outreach Services, outreach workers attend Manna Inc. meal services each day Monday to Friday and specifically work with Aboriginal clients to provide support, diffuse non-violent conflicts and minimise anti-social behaviours. NOS staff do not have powers, nor are they qualified, to intervene in incidents involving violence or a threat to their own safety and will call Police if these situations arise. Manna Inc. staff are instructed to call Police in the event of any incidents of aggression, threats, physical violence and other unacceptable behaviour. The City works closely with WA Police and in response to any ongoing issues they have responded through increased bike patrols of Weld Square.

However, other environmental and societal factors also contribute to issues at Weld Square as with other parks throughout the City. Consumption of alcohol is widely acknowledged as a contributing factor to many assaults and anti-social incidents. Weld Square is in close proximity to several licensed late night entertainment venues as well as being located at the intersection of two major roads and close to fast food establishments. This combination means that people who have been visiting late night venues frequently pass through or near the park, as they make their way between venues, to fast food establishments or to get home.

Other inner-City parks such as Birdwood Square, Robertson Park, Forrest Park and Hyde Parks are also meeting places frequented by people experiencing homelessness or hardship, or who are at high risk. The anti-social behaviours displayed by a minority of Manna Inc. clients, are also regular issues at other Vincent parks and parks and open spaces across the inner-City. Dealing with these unacceptable behaviours is a complex social problem and the City continues to engage with key service delivery organisations as well as Police to try and address such issues.

### **Littering**

An ongoing condition of Manna Inc.'s use of Weld Square has been the requirement for staff to clean up any litter associated with the meal service or with their clients, prior to leaving the park. Manna Inc. volunteer staff have generally adhered to this requirement although recent feedback has identified that on occasion this litter pick-up has not been fully completed. Administration provided this advice to Manna Inc. who responded appropriately. It is also evident that some clients of the free meal service sometimes leave litter around Weld Square after Manna Inc. has departed.

A minority of clients either display a lack of care or a lack of capability to responsibly dispose of litter. Contributing factors also include bins sometimes being full already, crows in the park scattering litter from bins and a large amount of litter also being left by late night patrons of nearby fast food premises. The City's Parks Team attend Weld Square daily to clean up litter, however this does not always occur in the late afternoon or evenings when issues are most prevalent. The City has specifically requested that Manna Inc. volunteer staff advise clients to dispose of litter responsibly in the park bins.

### **Other Service Providers**

Over the past year, the City has also been contacted by a number of service providers who expressed interest in operating either alongside Manna Inc. or in addition to Manna Inc. This has included the Footpath Library, Hair Aid, Youth Sikh WA, Homeless Bleed Too and So Change Inc. Administration has consistently advised these providers that any additional services should be provided out of an existing homeless day centre or an established outreach service such as the Salvation Army City Homeless Response. This enables the opportunity for clients to engage with trained outreach or social workers and build a relationship between these services and the clients.

So Change Inc. had been operating on a Saturday from Weld Square without the City's knowledge and were advised to cease given that no approval had been granted. In addition, the City has recently been made aware that the Salvation Army are delivering part of their 'Soup Patrol' service from Weld Square.

While it is heartening that many service providers are now available to assist the homeless it is vitally important that the City closely controls their activities to ensure a reasonable balance between responding to homelessness and maintaining park amenity for local residents. It is not deemed acceptable for Weld

Square to be inundated with various service providers across multiple days and times given the unfortunate linkage with issues such as anti-social behaviour and littering. The reduction in the Manna Inc. free meal service to five days per week given their current financial difficulties now provides the impetus for the City to meet with key service delivery organisations and providers over the next six months to determine an appropriate and consolidated approach. It is recommended that Manna Inc. be granted approval to continue their service from Weld Square during this six month period.

#### **CONSULTATION/ADVERTISING:**

The City will directly consult with key service delivery organisations and providers including (but not limited to) Manna Inc., Salvation Army and Nyoongar Outreach Services to determine a consolidated approach to the provision of services for people who are experiencing homelessness or at risk of homelessness at Weld Square.

#### **LEGAL/POLICY:**

- Policy No. 2.1.7 – Parks, Reserves and Hall Facilities – Conditions of Use; and
- Policy No. 3.10.5 – Donations, Sponsorship and Waiving of Fees.

#### **RISK MANAGEMENT IMPLICATIONS:**

**Moderate:** Continuation of the free meal service at Weld Square by Manna Inc. over the next six months is deemed a moderate risk. Ongoing concerns from some members of the local community and the potential for unapproved service providers to establish services at Weld Square may lead to a negative perception of the amenity of the area.

#### **STRATEGIC IMPLICATIONS:**

The report recommendations align with the City's *Strategic Community Plan 2013-2023* where the following Objectives state:

##### *"Economic Development*

2.1.2 *Develop and promote partnerships and alliances with key stakeholders.*

##### *Community Development and Wellbeing*

3.1 *Enhance and promote community development and wellbeing.*

3.1.1 *Celebrate, acknowledge and promote the City's cultural and social diversity.*

3.1.2 *Promote and foster community safety and security.*

3.1.3 *Promote health and wellbeing in the community.*

3.1.6 *Build capacity within the community to meet its needs."*

#### **SUSTAINABILITY IMPLICATIONS:**

Not applicable.

#### **FINANCIAL/BUDGET IMPLICATIONS:**

As per Council's 2017/18 Fees and Charges Schedule the cost to hire Weld Square for this purpose is \$36.00 per hour which applied to five days per week across a six month period equates to \$4,320.00.

#### **COMMENTS:**

It is evident that homelessness and disadvantage remain key issues within inner-City Perth with high demand for food services such as those delivered by Manna Inc. at Weld Square. Should this regular, free meal service not be available it is likely to lead to additional hardship for people already experiencing severe disadvantage in our community. While there are some associated issues with the service, including anti-social behaviour and littering, it is considered appropriate for the City to continue to work with a range of stakeholders including Nyoongar Outreach Services and WA Police to manage these concerns.

The City remains mindful that even a minority of Manna Inc. clients displaying disrupting behaviours can have a negative impact on other park users as well as nearby residents and businesses. A range of conditions associated with Manna Inc.'s use of Weld Square have again been identified to better manage these behaviours and ensure a collaborative approach with the City, Nyoongar Outreach Services and WA Police.

Given Manna Inc.'s decision to reduce their meal service and the emergence of other service providers at Weld Square it is important that the City consults with these stakeholders to ensure a consolidated approach that balances a response to homelessness with a need to maintain reasonable park amenity for local residents. It is recommended that Manna Inc. be granted approval to continue their service from Weld Square during this six month period with the associated park hire fee waiver.

## 8.3 ADOPTION OF THE DOGS AMENDMENT LOCAL LAW 2017

TRIM Ref: D17/141137

Author: Tim Evans, Manager Governance and Risk

Authoriser: Michael Quirk, Director Community Engagement

Attachments:

1. Dogs Amendment Local Law 2017 [⇒](#) 
2. Dogs Amendment Local Law 2017 - with tracked changes [⇒](#) 
3. Consolidated Dogs Local Law 2007 - as amended [⇒](#) 
4. Public Submissions [⇒](#) 

**RECOMMENDATION:**

That Council:

1. **MAKES BY ABSOLUTE MAJORITY**, in accordance with section 3.12(4) of the *Local Government Act 1995*, the *City of Vincent Dogs Amendment Local Law 2017* included as Attachment 1;
2. **NOTES** the purpose and effect of the local law as:

**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; and

**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; and

3. **NOTES:**

- 3.1 the minor amendments to the version of the Dogs Amendment Local Law 2017 that was advertised for public submission;
- 3.2 that Administration will publish the *Dogs Amendment Local Law 2017* in the *Government Gazette* in accordance with s3.12(5) of the *Local Government Act 1995* noting that a copy will be sent to the Minister for Local Government; Heritage; Culture and the Arts;
- 3.3 that Administration will give local public notice, in accordance with s3.12(6) of the *Local Government Act 1995*; and
- 3.4 that following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer will be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

**PURPOSE OF REPORT:**

To consider the submissions received as a result of the public comment period on the proposed Dogs Amendment Local Law 2017 and to adopt the proposed local law.

**BACKGROUND:**

At its Ordinary Meeting held on 25 July 2017, Council resolved to make the City of Vincent Dogs Amendment Local Law 2017, for the purposes of public comment.

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.

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.

**DETAILS:**

The Dogs Amendment Local Law 2017 amends the principal local law which is the Dogs Local Law 2007. An administrative version of the consolidated Dogs Local Law 2007 is included as **Attachment 3**. The following is a summary of the effects of the changes that will result by means of adoption of the proposed Dogs Amendment Local Law 2017:

**Dogs in Public Places**

Section 5.1 will be deleted which removes the prohibition on dogs from entering into any public place from entering into any public building or business premises, public swimming pool, building site or children's playground. However, 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. Council, at the Ordinary Council Meeting on 25 July has specified Beatty Park Leisure Centre and any land designated as a children's playground by the City as places where dogs are prohibited at all times.

The *Dog Act 1976* was amended on 1 November 2013 so as to remove the powers of a local government to make a local law that prohibits dogs from places absolutely (s.51(b)) and to further regulate dogs in public places (s.51(ba)). As a consequence, it is no longer within the City's power to regulate where dogs are allowed to go, other than for those places that are within the City's care and control (e.g. parks, reserves, civic buildings etc.). It should be noted that the *Food Standards* prohibit dogs from entering food premises other than in outdoor eating areas under certain circumstances.

**Designating Dog Exercise Areas**

The *Dog Act 1976* now allows 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, section 5.2 and schedules 4 and 5 are removed which both relate to dog exercise areas.

Instead, a 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.

**Pound Keepers**

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 and all references to a "pound keeper" within the local law will be removed.

**Prescribed Forms**

Recent amendments to the *Dog Act 1976* have changed the prescribed forms required to give and withdraw an infringement notice. The references made to those forms in the Dogs Local Law 2007 are updated.

**CONSULTATION/ADVERTISING:**

Public notice of the proposed City of Vincent Dogs Amendment Local Law 2017 was given in accordance with section 49 of the *Dog Act 1976* and sections 3.12(3)(a) and (3a) of the *Local Government Act 1995*. Accordingly, advertisements were placed on the City's website, in *The West Australian* on 9 August 2017 and *The Perth Voice* on 12 August 2017 as well as posted on the City's notice boards and publicised on social media. In addition, emails were sent to the City's Town Teams and a letter was also sent to the Department of Local Government, Sport and Cultural Industries ("the Department") requesting feedback.

The submission period closed on 25 September 2017 with two submissions being received. The submissions and Administration's comments are included in **Attachment 4**.

The two submissions received both raised concerns with respect to the proposal to remove the prohibition on dogs from entering particular public places, citing an increased risk to public safety. As noted in the Council report on 25 July 2017 (Item 12.2), Administration considers that allowing dogs into business premises may 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 \$5,000 for any owner that fails to control their dog, which is greater than the penalties available in the current local law. On balance it is considered that removal of the prohibition was in the public interest. Other issues raised included support for increased penalties for dog excreting in a public place (6.1(2)) and for dog attacks (33D(1) and 33D(2A) of *the Act*.

One submitter also raised concerns about the practical implementation of the removal of Part 5 of the local law which prohibited dogs from entering shops and business premises. This is discussed further in the "Comments" section of this report. Also in relation to the removal of Part 5 from the local law, one of the submitters noted that several definitions were now redundant. These have now been removed. Furthermore, for the sake of consistency, Administration has stated that a dangerous dog has the meaning given in the *Dog Act 1976* and has also changed the terms "City planning scheme" to "local planning scheme" to be in line with the current vernacular used in other legislation.

The Department also provided feedback with respect to the form of the Dogs Amendment Local Law 2017 which has also resulted in Administration proposing minor amendments to the version of the local law that was advertised. The changes are administrative in nature and do not change the meaning or operation of the local law.

#### LEGAL/POLICY:

Section 3.12 of the *Local Government Act 1995* sets out the procedural requirements for the making of 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."*

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** Allowing dogs to enter certain public spaces may increase the risk of dog attacks or dog-related confrontations. However, it is incumbent on dog owners to ensure that their dog is kept under control at all times.

**STRATEGIC IMPLICATIONS:**

The City's Plan for the Future – *Strategic Plan 2013 – 2023* – Strategic Objectives states:

*"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:**

Nil.

**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:**

In respect of the practical implementation of the removal of the prohibition of dogs in shops and business premises, Administration sought legal advice in relation to whether dogs would be allowed in a business premises that is open to the public unless otherwise indicated by the owner or whether dogs would not be allowed to enter unless explicit consent was granted. It was concluded that:

- A shop which is open to the public meets the definition of a "public place" for the purposes of the *Dog Act 1976*.
- A person with a properly tethered dog has an implied right of access to a public place unless that right is withdrawn by the owner. (e.g. by a sign)
- There is no offence under the *Dog Act 1976* relating to a properly tethered dog being in a public place.
- A shop owner could rely on the trespass provisions (s.70A) of the Criminal Code to prohibit people with dogs that contravened a sign (e.g. "no dogs allowed").

One consequence of this is that the City's Rangers would have no power to issue an infringement in circumstances where a properly tethered dog is in a shop or business premises, even if it were against the wishes of the owner. As the relevant legislation in this case would be the Criminal Code, this would be a matter for the WA Police to enforce.

Administration has also concluded that, due to the changes made to section 51 of the *Dog Act 1976* in 2013, Council no longer has the power to impose the prohibitions that are currently reflected by Part 5 of the *Dogs Local Law 2007* and therefore, even if Council wished to retain Part 5, it is not legally enforceable.

Minor formatting and styling amendments have been made to the advertised local law as suggested by the Department. As a consequence of the various changes, a tracked changes version of the *Dogs Amendment*

Local Law 2017 has been included as **Attachment 2** showing the changes made to the advertised local law that resulted in the version that is proposed for adoption in **Attachment 1**.

Section 3.12(4) of the *Local Government Act 1995* provides that the City can make the local law as proposed or make a local law that is "not significantly different from what was proposed". Administration is of the view that the proposed Dogs Amendment Local Law 2017 included as **Attachment 1** is not significantly different from the version that was advertised and therefore recommends it for adoption by Council.

**8.4 LATE REPORT: FLOREAT ATHENA FOOTBALL CLUB - LITIS STADIUM MASTERPLAN**

REPORT TO BE ISSUED PRIOR TO COUNCIL BRIEFING 7 NOVEMBER 2017.

9 CHIEF EXECUTIVE OFFICER

9.1 APPOINTMENT OF COUNCIL MEMBERS TO ADVISORY AND WORKING GROUPS AND EXTERNAL BODIES

TRIM Ref: D17/139797
Author: Tim Evans, Manager Governance and Risk
Authoriser: Len Kosova, Chief Executive Officer
Attachments: 1. Transport Advisory Group - DRAFT Terms of Reference

RECOMMENDATION:

That Council:

1. APPOINTS the following Council Members as Council’s representatives on the External Bodies for a term expiring on 18 October 2019:

1.1. Western Australian Local Government Association (WALGA) - Central Metropolitan Zone:

- Members: 1. Cr ...; 2. Cr ...; Deputy: 1. Cr ...; 2. Cr ...

1.2. Vincent Accord

- Member: 1. Cr ...

1.3. Metropolitan Regional Road Group (MRRG) Central Technical Sub-group

- Member: 1. Cr ...

1.4. Swan River Trust (only matters relating to City of Vincent)

- Member: 1. Cr ...

2. APPOINTS the following Council Members as Council’s representatives on the below Advisory Groups for a term expiring on 18 October 2019:

2.1. Arts Advisory Group (2 Council Members)

- Members: 1. Cr ...; 2. Cr ...

and the Chair of the Advisory Group will be Cr.....;

2.2. Business Advisory Group (2 Council Members)

- Members: 1. Cr ...; 2. Cr ...

and the Chair of the Advisory Group will be Cr.....;

**2.3. Children and Young People Advisory Group (2 Council Members)****Members:**

1. Cr .....
2. Cr .....

and the Chair of the Advisory Group will be Cr.....;

**2.4. Environmental Advisory Group (Up to 2 Council Members)****Members:**

1. Cr .....
2. Cr .....

and the Chair of the Advisory Group to be Cr.....;

**2.5. Safer Vincent Crime Prevention Partnership (2 Council Members)****Members:**

1. Cr .....
2. Cr .....

and the Chair of the Advisory Group will be Cr.....;

**3. APPOINTS the following Council Members as Council's representatives on the below Working Groups for a term expiring on 18 October 2019:****3.1. Reconciliation Action Plan Working Group (Up to 2 Council Members)****Members:**

1. Cr .....
2. Cr .....

and the Chair of the Working Group will be Cr.....;

**4. AMENDS the Terms of Reference for the each Advisory Group to reflect that the number of Council Members appointed to the group will be two.****5. DISBANDS the Road Safety Advisory Group and Pedestrian and Cycling Advisory Group and thanks all previous members for their efforts and contribution to the groups;****6. That Council ADOPTS the Terms of Reference included as Attachment 1 for the Transport Advisory Group;****7. APPOINTS the following Council Members as Council's representatives on the Transport Advisory Group for a term expiring on 18 October 2019 (2 Council Members):****Members:**

1. Cr .....
2. Cr .....

and the Chair of the Advisory Group will be Cr.....;

**8. DISBANDS the Claise Brook North Community Liaison Group and thanks all previous members for their efforts and contribution to the group;****9. NOTES that the purpose of the Parks People Working Group is currently being reviewed by Administration to better align with other stakeholder groups and forums responding to homelessness, and that following the review a further report will be presented to Council;**

**PURPOSE OF REPORT:**

To provide an opportunity for Council Members to be nominated for and elected to external bodies, Advisory and Working groups.

**BACKGROUND:**

As part of the Council's role in governing for the City, Council Members represent the Council on a range of external bodies, Advisory and Working Groups. This report provided an opportunity for Council Members to be nominated to those groups and is also intended to satisfy the requirement set out in section 4.2(b) of Council's Policy 4.2.14 – Local Government Elections which states:

*“At the first Ordinary Council meeting scheduled after the Swearing-in ceremony following an extraordinary Election, the Chief Executive Officer is to cause a report to be presented to the Council that provides opportunity for the newly Elected Councillor/s to be nominated and elected to a Committee of Council (in accordance with s.5.10(2) of the Local Government Act 1995) as well as to be nominated and elected as appropriate to any vacant positions as delegates to Advisory Groups and various organisations.”*

The table below lists the various external bodies, Advisory and Working Groups that the City's Council Members have an active role on behalf of the City of Vincent. It shows the membership configuration, the previous council members and the number of meetings held in the previous term.

| <b>Body</b>   | <b>Membership</b>  | <b>Previous Council Members</b>  | <b># Meetings (2015-2017 term)</b> |
|---|--|--|------------------------------------|
| Western Australian Local Government Association (WALGA) - Central Metropolitan Zone | Two (2) Council Members<br>Two (2) Alternate Members   | Cr Murphy<br>1 x vacancy<br>Deputy 1 – Mayor Cole<br>Deputy 2 - vacant | 8                                  |
| Vincent Accord  | One (1) Council Member   | Cr Roslyn Harley   | 7                                  |
| Metropolitan Regional Road Group (MRRG) Central Technical Sub-Group                 | One (1) Council Member   | Cr Buckels   | 2                                  |
| Swan River Trust (only matters relating to City of Vincent)                         | One (1) Council Member   | Cr Hallett   | 0                                  |
| Arts Advisory Group   | Three (3) Council Members<br>Up to 10 Community Representatives  | Cr Murphy (Chair)<br>Cr Topelberg                                      | 4                                  |
| Business Advisory Group   | Three (3) Council Members<br>5 Business Representatives (from Town Teams)<br>3 Community Representatives | Cr Topelberg (Chair)<br>Cr Murphy                                      | 5                                  |
| Children and Young People Advisory Group  | Three (3) Council Members<br>Up to 6 x Community Representatives   | Cr Gontaszewski (Chair)<br>Cr Buckels                                  | 8                                  |
| Environmental Advisory Group  | Up to Four (4) Council Members<br>Up to 10 Community Representatives                                     | Cr Loden (Chair)<br>Cr Gontaszewski                                    | 10                                 |
| Pedestrian and Cycling Advisory Group   | Up to Three (3) Council Members<br>Up to 6 x Community Representatives                                   | Cr Buckels (Chair)<br>Cr Hallett                                       | 7                                  |

|  |  |  |   |
|--|--|--|---|
| Road Safety Advisory Group                 | Three (3) Council Members<br>Up to 10 Community Representatives        | Mayor Cole (Chair)<br>Cr Hallett   | 5 |
| Safer Vincent Crime Prevention Partnership | Three (3) Council Members  | Cr Gontaszewski (Chair)<br>Cr Harley<br>7 x Community / External Representatives | 7 |
| Reconciliation Action Plan Working Group   | Up to Three (3) Council Members<br>Up to 6 x Community Representatives | Cr Roslyn Harley (Chair)<br>Cr Dan Loden   | 5 |
| Parks People Working Group (PPWG)          | One (1) Council Member   | Mayor Cole   |   |

In addition to the table above and for completeness, the table below shows the membership of other groups on which Council Members represent the City. Membership to Regional Councils, the Metro West Development Assessment Panel and the City's Audit Committee was determined at the Special Council Meeting on Tuesday 24 October 2017 and is not the subject of this report.

Table 2 – Summary of Memberships – Regional Councils, Development Assessment Panels and Audit Committee

| Body   | Current (or previous) Membership  | Term                               |
|--|---|------------------------------------|
| Mindarie Regional Council                    | Mayor Emma Cole   | 21 October 2017 - 18 October 2019  |
| Tamala Park Regional Council                 | Mayor Emma Cole<br>Alternate – Cr Murphy  | 21 October 2017 - 18 October 2019* |
| Audit Committee                              | Cr Loden<br>Cr Topelberg*<br>Cr Gontaszewski<br>Mayor Cole<br>Cr Harley<br>2 x External Members             | 21 October 2017 - 18 October 2019* |
| MetroWest Joint Development Assessment Panel | Member 1 – Cr Loden<br>Member 2 – Cr Topelberg<br>Alternate 1 – Cr Gontaszewski<br>Alternate 2 – Mayor Cole | 26 April 2017 – 26 April 2020      |

#### DETAILS:

There are several external bodies on which the City is represented by one or more Council Members. The details of these are listed below.

#### 1. **Western Australian Local Government Association (WALGA) - Central Metropolitan Zone (2 Council Members)**

Meeting Occurrence: Bi-Monthly (or six weekly)  
 Date of Meeting: Thursday  
 Time of Meeting: 6pm  
 Location of Meeting: Local Governments in the Central Metropolitan Zone on a rotation basis

No. of Meetings held in 2015-2017: 8 Meetings  
 Period:

Responsible Liaison Officer: Chief Executive Officer

Member Sitting Fees: Nil.

|  |  |
|--|--|
| <i>Purpose of Appointment:</i>                         | To represent Council on the Western Australian Local Government Association - Central Metropolitan Zone. |
| Other Membership:                                      | Representatives from Central Metropolitan Zone Councils<br>Chief Executive Officer ( <i>non-voting</i> ) |
| <u>Previous Council Members</u><br>Cr Murphy<br>Vacant | <u>Previous Deputy</u><br>Mayor Cole<br>Vacant   |

More detailed information about WALGA, its zones and structure can be found on WALGA's website.

## 2. Vincent Accord Committee

|   |  |
|---|--|
| Meeting Occurrence:                         | Quarterly  |
| Date of Meeting:                            | Wednesday  |
| Time of Meeting:                            | 2pm  |
| Location of Meeting:                        | City of Vincent Function Room or Different Licensed Premises in City of Vincent  |
| No. of Meetings held in 2015-2017 Period:   | 7 Meetings   |
| Responsible Liaison Officer:                | Manager Health Services  |
| Member Sitting Fees:                        | Nil.   |
| Purpose of Appointment:                     | To implement strategies that promote the City as a safe place to socialise.  |
| Other Membership:                           | Owners of Licensed Premises<br>WA Police<br>Department of Racing Gaming and Liquor<br>Other individuals, groups, accords or agencies as deemed necessary |
| Previous Council Member<br>Cr Roslyn Harley |  |

More detailed information about the Vincent Accord can be found on the City's website.

## 3. Metropolitan Regional Road Group (MRRG) Central Technical Sub-group

|  |  |
|--|--|
| Meeting Occurrence:                                | Quarterly, or as required  |
| Date of Meeting:                                   | As required  |
| Time of Meeting:                                   | As required  |
| Location of Meeting:                               | Council Offices of Vincent, Subiaco or Perth   |
| No. of Meetings held in 2015-2017 Period:          | 2 Meetings   |
| Responsible Liaison Officer:                       | Manager Asset and Design Services  |
| Member Sitting Fees:                               | Nil  |
| <i>Purpose of Appointment:</i>                     | To:<br>Assist to identify road funding priorities<br>Provide advice to the Regional Road Group<br>Consider local roads issues to inform decision making by the Regional Road Group |
| Other Membership:                                  | Manager Asset and Design Services<br>City of Subiaco<br>City of Perth  |
| <u>Previous Council Members</u><br>Cr Matt Buckels |  |

More detailed information about Regional Road Groups can be found in the "[Metropolitan Regional Road Group - Reference information for Elected Members on a Regional Road Group](#)" publication on WALGA's website.

### Advisory Groups

The City has seven Advisory Groups, which all have a membership structure that includes Council Members in addition to Community Representatives:

Arts Advisory Group  
Business Advisory Group  
Children and Young People Advisory Group  
Environmental Advisory Group  
Pedestrian and Cycling Advisory Group  
Road Safety Advisory Group  
Safer Vincent Crime Prevention Partnership

The role of an Advisory Group is to:

- facilitate Council Member, stakeholder and/or community input and involvement opportunities;
- to provide advice; and
- support to the City, in regard to strategic, special interest and/or operational activities.

Advisory Groups are conducted in a relatively informal manner and are not, and are not intended to be, Committees established under Section 5.8 of the *Local Government Act 1995*. They meet in the early evening as required, typically on a quarterly or bi-monthly schedule as determined by the Chairperson. Notwithstanding the number of formal positions on the Advisory Groups, all Council Members are welcome to attend Advisory Group meetings on an informal, non-voting basis.

The City's Policy 4.12.12 – Advisory Groups states that the Chairperson is to be appointed by Council and that group should preferably be chaired by a Council Member. Consequently, it is recommended that Council appoint a Chairperson for each group.

The number of Council Members on each Advisory Group is specified within the Terms of Reference for that group. However, Administration is recommending that the number of formal positions on Advisory Groups be standardised at two. This will help to provide an appropriate balance of Community Representatives and Council Members. Regardless of the number of formal positions available to Council Members, the City has always held the position that any interested Council Members are free to attend any Advisory Group meeting on a non-voting basis.

It is proposed to amalgamate the Road Safety Advisory Group and the Pedestrian and Cycling Advisory Group. While the groups both have a distinct focus, nevertheless there are clear synergies between the groups and similarities in the purpose of both groups to inform the City's transport and traffic planning and related activities. As a consequence, it is proposed to create a single new groups called the Transport Advisory Group which will have a remit that encompasses both of the two groups. A revised Terms of Reference is included as Attachment 1 for adoption by Council. The Terms of Reference for the new groups propose a membership composed of up to two (2) Council Members and up to ten (10) Community Representatives.

### Working Groups

The City has a number of Working Groups, with three that has a membership structure which includes Council Members:

- Reconciliation Action Plan Working Group (RAPWG)
- Claise Brook North Community Liaison Group (CBNLG)
- Parks People Working Group (PPWG)

1.

The RAPWG has fulfilled its overall aim which was specified in the group's terms of reference to "identify issues and topics of importance surrounding the development and implementation of a Reconciliation Action Plan (RAP) to be adopted by the City of Vincent". This was completed when the City adopted its RAP on 4 April 2017. However, it has been identified that there is an opportunity for the group's purpose to extend to providing input into how the RAP is implemented.

The purpose of the CBNLG, according to the group's terms of reference was to prepare and oversee a community response to the State Government's specific proposals in relation the rezoning and long term development of the area. This purpose had largely been achieved however it is noted that the State Government's deliberations on the matter have stalled. As a consequence, the group has not met in 2017 and is proposed to be disbanded. Administration will keep stakeholders from the group informed of any developments that occur on this issue. Relevant consultation will continue to occur through the City's regular consultation channels and it is open to Council to re-constitute this working group at such time when it may be required.

The purpose of the PPWG according to the group's terms of reference is to find local solutions to the impact of homelessness, transience and antisocial behaviour among people frequenting parks in the City of Vincent and City of Perth. The remit of the group extends beyond the City's boundaries and membership of the group comprises a number of key stakeholders that have a stake in homelessness in the City. Since its inception, a number of other stakeholder groups and forums responding to homelessness have emerged such that there are now multiple groups dealing with the same types of issues. Administration is therefore reviewing the role of the PPWG and will report back to Council on the results of that review.

#### **CONSULTATION/ADVERTISING:**

Administration recently advertised for community members to nominate for membership to the City's Advisory and Working Groups. Advertisements were placed in the Guardian Express and Perth Voice in the week commencing 2 October 2017 in addition to being placed on the City's website and via the City's social media page. The appointment of Community Members is dealt with in a separate, confidential report.

#### **LEGAL/POLICY:**

All Committees, Advisory and Working Groups have Terms of Reference and can only deal with matters referred to them by the City. Importantly, Council's adoption of revised Terms of Reference for the affected Advisory Groups in no way prevents those Groups (once members have been appointed) putting forward recommendations to Council to make further changes to their Terms of Reference.

The City's various Advisory Groups and Working Groups have no decision making powers and can only make recommendations, which are reported to Council for information and/or consideration.

Advisory Groups and Working Groups must operate in accordance with the City's Policy 4.2.12 – Advisory Groups.

#### **RISK MANAGEMENT IMPLICATIONS:**

**Low/Medium:** Advisory and Working Groups play an advisory role, however do not have any legal status under the *Local Government Act 1995*. The operation of the Groups must be monitored to ensure compliance with the City's Policy No. 4.2.12 – Advisory Groups.

#### **STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Community Plan 2013-2023- *"Leadership, Governance and Management"*, in particular, Objective 4.1.2 - *"Manage the Organisation in a responsible, efficient and accountable manner"*.

#### **SUSTAINABILITY IMPLICATION**

Nil

#### **FINANCIAL/BUDGET IMPLICATIONS:**

Nil

#### **COMMENTS:**

Council Members are free to nominate for membership of the various external bodies, Advisory and Working Groups if they wish to, however it is not incumbent on Council Members to nominate for membership of any of these groups.

**9.2 LATE REPORT: DRAFT CEO PERFORMANCE REVIEW POLICY**

REPORT TO BE ISSUED PRIOR TO COUNCIL BRIEFING 7 NOVEMBER 2017

**9.3 INFORMATION BULLETIN**

**TRIM Ref:** D17/95471

**Author:** Emma Simmons, Governance and Council Support Officer

**Authoriser:** John Paton, Director Corporate Services

- Attachments:**
1. Minutes of the Design Advisory Committee Meeting held on 6 September 2017 [⇨](#) 
  2. Minutes of the Design Advisory Committee Meeting held on 20 September 2017 [⇨](#) 
  3. Minutes of the Tamala Park Regional Council Meeting held on 12 October 2017 [⇨](#) 
  4. Minutes of the Arts Advisory Group Meeting held on 12 October 2017 [⇨](#) 
  5. Minutes of the Children and Young People Advisory Group Meeting held on 16 October 2017 [⇨](#) 
  6. Register of Legal Action and Prosecutions Register Monthly - Confidential
  7. Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 19 October 2017 [⇨](#) 
  8. Register of Applications Referred to the MetroWest Development Assessment Panel – Current [⇨](#) 
  9. Register of Applications Referred to the Design Advisory Committee – Current [⇨](#) 
  10. Register of Petitions - Progress Report - November 2017 [⇨](#) 
  11. Register of Notices of Motion - Progress Report - November 2017 [⇨](#) 
  12. Register of Reports to be Actioned - Progress Report - November 2017 [⇨](#) 

**RECOMMENDATION:**

That Council RECEIVES the Information Bulletin dated November 2017

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**11 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES****12 CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED ("BEHIND CLOSED DOORS")****12.1 CONFIDENTIAL REPORT: APPOINTMENT OF COMMUNITY MEMBERS TO THE CITY OF VINCENT ADVISORY AND WORKING GROUPS**

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

**Local Government Act 1995 - Section 5.23(2):**

- (b) the personal affairs of any person

**12.2 CONFIDENTIAL LATE REPORT: 2017/18 CEO KEY PERFORMANCE INDICATORS (KPIS)**

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

**Local Government Act 1995 - Section 5.23(2):**

- (a) a matter affecting an employee or employees

**LEGAL:****2.14 Confidential business**

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

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

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

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

**13 CLOSURE**