



CITY OF VINCENT

AGENDA

Ordinary Council Meeting 12 December 2017

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

Len Kosova
Chief Executive Officer

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

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1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

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

2 APOLOGIES / MEMBERS ON LEAVE OF ABSENCE

Nil

3 (A) PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS**(B) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4 APPLICATIONS FOR LEAVE OF ABSENCE****5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS****6 CONFIRMATION OF MINUTES**

Ordinary Meeting - 14 November 2017

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

9 DEVELOPMENT SERVICES**9.1 NO. 392 (LOT: 152; D/P: 50596) FITZGERALD STREET, NORTH PERTH - CHANGE OF USE FROM EATING HOUSE TO NON-MEDICAL CONSULTING ROOMS (UNLISTED USE)**

TRIM Ref: D17/152557

Authors: Andrea Terni, Urban Planner
Rana Murad, Senior Urban Planner

Authoriser: John Corbellini, Director Development Services

Ward: South

Precinct: 9 – North Perth Centre

Attachments: 1. Attachment 1 - Location and Consultation Map  
2. Attachment 2 - Development Plans 
3. Attachment 3 - Determination Advice Notes 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY ABSOLUTE MAJORITY the development application for Change of Use from Eating House to Non-Medical Consulting rooms (Unlisted Use) at No. 392 (Lot: 152; D/P: 50596) Fitzgerald Street, North Perth in accordance with plans shown on Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 3:

1. This approval is for Non-Medical Consulting Rooms (Unlisted Use) and associated development as shown on the plans dated received 30 October 2017. No other development is subject of this approval;
2. Use of Premises
 - 2.1. The use shall be carried out in accordance with the definition 'Non-Medical Consulting Rooms' as set out in the City's Policy No. 7.5.22 – Consulting Rooms;
 - 2.2. The use shall be limited to a maximum of one consultant operating at any one time; and
 - 2.3. The hours of operation shall be limited to the following times 7:00am to 9:00pm Monday to Sunday;
3. Interactive Front

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

4. Cash-in-Lieu of Car Parking

Prior to occupation or use of the development, a cash-in-lieu contribution shall be paid to the City for the shortfall of 0.8728 car bays, based on the cost of \$5,400 per bay as set out in the City's 2017/2018 Schedule of Fees and Charges being a contribution of \$4,713;

5. Bicycle Bays

- 5.1. Prior to occupation or use of the development a minimum of one (1) additional Class 1 or Class 2 bicycle parking facilities shall be provided onsite to the City's satisfaction. Bicycle bays must be provided at a location convenient to the entrance, publicly accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and
- 5.2. Prior to occupancy or use of the development a minimum of two (2) additional Class 3 bicycle parking facilities shall be provided in the Fitzgerald Street verge, in a location to the City's satisfaction. The bicycle facilities shall be designed in accordance with AS2890.3 and all works shall be undertaken to the City's specification and satisfaction; and

6. General

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

PURPOSE OF REPORT:

To consider an application for development approval for a change of use from Eating House to Non-Medical Consulting Rooms (Unlisted Use) at No. 392 Fitzgerald Street, North Perth

BACKGROUND:

Landowner:	North Perth Investments PTY LTD
Applicant:	Xiao Yang Yang and Yonglin Zhang
Date of Application:	30 October 2017
Zoning:	MRS: Urban TPS1: Zone: District Centre TPS2: Zone: District Centre
Built Form Area:	Town Centre
Existing Land Use:	Eating House
Proposed Use Class:	Non-Medical Consulting Rooms – Unlisted Use
Lot Area:	191m ²
Right of Way (ROW):	Yes
Heritage List:	No

The subject site is bound by Fitzgerald Street to the east, a Right of Way (ROW) to the west and commercial developments to the south and north. A location plan is included as **Attachment 1**. The locality has been developed to incorporate a range of commercial uses with some residential properties. The subject site is located within the North Perth Town Centre.

Pursuant to the provisions of the City of Vincent's Town Planning Scheme No. 1 (TPS 1), the subject site and surrounding area is zoned District Centre. The properties to the rear of the subject site, opposite the rear right of way, are zoned Residential with an R40 density code. The City's Draft Local Planning Scheme No. 2 (LPS 2) proposes to retain the zoning of the site and surrounding area as District Centre.

On 13 July 2017, a development application was submitted to the City for a change of use from Shop to Eating House and Consulting Room (foot spa and massage area). The proposal incorporated a maximum of six customers for the eating house at any one time and one consultant for the Consulting Room, with both uses proposed to operate between the hours of 7:00am to 9:00pm, Monday to Sunday. Community consultation on the proposal was undertaken in September 2017, with letter sent to all adjoining and adjacent owners and occupiers. No submissions were received. Following advertising, the applicant modified their proposal to remove the foot spa and massage area from their application so that the Eating House could be considered by the City on its own, with the intent that the foot spa and massage area component would be submitted and considered under a separate application. The Eating House was granted conditional approval under Delegated Authority on 31 October 2017.

The applicant is now seeking development approval for a foot spa and massage area at the rear of the eating house. Though there is proposed to be a strong interrelationship between the eating house and proposed Non-Medical Consulting Room, the applicant has applied for the ability for the two uses to operate independently from one another. The City's Policy No. 7.5.22 – Consulting Rooms defines 'Non-Medical Consulting Rooms' as:

“any building or part thereof used in the practice of a qualified beauty technician, touch therapist, natural massage therapist or the like”.

The proposed foot spa and massage area is considered to fall within this definition, which is an 'Unlisted Use' in TPS1 and requires an absolute majority decision by Council.

The proposed Non-Medical Consulting Room includes the following:

- Four chairs for foot spa massage;
- One room containing two massage tables for the massage component;
- One consultant; and
- Hours of operation are Monday – Sunday, 7:00am – 9:00pm (identical to the Eating House hours of operation).

No physical changes are proposed to the building as part of this application.

The development plans are included as **Attachment 2**.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the TPS1 and City of Vincent Policy No. 7.7.1 – Parking and Access and Policy No. 7.5.22 – Consulting Rooms. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use		✓
Hours of Operation		✓
Parking & Access		✓
Bicycle Facilities		✓

Detailed Assessment

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

Land Use	
Deemed-to-Comply Standard	Proposal
Town Planning Scheme No. 1	
“P” uses	Non-Medical Consulting Rooms - Unlisted Use
Hours of Operation	
Deemed-to-Comply Standard	Proposal
Consulting Room Policy 7.5.22	
The hours of operation for a Consulting Room shall be limited to the following: <ul style="list-style-type: none"> • 8:00am – 9:00pm, Monday – Friday • 8:00am – 5:00pm, Saturday • 11:00am – 5:00pm, Sunday and Public Holidays • CLOSED Christmas Day, Good Friday and Anzac Day. 	Monday – Sunday, 7:00am – 9:00pm

Parking and Access	
Deemed-to-Comply Standard	Proposal
Policy No. 7.7.1 – Parking and Access Clause 1 Car Parking Requirements	
2.8728 or 3 parking bays provided on site	2 car parking bays provided on site
Eating House 1 per 5 persons 6 persons proposed = 1.2 bays	Shortfall of 0.8728 or 1 car parking bay
Non-Medical Consulting Rooms 3 spaces per consultant 1 consultant proposed = 3 bays	
Total = 4.2 bays	
Multiplied by reduction factors (2,3D&4) = x 0.684	
Total bays required after reduction factors = 2.8728	
Bicycle Facilities	
Deemed-to-Comply Standard	Proposal
Policy No. 7.7.1 – Parking and Access Clause 5 Bicycle Parking Requirements	
2 Class 1 or Class 2 bicycle bays and 3 Class 3 bicycle bays	1 Class 1 or 2 bicycle bays and 1 Class 3 bicycle bays
	Shortfall of 1 Class 1 or 2 bicycle bay and 2 Class 3 bicycle bays

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

CONSULTATION/ADVERTISING:

The application received 13 July 2017 for Change of Use from Shop to Eating House and Consulting Rooms (foot spa and massage area) was assessed as a 'Consulting Room' under the City's Town Planning Scheme No. 1 (TPS 1) which is as an "AA" use within the District Centre zone. Community consultation was undertaken in conjunction with the Eating House proposal in accordance with the *Planning and Development (Local Planning Scheme) Regulation 2015*, for a period of 14 days commencing 6 September 2017 and concluding on 19 September 2017 by means of written notification sent to landowners in close proximity to the subject site as shown in **Attachment 1** and a notice on the City's website. No submissions were received during the advertising period.

Upon further assessment of the proposal it was identified that the foot spa and massage use could not reasonably fall within the definition of 'Consulting Rooms' in TPS 1 because the use incorporates elements that fall within the definition of Non-Medical Consulting Rooms provided in Policy No. 7.5.22.

In accordance with the City's Community Consultation Policy, consultation for an 'Unlisted Use' shall be for a period of 21 days undertaken by means of a sign being erected on site, notice in the local newspaper written notice sent to landowners of the subject site and a notice on the City's website. Given that the 'Non-Medical Consulting Room' use presents no additional requirements compared to a 'Consulting Room' and that the proposal released for community consultation as part of the previous application is identical to that of the current proposal and received no submissions it is considered that re-advertising the proposal is not necessary. The elements of the application as advertised remain unchanged whilst the classification of the land use has been refined following further assessment the intent remains consistent with what was advertised.

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;
- Draft City of Vincent Local Planning Scheme No. 2;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.5.22 – Consulting Rooms; and
- Policy No. 7.7.1 – Parking and Access.

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

Delegation to Determine Applications:

In accordance with City's Delegated Authority Register approved at OMC 28 June 2016 applications for Unlisted Uses require the determination of Council. In accordance with Clause 39(2)(b) of the City's TPS1 applications for 'Unlisted Uses' on zoned land require the determination of Council by absolute majority.

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:

1. *Natural and Built Environment*
 - 1.1 *Improve and maintain the natural and built environment and infrastructure.*
2. *Economic Development*
 - 2.1.2 *Promote business development and the City of Vincent as a place for investment appropriate to the vision for the City."*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The application has been assessed against the provisions of TPS 1, Draft LPS 2, the City's Policy No. 7.7.1 – Parking and Access and the City's Policy No. 7.5.22 – Consulting Rooms. The key issues identified in the assessment of the application are discussed in detail below.

Land Use

The use cannot reasonably be determined as falling within the definition of 'Consulting Rooms' in TPS1. Policy No. 7.5.22 – Consulting Rooms provides guidance for the assessment of proposals that do not reasonably fall within the Scheme definition of 'consulting room' but offer services of a similar nature. In accordance with the City's policy the proposal falls within the definition of 'Non-Medical Consulting Rooms' offering beauty type services and natural massage. The use is therefore classified as an 'Unlisted Use' and is required to be considered against the requirements of Clause 15 of TPS1.

The subject site is currently zoned District Centre however, TPS 1 does not include any objectives for the District Centre zone. Although the City's proposed LPS 2 is in draft form, it has been adopted by Council and due regard to the provisions of LPS 2 has been given. The subject lot will continue to be zoned District Centre under LPS 2 if adopted and the proposal has been assessed against the objectives of the District Centre zone provided in draft LPS 2.

The proposed use is considered to meet the objectives of the District Centre zone under LPS2 for the following reasons:

- The proposal provides diversity in land uses within the locality as it will operate in conjunction with the Eating House in the same tenancy;
- The proposed use is considered to be complimentary to the surrounding land uses within the Town Centre. The tenancy is located directly adjacent to a Shop (Hairdresser) which is considered to complement the nature of uses within the immediate vicinity;
- The proposed uses within the tenancy will provide a range of employment opportunities to encourage diversity and self-sufficiency within the centre;
- The proposal has been designed to use the existing windows in the façade to have a direct outlook onto Fitzgerald Street. This is considered to increase the ability for surveillance onto Fitzgerald Street and the adjoining footpath; and
- The proposal is relatively small in scale with only one consultant working. With the previously approved Eating House limited to six people and no works proposed as part of the development, it is not considered that the development adversely impact on adjoining residential areas.

Hours of Operation

The City's Policy No. 7.5.22 – Consulting Rooms states that the hours of operation for a Consulting Room should be limited to the following:

- 8:00am – 9:00pm, Monday – Friday
- 8:00am – 5:00pm, Saturday
- 11:00am – 5:00pm, Sunday and Public Holidays
- CLOSED Christmas Day, Good Friday and Anzac Day.

The hours of operation proposed for the Non-Medical Consulting Rooms is 7:00am – 9.00pm, Monday – Sunday. These are the same hours of operation of the approved eating house on the site. The proposed hours of operation are considered acceptable given the subject site is located within the District Centre zone and in the North Perth Town Centre. Given the combination of uses proposed on the site incorporating the Eating House, the hours of operation are considered to appropriately reflect the intent for the two uses to operate in conjunction. The Non-Medical Consulting Rooms is small in scale and intensity, proposing only one consultant at any time and is not considered to pose an undue impact on the adjoining residential area.

Time limited approval

The City's Policy No. 7.5.22 – Consulting Rooms states that the non-residential consulting rooms should be limited to a period of 12 months. In this instance it is not recommended that the approval be time limited given its small scale, association with a permanently approval eating house and its location within the North Perth Town Centre surrounded by the consistent land uses of the adjoining properties. The proposed use is considered to appropriately comply with the intent of the City's Policy No. 7.5.22 and is considered to satisfy the requirements for Unlisted Uses as outlined in Clause 15 of TPS1 and is therefore considered permissible.

Car Parking

The application has been assessed in accordance with the City's Policy No. 7.7.1 – Parking and Access (Parking and Access Policy). Table 1 and 2 of the Parking and Access Policy requires the existing Eating House and proposed Non-Medical Consulting Rooms to provide 2.8728 car parking bays. Two car parking bays are provided on-site, which results in an overall shortfall for the development of 0.8728 parking bays.

The development is unable to easily accommodate any additional parking on site due to the sites constraints. The two onsite parking bays proposed as part of the development will accommodate the two staff employed across the two uses. There is on-street car parking available on Fitzgerald Street adjacent to the subject site and in surrounding streets that may be capable of use for the development. However, being located in the North Perth Town Centre, these parking bays are in high demand, with the City recently implementing changes to the management of the public parking in the North Perth Town Centre to address the high parking occupancy and lack of parking availability in the Town Centre.

The City's Parking and Access Policy states that Council may, at its discretion, waive the car parking requirements for change of use applications to provide additional on-site car parking, including waiving cash-in-lieu requirements in the following instance:

- a) *where the application does not involve the reduction of existing on-site car parking bays as part of the application; and*
- b) *where the application does not involve any building works that contribute to additional floor area that would be subject to parking requirements.*

The proposed development is repurposing the existing premises with the existing car parking area. The application does not propose any building works which contribute to additional floor area that would be subject to a parking requirement. However, the development relies completely on public parking for its customers and with the North Perth Town Centre already experiencing high parking demands that have warranted changes to the City's management of public car parking it is considered that the lack of parking provided by this development will directly add to the parking issues in the area. Given the context of the site, the waiving of cash-in-lieu is not supported and it is instead recommended that a condition be included on any approval requiring a cash-in-lieu payment of \$4,713 for the 0.8728 car bay shortfall, which will be used to provide improved parking options and management in the North Perth Town Centre.

Bicycle Parking

An assessment was undertaken with regard to bicycle parking in accordance with the City's Policy No. 7.7.1 – Parking and Access. The existing Eating House and proposed Non-Medical Consulting Rooms will require two Class 1 or 2 facilities and three Class 3 facilities. A condition of the previous approval under delegated authority dated 31 October 2017 required one Class 1 or 2 and one Class 3 bicycle bay facilities to be provided. Additional short term bike parking can be provided in front of the development in the road reserve and space for additional long term bike parking exists to the rear of the building in the 'Back Yard' area. As a result a condition requiring the provision of this additional bike parking is recommended.

Conclusion

The proposed land use is considered to be appropriate and consistent with the immediate locality and will contribute to the North Perth Town Centre. The application results in a small car parking shortfall and given the lack of public parking availability in the area, it is recommended that a cash-in-lieu contribution for this shortfall be required. Whilst the period of approval and the hours of operation fall outside those contained within Policy No. 7.5.22, it is considered that the proposed operating hours are appropriate given the development will operate in conjunction with an approved Eating House and is located within a Town Centre.

In light of the above, it is recommended that the development be approved subject to conditions.

9.2	NOS. 1/622 AND 3/622 (LOT: 1; D/P: 1057) NEWCASTLE STREET, LEEDERVILLE - CHANGE OF USE FROM CAR PARK, SHOP AND EDUCATIONAL ESTABLISHMENT TO WAREHOUSE AND INDUSTRY LIGHT (MICROBREWERY)
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TRIM Ref: D17/136888






Author: Rana Murad, Senior Urban Planner

Authoriser: John Corbellini, Director Development Services

Ward: South

Precinct: 4 – Oxford Centre

Attachments:

1. Attachment 1 - Consultation and Location Map [⇒](#) 
2. Attachment 2 - Applicant's Submission and Development Plans [⇒](#) 
3. Attachment 3 - Summary of Submissions [⇒](#) 
4. Attachment 4 - Odour Emissions Assessment [⇒](#) 
5. Attachment 5 - Determination Advice Notes [⇒](#) 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application for a change of use from Car Park, Shop and Educational Establishment to Light Industry and Warehouse at Nos. 1/622 and 3/622 (Lot: 1; D/P: 1057;) Newcastle Street, Leederville, in accordance with the plans shown in Attachment 2, subject to the following conditions, and advice notes contained in Attachment 5:

1. Use of Premises

- 1.1. The use of the development subject to this approval shall only be for the purposes of 'Light Industry' and 'Warehouse' as defined by the City of Vincent Town Planning Scheme No. 1;
- 1.2. The proposed Light Industry shall be used as a microbrewery only, in accordance with the application made by Urbis dated 26 May 2017, and shall not be open to the public and no sale or consumption for sale of products shall occur on site;
- 1.3. The hours of operation of both the Light Industry (Micro Brewery) and Warehouse shall be limited to 8:00am to 7:00pm Monday to Sunday; and
- 1.4. Deliveries for both the Light Industry (Micro Brewery) and Warehouse are limited to 7:00am to 5:00pm Monday to Saturday;

2. Odour

The development shall be carried out in accordance with the recommendations of the Modular Brewery, 3/622 Newcastle St, Leederville WA, Odour Risk Assessment (Report Reference 17.1050.FR1V1) dated 25 May 2017;

3. Car Parking

- 3.1. The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to occupation or use of the development; and
- 3.2. A Parking Management Plan shall be submitted to and approved by the City prior to the use of occupation of the development detailing how the three tandem car parking bays proposed on site will be managed, to the satisfaction of the City. Parking shall be managed in accordance with the approved Parking Management Plan;

3.3. The parking areas and associated access indicated on the approved plans shall not be used for the purpose of storage or obstructed in any way at any time, without the prior approval of the City;

4. Bicycle Bays

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

5. General

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

PURPOSE OF REPORT:

To consider an application for development approval for a change of use from Car Park, Shop and Education Establishment to Light Industry (Microbrewery) and Warehouse at No. 622 Newcastle Street, Leederville (subject site).

BACKGROUND:

Landowner:	Wagoona Pty Ltd
Applicant:	Urbis Pty Ltd on behalf of Modula Brewing Pty Ltd
Date of Application:	12 May 2017
Zoning:	MRS: Urban TPS1: Commercial TPS2: Regional Centre
Built Form Area:	Town Centre
Existing Land Use:	Shop, Educational Establishment, Car Repair Shop and Car Park
Proposed Use Class:	Light Industry – SA Use Warehouse – P Use
Lot Area:	1,189m ²
Right of Way (ROW):	Not applicable
Heritage List:	No

The subject site is located on the northern side of Newcastle Street between Loftus and Oxford Streets. The subject site abuts commercial developments to the west and east and residential developments to the north (rear) which front onto Carr Place. The Water Corporation is to the south of the subject site (across Newcastle Street). A location plan is included as **Attachment 1**.

The subject site is developed with three commercial tenancies, Unit 1 is currently vacant but has planning approval for use as a Shop and Education Establishment (guitar shop and school), Unit 2 is occupied by a panel beater and Unit 3 (subject tenancy) is vacant and currently has approval for use as a 'Car Park'.

An archive search has indicated that the subject site has two approvals from 1940 and 1945 however, these records were unable to be located. On 25 May 2004, Council granted development approval for a change of use of the front tenancy to Shop and Education Establishment (guitar shop and school) and the rear tenancy was granted approval to be utilised as a Car Park which accommodated six car parking bays inside the building.

The subject site is zoned 'Commercial' with all the adjoining properties on Newcastle Street also zoned 'Commercial'. The adjoining land to the rear is currently zoned Residential with a residential density code of R80. The City's draft Local Planning Scheme No. 2 (LPS 2) contemplates a change in zoning to Regional Centre for the immediate area, including the 'Residential' zoned properties to the rear.

On 1 June 2017, a development application was submitted to the City for a change of use for the subject tenancy, Unit 3, for the purposes of establishing a microbrewery. The proposal has been assessed as fitting within the 'Light Industry' use class under the City's Town Planning Scheme No. 1, which defines 'Light Industry' as follows:

"means an industry,

- (a) in which the processes carried on, the machinery used, and the goods carried to and from the premises will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or other waste products; and*
- (b) the establishment of which will not, or the conduct of which does not, impose an undue load on any existing or proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services".*

The development proposes a change to the land use and internal modifications to Unit 3 including:

- Internal works which include installation of brewing equipment;
- The use of the unit for the production, packaging and distributing of alcoholic beverages with no sale or consumption for sale of the product occurring on the subject site;
- Three staff at any one time and a total workforce of four staff;
- Hours of operation between 8:00am to 7:00pm Monday to Sunday;
- A total of four car parking bays for this development, three of which are in a tandem configuration; and
- Delivery hours between 7:00am to 5:00pm Monday to Saturday.

Upon assessment of the application it was indicated that Unit 1 would be used as a 'Warehouse' as part of this application. It was also established that Unit 1 had previously been used as a warehouse. Therefore, the application was modified to also include a change of use from Shop and Education Establishment to Warehouse for Unit 1. In accordance with TPS 1, Light Warehouse are defined as:

"means any building or enclosed land or part of building or enclosed land, used for the storage of goods whether or not commercial transactions involving the sale of the goods by wholesale are carried out in or on that buildings or land".

The applicant's submission and development plans are included as **Attachment 2**.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1 (TPS1) and City of Vincent 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/ Deemed-to-Comply	Requires the Discretion of Council
Land Use		✓
Car Parking	✓	

Detailed Assessment

The Deemed-to-Comply assessment of the element that requires the discretion of Council is as follows:

Land Use	
Deemed-to-Comply Standard	Proposal
Town Planning Scheme No. 1 'P' Permitted Land Use	'SA' Land Use – Light Industry 'P' Land Use – Warehouse

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 21 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2017*, from 17 August 2017 to 7 September 2017 with a total of 34 letters being sent to owners and occupiers within close proximity of the subject site, in accordance with the City's Policy No. 4.1.5 – Community Consultation.

A total of 31 submissions were received in relation to the proposal with one objection, 28 submissions in support of the proposal, and two raising concerns/comments being received. The key concern raised through the submissions was in regards to the potential for odours to impact on the locality.

A summary of the submissions received and Administration's response to these are included as **Attachment 3**.

Department of Environment Regulation (DER)

The City referred the proposal to the Department of Environment Regulation (DER) in particular regarding the odour risk assessment (ORA) which was submitted as part of the application. The City received officer level comments from the DER which indicated that the proposal would not result in any adverse impact in relation to odour if the proposal is operated in accordance with the ORA and the *Environmental Protection Act (1986)*.

Design Advisory Committee (DAC):

Referred to DAC: No

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- *Environmental Protection Act 1986*;
- City of Vincent Town Planning Scheme No. 1;
- City of Vincent Draft Local Planning Scheme No. 2;
- City of Vincent Policy No. 4.1.5 – Community Consultation; and
- City of Vincent Policy No. 7.7.1 – Parking and Access.

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

Draft LPS 2 contains the following objectives the Regional Centre zone:

- To provide a range of services and uses to cater for the local and regional community, including but not limited to specialty shopping, restaurants, cafes and entertainment;*
- To provide a broad range of employment opportunities to encourage diversity and self-sufficiency within the Centre;*
- To encourage high quality, pedestrian-friendly, street-orientated development that responds to and enhances the key elements of the Regional Centre, and to develop areas for public interaction;*
- To ensure levels of activity, accessibility and diversity of uses and density is sufficient to sustain public transport and enable casual surveillance of public spaces;*
- To provide residential opportunities within the Regional Centre including high density housing, affordable housing, social and special needs housing, tourist accommodation and short term accommodation; and*
- To ensure that the centres are developed with due consideration to State Planning Policy 4.2 – Activity Centres for Perth and Peel.*

Delegation to Determine Applications:

This application is being referred to Council for determination as the proposal contemplates a 'SA' land use and one objection was received during the community submission period.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"1. Natural and Built Environment

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

2. Economic Development

2.1.1 *Promote business development and the City of Vincent as a place for investment appropriate to the vision for the City."*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:Odour

Concerns regarding odour emitted from the proposal were raised through a public submission. The applicant has provided an ORA for the proposed microbrewery which is included in **Attachment 4**. The ORA was carried out through the following process:

- Magnitude of odour impacts associated with the various stages of the beer brewing process;
- The sensitivity of current and (likely) future land uses to potential odour impacts; and
- Risk assessed as the product of those considerations.

The ORA has taken into account the neighbouring bakery and other land uses within close proximity in order to ascertain a cumulative impact of odour on the locality. The ORA concludes that the odour which will be emitted from the site is negligible and will be similar to that of the adjoining bakery. The ORA recommends further mitigation measures to ensure there are no adverse impacts on the locality, namely:

- Registration and follow up of odour complaints. These will be recorded using the odour complaints form and register that can be viewed in Appendix B of the ORA;
- Assessment of activities that might cause odours such as product storage during the summer period;
- Regular inspection and maintenance of containment measures in areas that can cause odours such as oil tanks and wastewater installations;
- Potential best available technologies; and
- Condensation of vapours.

As discussed above, Administration has sought comments from the DER regarding the acceptability of the ORA which was submitted. The DER provided comments which highlighted that the proposal will not have an adverse impact in relation to odour if carried out in accordance with the ORA. To ensure that the applicant/landowner implements the recommendations of the ORA and therefore, reduce the impact of any odours which may be emitted a condition is recommended accordingly.

Land Use

The proposal requires Council to exercise its discretion in relation to the proposed land use of Light Industry.

The subject site is currently zoned Commercial pursuant to the provisions of TPS 1 and is proposed to be rezoned to Regional Centre under Draft LPS 2. Light Industry is a discretionary land use within the current and future planning framework. The subject site is also covered by the Leederville Masterplan, which aims to provide a planning framework that will ensure the continued development of Leederville. The subject site has been identified within the Newcastle Street Commercial/Network City precinct. The Masterplan's vision for this precinct includes an intensification of commercial and mixed use development along Newcastle Street.

The community consultation rendered a high number of submissions, the majority of which supported the application. Notwithstanding, one objection was received regarding the existing panel beater operation at Unit 2, which is not the subject of this application, and some concern was raised regarding the potential for odour to impact on the locality. The concerns regarding the use of Unit 2 are not relevant to this application, which only related to Units 1 and 3. However, the concerns have been noted and will be investigated by the City and responded to separately.



The proposal incorporates four staff with a low output of a maximum 1,000 litres of alcoholic beverages being produced on the site per week. As is outlined in the relevant section above, the ORA provided by the applicant has been assessed by DER who have confirmed that the operation of the micro brewery will not have an adverse impact on the amenity of the surrounding area as a result of odour. The proposed microbrewery is not intended to be open for the public and will only be operating on the basis of producing and distributing the products.

Given the small scale of the proposal and negligible impact of odour on the surrounding area it is considered that the proposed land use is consistent with the provisions of the City's TPS 1, Draft LPS 2 and Leederville Masterplan. The proposal is considered to positively contribute to the proposed Regional Centre zone and Newcastle Street Commercial precinct in terms of land use diversity and the potential for employment generation. In light of this, it is recommended that Council approve the application subject to conditions.

9.3 NO. 14 (LOT: 70; D/P: 6049) BRADY STREET, MOUNT HAWTHORN - PROPOSED AMENDMENT TO SITE PLAN OF PREVIOUS APPROVAL (UNAUTHORISED EXISTING DEVELOPMENT): CONSTRUCTION OF SIX MULTIPLE DWELLINGS

TRIM Ref: D17/149421
Author: Steve Laming, Urban Planner
Authoriser: John Corbellini, Director Development Services
Ward: North
Precinct: 1 – Mount Hawthorn

Attachments:

1. Attachment 1 - Consultation and Location Map [⇒](#) 
2. Attachment 2 - Previous Planning Approval and Approved Plans [⇒](#) 
3. Attachment 3 - Amended Site Plan [⇒](#) 
4. Attachment 4 - Annotated Amended Site Plan [⇒](#) 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application to amend planning approval 5.2016.153.1 granted on 26 July 2016 for Construction of Six Multiple Dwellings at No. 14 (Lot: 70; D/P: 6049) Brady Street, Mount Hawthorn, to replace the site plan with the site plan included as Attachment 3, subject to the following conditions:

1. The plans, excluding the site plan, included in Attachment 2 continue to apply to this approval; and
2. All conditions and advice notes detailed on development approval 5.2016.153.1 granted on 26 July 2016 included in Attachment 2 continue to apply to this approval.

PURPOSE OF REPORT:

To consider an application to amend the development approval for Six Multiple Dwellings at No. 14 Brady Street, Mount Hawthorn.

BACKGROUND:

Landowner:	Alpha Projects (WA) Pty Ltd
Applicant:	Alpha Projects (WA) Pty Ltd
Date of Application:	4 April 2017
Zoning:	MRS: Urban TPS1: Zone: Residential R Code: R60 TPS2: Zone: Residential R Code: R60
Built Form Area:	Residential
Existing Land Use:	Multiple Dwellings – “P” Use
Proposed Use Class:	Multiple Dwellings – “P” Use
Lot Area:	753m ²
Right of Way (ROW):	Not applicable
Heritage List:	No

The subject site is located at the northern end of Brady Street, near to Anderson Street and Gibney Avenue, as shown in **Attachment 1**. The site is zoned Residential with a density coding of R60 under the City's Town Planning Scheme No. 1. The adjoining property to the north is zoned Commercial and is currently occupied by a large commercial development, comprising of a mix of commercial tenancies including shops, showrooms, an educational establishment and an eating house. The adjoining southern and eastern properties are zoned Residential. To the south properties have a density coding of R60 and to the east properties are coded R30. The residential properties in the locality comprise of a mix of single houses, grouped dwellings and multiple dwellings.

On 26 July 2016 Council at its meeting approved an application for Construction of Six Multiple Dwellings on the subject site (5.2016.153.1). The approved development consists of two buildings, accommodating two and four multiple dwellings respectively, with vehicular access from Brady Street, eight internal car parking bays, and landscaping throughout the site. The current approval notice and plans are included as **Attachment 2**.

On 23 February 2017 the City issued an associated Building Permit (6.2017.42.1) for the development. Construction of the development on the site commenced in April 2017. On 4 April 2017, an application was lodged to adjust the front and rear setbacks of the development. In the applicant's submission it was stated that the location of the entire development was required to be shifted forward, towards Brady Street, by a maximum of 160 millimetres in order to provide an adequate setback to the sewer line at the rear of the subject site. The applicant explained that during preparation of the working drawings for the Building Permit application, a site survey and excavation was undertaken. It was identified that the location of the sewer line provided by the Water Corporation, which formed the basis of the proposed rear setbacks of the development application, was incorrect. The Water Corporation's information provided to the applicant indicated that the sewer line was setback 0.66 metres to 0.69 metres from the rear eastern boundary, however the applicant discovered that the sewer line was actually setback 0.86 metres to 0.89 metres.

As a result of the changes the location of the boundary walls to the northern and southern boundaries have shifted along towards Brady Street, by a maximum of 160 millimetres. The building envelope, including all building heights and boundary walls remain unchanged from the current approval.

The application included a side by side comparison of the current approved site plan and the site plan with the proposed amended setbacks, which is included as **Attachment 3**. A copy of this side by side comparison with the updated setbacks annotated by the Administration has been included as **Attachment 4** to clearly demonstrate the extent of the changes.

It is understood that the setbacks were physically adjusted by the builder when the issue was identified and despite the inconsistency with the development approval, the building works continued. As a result the application is retrospective requiring determination as an unauthorised existing development.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1 (TPS1), the City's Policy No. 7.1.1 – Built Form (Built Form Policy) and the State Government's State Planning Policy 3.1: Residential Design Codes (R-Codes). In each instance where the proposal requires the discretion of Council, the relevant planning elements are discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply	Previously approved	Requires further Discretion
Building and Dwelling Size	✓		
Street Setback		✓	✓
Street Walls and Fence	✓		
Lot Boundary Setbacks		✓	
Building Height	✓		
Roof Form		✓	
Open Space/Outdoor Living Areas	✓		
Visual Privacy	✓		
Parking & Vehicle Access	✓		
Solar Access	✓		
Site Works/Retaining Walls	✓		
Utilities and Facilities	✓		
Street Surveillance	✓		
Stormwater Management	✓		
Landscaping		✓	

Detailed Assessment

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

Street Setback		
Deemed-to-Comply Standard	Previous Approval	Proposal
Built Form Policy – Clause 5.2.1		
Minimum street setback of 7.4m	Minimum street setback of 2.026m	Minimum street setback of 1.870m

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

CONSULTATION/ADVERTISING:

The application was advertised for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 15 May 2017 to 28 May 2017. The method of advertising included 78 letters being mailed to all owners and occupiers within close proximity to the subject site, as shown on **Attachment 1**, in accordance with the City's Policy No. 4.1.5 – Community Consultation.

At the close of consultation, no submissions had been received.

Although no formal submissions were received during the consultation period a neighbour submitted a separate query raising concerns in relation to how it was possible for the development to be shifted forwards on the lot, as proposed, when construction of the development had already substantially commenced. It was explained that the application was for retrospective approval and no changes to the building being constructed was proposed.

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;
- State Planning Policy 3.1 – Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation; and
- Policy No. 7.1.1 – Built Form Policy.

The 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 a previous approval 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 current approval for the subject site illustrates a setback to the eastern boundary (rear) varying between 1.70 metres to 1.71 metres and a street setback varying from 2.026 metres up to 3.41 metres. The rear setback satisfies the deemed-to-comply standards of the R-Codes. The proposal to reduce the street setback by a maximum of 160 millimetres results in a setback of 1.87 metres increasing up to 3.25 metres.

As part of the assessment of this application, the justification which formed part of Council's original determination was reviewed. The context and considerations which formed the basis of the current approval are still relevant to this application. The subject site is located on a street bend and the front lot boundary is angled. The development has a staggered street setback that responds to the angled front lot boundary, which provides articulation and reduces the bulk of the building on the streetscape. As the adjoining northern site is zoned Commercial, which is currently occupied by a large open-air car park and commercial building, the proposed development bookends the residential character of Brady Street to the south.

In this context the amendment is not considered to result in any adverse impact on the streetscape. On the above basis, it is considered that the proposed amendment to the previous approval is acceptable. Administration recommends approval subject to all conditions and advice notes of the previous approval.

9.4 NO. 12 (LOT: 42; D/P: 6049) ANDERSON STREET, MOUNT HAWTHORN - SEVEN MULTIPLE DWELLINGS

TRIM Ref: D17/148529






Author: Steve Laming, Urban Planner

Authoriser: John Corbellini, Director Development Services

Ward: North

Precinct: 1 – Mount Hawthorn

Attachments:

1. Attachment 1 - Consultation and Location Map 
2. Attachment 2 - Development Plans 
3. Attachment 3 - Summary of Submissions 
4. Attachment 4 - Design Advisory Committee Comments 
5. Attachment 5 - Determination Advice Notes 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the development application for Seven Multiple Dwellings at No. 12 (Lot: 42; D/P: 6049) Anderson Street, Mount Hawthorn in accordance with the plans included as Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 5:

1. Boundary Wall

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Nos. 10, 10A and 14 Anderson Street, Mount Hawthorn and Nos. 1-3/11 Gibney Avenue, Mount Hawthorn in a good and clean condition prior to occupation or use of the development. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City;

2. Car Parking and Access

2.1. Car parking on site shall only be used by occupants or visitors of the development;

2.2. Vehicle and pedestrian access points are required to match into existing footpath levels; and

2.3. The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to the occupation or use of the development;

3. External Fixtures

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

4. Visual Privacy

The privacy screens to balconies to the eastern, western and southern elevations are to accord with the Visual Privacy deemed-to-comply standards of State Planning Policy 3.1: Residential Design Codes prior to the use or occupation of the development to the satisfaction of the City;

5. Acoustic Report

- 5.1. An Acoustic Report, in accordance with the City's Policy No. 7.5.21 – Sound Attenuation and State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning, shall be lodged with and approved by the City prior to the commencement of the development; and
- 5.2. All of the recommended measures included in the approved Acoustic Report shall be implemented as part of the development, to the satisfaction of the City prior to the use or occupation of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

6. Schedule of External Finishes

- 6.1. Prior to commencement of development a detailed schedule of external finishes (including elevations demonstrating materials and colour schemes and details) shall be submitted to and approved by the City. The schedule is to demonstrate how the materials found within the local area have been re-interpreted into the development; and
- 6.2. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development;

7. Construction Management Plan

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

8. Clothes Drying Facility

All external clothes drying areas shall be adequately screened in accordance with the Residential Design Codes prior to the use or occupation of the development and shall be completed to the satisfaction of the City;

9. Stormwater

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

10. Landscape and Reticulation Plan

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

- 10.1. The location and type of existing and proposed trees and plants;
- 10.2. Areas to be irrigated or reticulated; and
- 10.3. The provision of 12.55 per cent of the site area as deep soil zones and 32 per cent canopy cover at maturity as shown on the approved plans;

All works shown in the plans as identified in Condition 11 shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

11. Environmentally Sustainable Design

Prior to the commencement of development that the applicant demonstrate, to the satisfaction of the City, that the development is capable of achieving one of the environmental performance ratings in accordance with Clause 5.30 of the City's Policy No. 7.1.1 – Built Form;

12. Sun Shading Devices

Plans detailing the provision of suitable sun shading devices to east and west facing windows shall be lodged with and approved by the City prior to the commencement of development. The sun shading devices included in the approved plans shall be installed prior to the occupation or use of the development; and

13. General

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

PURPOSE OF REPORT:

To consider an application for development approval for seven multiple dwellings at No. 12 Anderson Street, Mount Hawthorn.

BACKGROUND:

Landowner:	L K Canet
Applicant:	Daniel Cassettai Design
Date of Application:	3 May 2017
Zoning:	MRS: Urban TPS1: Zone: Residential R Code: R60 TPS2: Zone: Residential R Code: R60
Built Form Area:	Residential
Existing Land Use:	Single House
Proposed Use Class:	Multiple Dwellings – "P" Use
Lot Area:	771m ²
Right of Way (ROW):	Not applicable
Heritage List:	No

The subject site is zoned Residential and coded R60 in the City's Town Planning Scheme No. 1 (TPS1) and is currently occupied by a single house. The location of the subject site is included in **Attachment 1**.

The residential developments in the immediate vicinity comprise of single houses, with several grouped and multiple dwellings emerging with redevelopment of the larger lots. There is a mix of single and two storey developments along the street. The subject site and adjoining properties on either side of Anderson Street are zoned 'Residential' with a density coding of R60.

The sites abutting the subject site to the east, west and north are currently occupied by single storey grouped dwellings at Nos. 10 and 14 Anderson Street and 13 Gibney Avenue, and two storey grouped dwellings at Nos. 10A Anderson Street and Nos. 9 and 11 Gibney Avenue.

The sites to the south of the subject site on the opposite side of Anderson Street are currently occupied by two storey grouped dwellings at Nos. 9, 9A and 9B Anderson Street, and two storey multiple dwelling developments at Nos. 11 and 13 Anderson Street.

The application proposes to construct a total of seven multiple dwellings in two separate buildings, situated at the front and rear of the site, to a maximum of two storeys in height. The development plans that form the basis of this report are included as **Attachment 2**.

The front building, noted as 'Block A' on the development plans, comprises one dwelling on the ground floor and two dwellings on the first floor. The rear building, noted as 'Block B' on the development plans, comprises two dwellings on the ground floor and two dwellings on the first floor. There are two visitor car bays located within the front setback area near Block A, and seven resident car bays are located centrally, between Block A and Block B.

DETAILS:

Summary Assessment

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

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Building and Dwelling Size	✓	
Street Setback		✓
Front Fence	✓	
Lot Boundary Setbacks		✓
Building Height		✓
Open Space	✓	
Outdoor Living Areas	✓	
Landscaping		✓
Visual Privacy		✓
Parking & Vehicle Access	✓	
Bicycle Facilities	✓	
Solar Access	✓	
Site Works/Retaining Walls	✓	
Utilities and Facilities	✓	
External Fixtures	✓	
Street Surveillance	✓	
Outbuildings	✓	

Detailed Assessment

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

Street Setback	
Deemed-to-Comply Standard	Proposal
Policy No. 7.1.1 – Built Form - Clause 5.2.1 A primary street setback to Anderson Street of 6.25m	A setback of 5.41m is proposed to the balconies on the first floor and 5.96m to the building on the ground floor.

Lot Boundary Setbacks	
Deemed-to-Comply Standard	Proposal
Policy No. 7.1.1 – Built Form – Clause C5.3.1 R-Codes – Clause 6.1.4	
<u>Western Boundary</u> First floor of Block B setback 2.1m.	<u>Western Boundary</u> First floor of Block B is setback 1.2-1.6m.
<u>Eastern Boundary</u> Ground floor of Block A setback 1.7m First floor of Block A setback 2.1m. First floor of Block B setback 2m.	<u>Eastern Boundary</u> Ground floor of Block A is setback 1.2m. First floor of Block A is setback 1.2m. First floor of Block B is setback 1.2-1.6m.
<u>Boundary Wall</u> Development has one boundary wall built up to a maximum of one lot boundary.	<u>Boundary Wall</u> Development has two boundary walls to the eastern boundary. Development is built up to three lot boundaries: eastern, western and northern.
Building Height	
Deemed-to-Comply Standard	Proposal
Policy No. 7.1.1 – Built Form – Clause 5.6.1	
The maximum height to the bottom of the skillion roof is 6m.	The maximum height to the bottom of the skillion roof is 6.33m (Block A West elevation) and 6.38m (Block B West elevation).
The maximum height to the top of the skillion roof is 7m.	The maximum height to the top of the skillion roof is 7.04m (Block A and Block B West elevation).
Landscaping	
Deemed-to-Comply Standard	Proposal
R-Codes – Clause 6.3.2	
Maximum 50% hardstand in front setback area.	69.06% hardstand in the front setback area.
Visual Privacy	
Deemed-to-Comply Standard	Proposal
R-Codes- Clause 6.1.4	
A privacy setback of 6m from the balconies of units 2 and 3 to the western and eastern lot boundaries.	A privacy setback of 5.58m from the balcony of unit 2 to the northern lot boundary. A privacy setback of 1.32m from the balcony of unit 3 to the northern lot boundary.

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

CONSULTATION/ADVERTISING:

Community consultation on the application was undertaken for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 14 June 2017 to 28 June 2017. The method of community consultation included 197 letters being mailed to all owners and occupiers within a 75 metres radius from the subject site, as shown on **Attachment 1**, in accordance with the City's Policy No. 4.1.5 – Community Consultation.

Six submissions were received, comprising five objections and one with general concerns.

Following consultation the City provided the applicant with a summary of the comments raised. The applicant responded by revising their proposal and submitted revised plans with the City for consideration. The changes made were significant and the City considered that they warranted re-consultation, which occurred for a period of 14 days from 12 October 2017 to 25 October 2017. The method of community consultation included letters sent to the same owners and occupiers consulted to during the first round of community consultation, as shown on **Attachment 1**.

Six submissions were received, comprising four objections and two with general concerns. The main issues raised in the submissions across both community consultation periods are summarised as follows:

- Concern that the proposed number of seven dwellings is excessive for the locality;
- Concern that the reduced street setback limits growth of trees;
- Concern that the development will increase traffic and on-street parking in the street;
- Concern that the visitor bays in the front setback area will have an impact on the streetscape;
- Concern that the reduced setbacks will impact the amenity and access to natural light of the outdoor areas of the adjoining properties and do not provide sufficient fire separation;
- Concern that the proposal to build up to three lot boundaries will have an adverse impact on the adjoining properties and is indicative of excessive development of the site and/or the development is poorly designed;
- Concern that the increased height of the development will dominate the streetscape and will impact the adjoining properties' access to natural light;
- Concern that the development impacts visual privacy of the adjoining properties;
- Request that the City ensures that the developer complies with traffic management requirements, parking restrictions and noise regulations during construction; and
- The meter boxes, drying areas to balconies and external fixtures should be integrated into the design of the building or screened from view.

A detailed summary of the submissions raised during the initial and subsequent consultation periods and Administration's response to each matter raised is included in **Attachment 3**.

Following the second round of community consultation, the City received further revised plans which included minor changes and therefore did not required re-consultation. These plans are the subject of this report.

Design Advisory Committee (DAC):

Referred to DAC: Yes

Plans for the development were first presented to the DAC on the 5 July 2017 and the DAC requested that the proposal be referred back to the DAC if modifications to address their comments were undertaken. Further plans were presented at the DAC meeting of 18 October 2017 for their comment. The applicant engaged with the DAC process and addressed all of the comments raised by the DAC and the City, with the exception that there were no details on the drawings in relation to sun-shading to east and west facing windows. It is recommended that a condition be included on any approval requiring suitable sun shading devices be provided to the east and west facing windows. An extract of the Minutes of the meetings is provided in **Attachment 4**.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Town Planning Scheme No. 1;
- State Planning Policy 3.1 – Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.5.21 – Sound Attenuation; and
- Policy No. 7.1.1 – Built Form Policy.

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

Delegation to Determine Applications:

This matter is being referred to Council as the application proposes more than three multiple dwellings and more than five objections were received.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:Street Setback

The City's Built Form Policy requires a 6.25 metre setback from Anderson Street. The Built Form Policy sets a standard based on an average of the five residential properties on either side of the subject property. The street setback is made up of original single houses and grouped dwellings on strata lots, with the grouped dwelling developments built closer to the street. The application proposes a setback of 5.96 metres to the building and 5.41 metres to the balconies.

Concerns were raised during the community consultation period in relation to the proposed setback of the development from the street and the impact this would have on the provision of landscaping. The streetscape character on Anderson Street is changing as a result of some of the more recent developments which have taken place on the opposite side of the street. The proposed façade design provides varying setbacks, materials and openings to add visual interest to the elevation. The 5.41 metre setback is considered to provide adequate space for landscaping, with the landscaping plan provided by a landscape designer proposing seven trees in the front setback area and two additional street trees.

Lot Boundary Setback

During community consultation concern was raised regarding the impact the reduced setbacks will have on amenity, the access to natural light of the outdoor areas of the adjoining properties and fire separation. The development is well articulated through varying colours and materials, and due to the north-to-south orientation of the lot, the development will not have an overshadowing impact on the adjoining properties. The development will be required to comply with Building Codes of Australia fire separation provisions. A more detailed assessment of the lot boundary setbacks is provided below:

Western Boundary

The first floor of Block B is setback 1.2 metres from the western boundary increasing to 1.6 metres, in lieu of the 2.1 metres deemed-to-comply standard set in the R-Codes. The adjoining western site at 14A Anderson Street has a natural ground level that is approximately 300mm below the retained natural ground level at the subject site. The single storey dwelling on 14A Anderson Street is setback approximately 5 metres from the northern boundary. A 2.4 metres long portion of the first floor of the western elevation of Block B will be visible from the rear outdoor living area of 14A Anderson Street. The first floor on the western elevation is directly adjacent to three windows on the eastern elevation of 14A Anderson Street.

The western elevation is well articulated with varying setbacks and feature cladding, which reduces the impacts of building bulk on the adjoining property. As the subject lot is oriented north-to-south, the reduced first floor setbacks to the western boundary will not have an overshadowing impact on the adjoining property.

Eastern Boundary

The ground and first floors of Block A are setback 1.2 metres from the eastern boundary in lieu of the deemed-to-comply standards set in the R-Codes, of 1.7 metres and 2.1 metres respectively. The first floor of Block B is setback 1.2 metres from the eastern boundary increasing to 1.6 metres, in lieu of the 2.0 metre deemed-to-comply standard set in the R-Codes.

As the subject lot is oriented north-to-south, the reduced setbacks to the eastern boundary will not have an overshadowing impact on the adjoining eastern properties at 10 and 10A Anderson Street. The development incorporates varying materials and colours on the eastern elevation, with face brick on the ground floor contrasting against the rendered brick finish and feature cladding on the first floor, which provides articulation and reduces the impacts of building bulk on the adjoining properties. The reduced setbacks are not considered to adversely impact in terms of building bulk on the adjoining properties at 10 and 10A Anderson Street. In addition, it should be noted that the windows to the western elevation of 10 Anderson Street have large permanent sunshades, which restrict sightlines to the subject development above the existing 1.8 metre high dividing fencing and therefore the visibility of the development is reduced from this adjoining property.

Boundary Walls

The development proposes building up to three lot boundaries, with one boundary wall to the western and northern boundaries and two boundary walls to the eastern boundary, in lieu of the deemed-to-comply standard of a maximum of one boundary wall to one lot boundary set in the R-Codes. During community consultation concern was raised that the development built up to three lot boundaries will have an adverse noise impact on the adjoining properties and is indicative of excessive development of the site and/or that the development is poorly designed.

It is not considered that the development being built up to three lot boundaries will create any greater noise impacts on the adjoining properties compared to a wall setback in accordance with the deemed-to-comply standards of the R-Codes. The bulk of the development is broken up by the front and rear buildings being separated by 17.7 metres on the ground floor and 4.7 metres on the first floor, where the central open-air car parking is located. The lengths of the western and eastern boundary walls represent a small portion of the lot boundaries and are well under the deemed-to-comply standard of a maximum length of two-thirds of the length of the boundary as set in the R-Codes. A more detailed assessment of each boundary wall is provided below:

West

The western boundary wall to Store 4 is detached from Blocks A and B and has a total length of 6.4 metres, in lieu of the deemed-to-comply maximum length of 24.5 metres in accordance with the R-Codes. The wall has a maximum height of 2.9 metres and an average height of 2.85 metres in lieu of the deemed-to-comply standards set in the R-Codes, of 3.5 metres and 3 metres respectively. The wall is adjacent to two windows on the western adjoining property at 14A Anderson Street.

Due to the natural ground level of 14A Anderson Street being 300mm below the natural ground level of the subject site, the wall will have a maximum height of 2.1 metres as viewed from the 14A Anderson Street side. As a result, only a small portion of the proposed western boundary wall will be visible above dividing fencing and therefore it is considered that the boundary wall will not have an adverse impact on the amenity of the adjoining property.

East

The two boundary walls to the eastern boundary have a total length of 12.5 metres, in lieu of the maximum length of 24.5 metres in accordance with the deemed-to-comply standard set in the R-Codes.

The eastern boundary wall to Stores 1, 2 and 3 is attached to Block A and is adjacent to two windows on the eastern adjoining property at 10 Anderson Street. The wall has a maximum height of 3.3 metres to the top of the nib wall and an average height of 3 metres in lieu of the deemed-to-comply standards set in the R-Codes, of 3.5 metres and 3 metres respectively. The windows to the western elevation of 10 Anderson Street have large permanent sunshades, which restrict sightlines to the subject development above the existing 1.8 metre high dividing fencing and therefore it is not considered that the boundary wall will have an impact on the amenity of the adjoining property.

The boundary wall to Store 5 is detached from Blocks A and B and is adjacent to a carport and is therefore not considered to impact on the amenity of the adjoining property at 10A Anderson Street.

North

The northern boundary wall forms part of Bedrooms 1 to units 4 and 5 of Block B and is adjacent to three windows on the northern adjoining property at 3/11 Gibney Avenue. The wall has a maximum height of 2.9 metres and an average height of 2.75 metres in lieu of the deemed-to-comply standards set in the R-Codes, of 3.5 metres and 3 metres respectively.

The natural ground level of the adjoining northern site is approximately 350mm below the natural ground level of the subject site and therefore the wall will have a maximum height of 2.15 metres as viewed from the 3/11 Gibney Avenue side. As a result, only a small portion of the proposed western boundary wall will be visible above dividing fencing and therefore it is considered that the boundary wall will not have an adverse impact on the amenity of the adjoining property.

Building Height

The City's Built Form Policy sets out a deemed-to-comply maximum building height of 6 metres to the bottom of the skillion roof and 7 metres to the top of the skillion roof. The application proposes a maximum height of 6.33 metres and 6.38 metres to the bottom of the skillion roof of Block A and Block B respectively, and 7.05 metres to the top of the skillion roof to both buildings. The development does align with the two storey height set as a deemed-to-comply standard for this area in the Built Form Policy. However, concern was raised during community consultation in relation to the building height having an adverse impact on the amenity of the adjoining properties by restricting access to natural light and ventilation.

Due the north-to-south orientation of the lot, the development will not have an overshadowing impact on the adjoining properties in accordance with the R-Codes. The two storey portions of the development are setback from the western, northern and eastern lot boundaries, which provides adequate space for natural light and ventilation to the major opening windows of the adjoining properties. The proposed building height is consistent with the other two storey developments on Anderson Street and will be complimentary to the emerging streetscape of newer grouped and multiple dwelling developments. The development incorporates varying colours and materials into the façade, which draws on interpretation of materials found within the local area, which reduces the perception of height. Given the above, the development's overall height in metres is considered to meet the design principles of the R-Codes and local housing objectives of the Built Form Policy.

Privacy

The R-Codes sets out a deemed-to-comply privacy setback of 6.00 metres to lot boundaries from unenclosed outdoor active habitable spaces (balconies). The application proposes a 5.58 metre privacy setback from the front of the balcony of unit 2 looking back to the western boundary. The balcony to unit 2 has clear balustrading, which allows for overlooking behind the front setback of the western adjoining property. However, the front setback area of adjoining property is clearly visible from the street and includes a front garden area and a blank parapet wall.

The application proposes a 1.32 metres privacy setback from the balconies of unit 3 to the eastern boundary. The balcony to unit 3 has clear balustrading, which allows for overlooking behind the front setback of the eastern adjoining property. The area includes a blank wall to a portion of building which accommodates an air-conditioning unit, away from outdoor living areas and windows.

Concerns were raised during consultation in relation to privacy and overlooking. With the exception of the overlooking from the units 2 and 3 balconies on the western and eastern elevations, the windows and units 6 and 7 balconies on the eastern, western and northern elevations all now include screening and satisfy the deemed-to-comply privacy requirements of the R-Codes. A condition has been recommended to ensure the privacy screens proposed comply with the requirements of the R-Codes.

Landscaping

The R-Codes sets out a deemed-to-comply maximum of 50 percent hard landscaping in the front setback. The application proposes 69.06% of the front setback area a hard landscaping. Despite this, significant soft landscaping has been proposed in the front setback area, with a landscaping plan provided by a landscape designer that demonstrates that seven mature trees can be provided in the front setback area. The applicant has also proposed planting of two additional verge trees.

The City's Built Form Policy sets out a deemed-to-comply standard of 15 percent deep soil zone and 30 percent canopy cover at maturity. The landscaping plan indicates 32 percent canopy cover at maturity and 16 percent of site area is deep soil zone, however the City's assessment found that 12.55 percent of the site will be provided as deep soil zone as some of the areas identified as deep soil zone do not meet the 1 metre minimum dimension requirements in accordance with the Built Form Policy. The application proposes the planting of two additional verge trees which would increase the canopy cover to 35.19 percent if the verge trees were included in the calculation, however these are located off the site. The landscaping plan has been prepared by a landscape designer and it is considered that the deep soil zone, canopy cover at maturity and the additional verge trees satisfy the intent of the design principles provisions of the Built Form Policy.

Conclusion

The proposal requires the Council to exercise its discretion in relation to the street setback, building setbacks, building height, privacy and landscaping. All of these elements of the proposal are considered to meet the relevant design principles set out in the R-Codes and local housing objectives set out in the Built Form Policy. The proposal is recommended for approval subject to conditions.

9.5 NO. 26 (LOT: 17; D/P: 2432) WOODVILLE STREET, NORTH PERTH - PROPOSED TWO MULTIPLE DWELLINGS, ADDITIONS TO EXISTING MULTIPLE DWELLING DEVELOPMENT AND CHANGE OF USE FROM SINGLE HOUSE TO GROUPED DWELLING

TRIM Ref: D17/155424




Author: Remajee Narroo, Senior Urban Planner

Authoriser: John Corbellini, Director Development Services

Ward: North

Precinct: 6 – Smith's Lake

Attachments:

1. Attachment 1 - Consultation and Location Plan 
2. Attachment 2 - Development Application Plans and Report 
3. Attachment 3 - Summary of Submissions 
4. Attachment 4 - Determination Advice Notes 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the development application for Two Multiple Dwellings, Additions to Existing Multiple Dwelling Development and Change of Use from Single House to Grouped Dwelling at No. 26 (Lot: 17; D/P: 2432) Woodville Street, North Perth in accordance with the plans included as Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4:

1. Boundary Wall

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 28 Woodville Street, North Perth in a good and clean condition prior to occupation or use of the development. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City;

2. External Fixtures

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

3. Car Parking and Access

3.1. A minimum of three resident bays and one visitor bay for the multiple dwellings and a minimum of one car bay for the grouped dwelling shall be provided onsite;

3.2. Vehicle and pedestrian access points are required to match into existing footpath and right of way levels;

3.3. The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to the occupation or use of the development; and

3.4. The visitor parking bay is to be sign posted, to the satisfaction of the City, prior to the occupation or use of the development;

4. Landscape and Reticulation Plan

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

- 4.1.1. The location and type of existing and proposed trees and plants;
- 4.1.2. Areas to be irrigated or reticulated; and
- 4.1.3. The provision of 12.9 percent of the site area as deep soil zones and on-site provision of canopy cover equivalent to no less than 30 percent of the site area at maturity as shown on the approved plans; and

4.2. All works shown in the approved detailed landscape and reticulation plans as identified in Condition 4.1 above shall be undertaken to the City's satisfaction, prior to occupation or use of the development and shall be maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

5. Schedule of External Finishes

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

6. Construction Management Plan

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

7. Stormwater

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

8. Verge Trees

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

9. Clothes Drying Facility

All external clothes drying areas shall be adequately screened in accordance with State Planning Policy 3.1: Residential Design Codes prior to the use or occupation of the development and shall be completed to the satisfaction of the City; and

10. General

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

PURPOSE OF REPORT:

To consider an application for development approval for two Multiple Dwellings, additions to an existing Multiple Dwelling and a change of use from Single House to Grouped Dwelling at No. 26 Woodville Street, North Perth.

BACKGROUND:

Landowner:	A and FJ Kalani
Applicant:	A Kalani
Date of Application:	27 June 2017
Zoning:	MRS: Urban TPS1: Zone: Residential R Code: R40 TPS2: Zone: Residential R Code: R40
Built Form Area:	Residential
Existing Land Use:	Single House and Multiple Dwelling
Proposed Use Class:	Multiple Dwelling - "P" Use Grouped Dwelling - "P" Use
Lot Area:	692.887m ²
Right of Way (ROW):	Not Applicable – Sholl Lane is a Dedicated Road (Street)
Heritage List:	Not Applicable

The subject site is located on the eastern side of Woodville Street, North Perth, between Walcott Street and Sholl Lane as shown in **Attachment 1**. There is an existing Single House and an existing Multiple Dwelling on the subject site with the Single House fronting Woodville Street and the Multiple Dwelling, situated above two parking bay, one for each dwelling on site, fronting Sholl Lane. The existing vehicular access to the site is from Sholl Lane. The residential developments in the immediate vicinity are comprised predominantly of single houses and grouped dwellings with a mix of single and two storey developments. Along Sholl Lane the site faces an existing grouped dwelling development. The subject site and adjoining properties along Woodville Street are zone Residential with a density of R40 and those on the opposite side of Sholl Lane are zoned 'Residential' with a density of R60.

The application proposes the construction of two Multiple Dwellings in the middle of the site, between the two existing dwellings, as well as modifications to the two parking bays currently provided under the existing Multiple Dwelling fronting Sholl Lane to provide three bays, one for each of the three Multiple Dwellings. Given the site is currently one lot and there is more than one dwelling on the lot, the existing Single House fronting Woodville Street will also require a change of use to Grouped Dwelling. The applicant has indicated their intention to strata subdivide the existing lot as follows:

- Lot 1: To include the grouped dwelling (Unit 1) fronting Woodville Street with a site area of 202.21 square metres;
- Lot 2: To include the two proposed multiple dwellings (units 2 and 3) and the existing multiple dwelling (unit 4) with a site area of 490.77 square metres.

The visitor car bay for the two proposed Multiple Dwellings and the car parking for the Grouped Dwelling fronting Woodville Street will be accessed from Woodville Street. The front fence to Woodville Street will be modified to allow for this vehicle access. The plans form the basis of this report are included as **Attachment 2**.

DETAILS:**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1 (TPS1), the City's Policy No. 7.1.1 – Built Form (Built Form Policy) and the State Government's State Planning Policy 3.1: Residential Design Codes (R-Codes). In each instance where the proposal requires the discretion of Council, the relevant planning elements are discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Building and Dwelling Size	✓	
Street Setbacks	✓	
Building Height	✓	
Roof Form	✓	
Open Space	✓	
Outdoor Living Areas		✓

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Visual Privacy	✓	
Parking & Vehicle Access		✓
Solar Access	✓	
Site Works/Retaining Walls	✓	
Utilities and Facilities	✓	
Street Surveillance	✓	
Outbuildings	✓	
Landscaping		✓
Environmentally Sustainable Design	✓	

Detailed Assessment

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

Outdoor Living Area	
Deemed-to-Comply Standard	Proposal
Built Form Policy – Clause 5.13 R-Codes – Clause 5.3.1 Unit 1- Outdoor Living Area is to be located behind the street setback area	Unit 1 - Outdoor Living Area is proposed within the street setback area
Vehicular Access	
Deemed-to-Comply Standard	Proposal
Built Form Policy – Clause 5.17 R-Codes – Clauses 5.3.5 and 6.3.5 Access to on-site car parking spaces to be provided from the primary street frontage where no secondary street or right-of-way exists.	Access to car bay to the Grouped Dwelling and the visitor car bay for the Multiple Dwelling is proposed from Woodville Street.
Landscaping	
Deemed-to-Comply Standard	Proposal
R-Codes – Clause 6.3.2 The street setback area being developed without car parking, except for visitors bays and with a maximum of 50 percent hard surface.	Car bay to the Grouped Dwelling is within the Woodville Street setback and the proposal includes 50 per cent hard surface.

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

CONSULTATION/ADVERTISING:

Community consultation was undertaken for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* and the City's Policy No. 4.1.5 – Community Consultation, from 3 October 2017 to 16 October 2017. The method of community consultation included advertising the proposal on the City's website and 111 letters being mailed to all owners and occupiers within a radius of 75 metres to the subject site, as shown on **Attachment 1**. A total of 15 submissions were received, 14 objections and one of which was neither support nor object. The comments raised in the submissions can be summarised as follows:

- Increased in density is out of character with the area;
- Plot ratio proposed is inconsistent with existing dwellings in the area;
- The boundary wall with the balcony will impact on the northern property in terms of bulk and privacy;
- The additional cars proposed for the development will impact on the traffic in the area;
- There are already car parking issues in the area and the lack of visitor car parking will exacerbate the situation;
- Retaining walls not supported;

- Stores for these units are to comply with the minimum area of 4 square metres;
- During construction access to Sholl Lane will be blocked;
- Noise during construction will impact on the adjoining residents;
- Lack of Landscaping;
- Height will impact on the existing streetscape of the area;
- Development is to comply with the requirements of the R-Codes;

In response to submissions received and as well as comments made by the City's officers the applicant submitted amended plans on 8 November 2017 that addressed all of the issues raised. The plans being considered by Council as part of this report differ to those which were advertised and the changes are identified as follows:

- The layout of the two future proposed strata lots was modified to include a visitor bay for the multiple dwellings accessible from Woodville Street and a new pedestrian access along the northern boundary. This has resulted in changes to the site area allocated to Lot 1 and Lot 2 as follows: Lot 1 has decreased from 252.64 square metres to 202.21 square metres and Lot 2 has increased from 440.34 square metres to 490.77 square metres;
- The plot ratio for the Multiple Dwellings site (Lot 2) has decreased from 0.68 to 0.58, which now complies with the deemed-to-comply standards of the R-Codes. This decrease was a result of the modification to the site areas and reconfiguration of the two proposed Multiple Dwellings;
- The modification to the site areas has resulted in the outdoor living area to Unit 1 (the existing Single House proposed to change to a Grouped Dwelling) being located within the front setback area;
- The first floor of Unit 3 has been reconfigured with the proposed balcony relocated to the eastern side, resulting in the first floor being setback 1.79 metres from the northern boundary, which complies with the deemed-to-comply standards of the R-Codes;
- The boundary wall height to Unit 2 along the northern boundary has decreased from a maximum height of 4.67 metres and average height of 3.89 metres to a maximum and average height of 3.00 metres, which complies with the deemed-to-comply standards of the R-Codes;
- The wall height of the proposed Multiple Dwellings building has been reduced from 6.20 metres to 6.00 metres which complies with the deemed-to-comply standards set out in the Built Form Policy;
- The proposed retaining walls heights have been modified to have a maximum height of 0.30 metre along the side boundaries, which complies with the deemed-to-comply standards of the R-Codes;
- Stores have been provided to each dwelling which meet the deemed-to-comply standards of the R-Codes for all the dwellings within the development; and
- The submission of a landscaping plan by a qualified landscape architect which provision of canopy coverage that meets the deemed-to-comply standards set out in the Built Form Policy and 12.9 percent deep soil zones in lieu of the 15 percent set as a deemed-to-comply standard in the Built Form Policy.

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;
- State Planning Policy 3.1 – Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation; and
- Policy No. 7.1.1 – Built Form Policy.

The 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*.

It is noted that the landscaping of the Built Form Policy require approval of the Western Australian Planning Commission (WAPC) and as a result the assessment will only have 'due regard' to these provisions.

Delegation to Determine Applications:

This matter is being referred to Council as the application received more than five objections.

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:Outdoor Living Area

The Outdoor Living Area for the grouped dwelling (Unit 1) is located within the street setback area. The deemed-to-comply standards of the R-Codes states that outdoor living areas should be located behind the setback line. The proposed site area allocation results in there being insufficient area to the rear of the dwelling to provide an outdoor living area behind the existing Single House.

The proposed outdoor living area can be easily accessed from the living room via the porch and will be open to the winter sun and ventilation given the orientation of the subject site. The proposal does not seek to cover the outdoor living area with a roofed structure which also lessens the impact on the streetscape. The dwelling does have access to a secondary smaller private courtyard area with a deck to provide an alternative area to occupants. The proposal addressed the design principles of the R-Codes and Built Form Policy and is considered appropriate.

Car Parking and Vehicular Access

A submission received by the City during the community consultation period raised some concerns that there are insufficient street parking bays in the area and with no on-site visitor car parking the situation will be exacerbated. The applicant amended the plans to provide a visitor car parking bay, accessed from Woodville Street, which is both considered an appropriate response and complies with the deemed-to-comply of the R-Codes.

Sholl Lane is used to provide access to the car parking bays for the occupants of the multiple dwellings. The vehicular access for the car bay to the grouped dwelling and the visitor car bay for the multiple dwelling is proposed from Woodville Street, in lieu of Sholl Lane. The colocation of the car bays ensures that the number of crossovers into the development is minimised, whilst still providing safe access and egress. It has been identified that between Menzies Street and Salas Lane there are currently 10 properties (equating to 76%) which are provided with a vehicle crossover/access directly from Woodville Street, three of which are double crossovers. It is considered that this portion of Woodville Street will unlikely to be adversely affected by the proposal. It is considered that the proposal addresses the design principles of the R-Codes and Housing Objectives of the Built Form Policy and is supported.

Density and Scale

The submissions received by the City during the community consultation period raised some concerns regarding the type and scale of the development. The proposed density of the development being a mix of grouped and multiple dwellings is consistent with the R40 density coding which applies to the subject site and surrounding residential properties along Woodville Street.

The plot ratio for the proposed development has been reduced to 0.58 which now complies with the deemed-to-comply standards of the R-Codes. The proposed development is two storeys in height and the wall height has been reduced to 6.00 metres which is consistent with the existing height of more recent developments within the area and now meets the deemed-to-comply standards of the Built Form Policy.

Landscaping

The proposal includes 51 per cent hard surface within the front setback area in lieu of the 50 percent outlined in the deemed to comply requirements of the R-Codes. Given the car parking for the existing and proposed multiple dwellings will be provided from Sholl Lane the car parking for the grouped dwelling can only be provided from Woodville Street.

Over 24 square metres of deep soil zone and a large shade tree is now proposed within the front setback area, which will contribute to the amenity of the grouped dwelling by providing the occupants with a green outlook from the development. Given there are mature trees along the verge of Woodville Street and landscaping within the street setback area of some properties along Woodville Street it is considered the proposed landscaping will contribute to the existing streetscape. There are two existing trees in the northern section of the front setback area proposed to be retained which will also soften the impact of the crossover and contribute to maintaining a local sense of place. It is considered that the proposal addresses the design principles of the R-Codes and is supported.

The City's Built Form Policy sets out a deemed-to-comply standard of 15 percent deep soil zone and 30 percent canopy coverage at maturity. The landscaping has been updated since being advertised with the proposal now providing 12.9 percent of the site as deep soil zone, and over 30 percent canopy coverage. Given the retention of the existing two tree in the northern section of the front setback area and the proposal exceeding the canopy coverage deemed-to-comply standard it is considered that the proposal satisfies the intent of the Policy.

Traffic and Impact during Construction

The submissions received by the City during the community consultation period raised some concerns regarding traffic and that during construction access to Sholl Lane may be impacted potentially limiting access to garages and/or dwellings of the properties along Sholl Lane. The development proposes one additional car parking bay fronting Sholl Lane, and given Sholl Lane is a dedicated and seal road it is not considered that this additional parking bay will have any significant impact on traffic.

In relation to the impacts of construction, a condition is recommended requiring the submission of a construction management plan prior to the commended to development which will need to ensure that construction works are managed to minimise the impact on the surrounding area. Concerns were also raised relating to noise impacts during construction on the surrounding residents. The hours within which building works are permitted is governed through the *Building Act 2012* and will be considered as part of the construction management plan.

Conclusion

The proposal requires Council to exercise its discretion in relation to outdoor living area, vehicular access and landscaping which are considered to meet the design principles set out in the Built Form Policy and R-Codes. The applicant has amended the plans to address the concerns of the adjoining residents and the City's officers. In this instance, the proposed development is not considered to adversely impact the adjoining properties and is recommended for approval subject to conditions.

9.6	NO. 304 (LOT: 6; D/P: 2411) FITZGERALD STREET, PERTH - PROPOSED EXTENSION OF THE TERM OF APPROVAL: FOUR STOREY OFFICE BUILDING AND ASSOCIATED CAR PARKING
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TRIM Ref: D17/153402
Author: Heidi Miragliotta, 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 Approval and Plans 
3. Attachment 3 - Applicant's Justification 
4. Attachment 4 - Applicant's Response to Submission 
5. Attachment 5 - 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 extend the period within which the development must be substantially commenced for planning approval (5.2013.520.1) granted by Council on 27 May 2014 for Proposed Four Storey Office Building and Associated Car Parking at No. 304 (Lot: 6; D/P: 2411) Fitzgerald Street, Perth, in accordance with the plans included as Attachment 2, subject to the following conditions:

1. All conditions and advice notes detailed on planning approval 5.2013.520.1 granted on 27 May 2014 and included in Attachment 2 continue to apply to this approval, except as follows:
 - a) Condition 5.1 of the planning approval is deleted and replaced with the following condition:

“5.1 Landscape and Reticulation Plan

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

- 5.1.1 The location and type of existing and proposed trees and plants;
- 5.1.2 The provision of additional mature tree planting within the road widening area with a minimum canopy cover at maturity of 80 per cent of the road widening area shown on the approved plans to the satisfaction of the City; and
- 5.1.3 The provision of additional deep soil zone within the road widening area of a minimum of 6 per cent of the site area to the satisfaction of the City;
- 5.1.4 Areas to be irrigated or reticulated.

All works shown in the approved landscape and reticulation plan shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;” and

b) An additional Condition 5.9 is added as follows:

“5.9 Environmentally Sustainable Design

Prior to the commencement of development that the applicant demonstrate, to the satisfaction of the City, that the development is capable of achieving one of the environmental performance ratings in accordance with Clause 1.8 of the City’s Policy No. 7.1.1 – Built Form;”.

PURPOSE OF REPORT:

To consider an application for an extension of the term of approval for a proposed four storey office building and associated car parking at No.304 Fitzgerald Street, Perth.

BACKGROUND:

Landowner:	Starclone Pty Ltd
Applicant:	Emco Building
Date of Application:	5 May 2017
Zoning:	MRS: Urban TPS1: Zone: Commercial TPS2: Zone: Commercial
Built Form Area:	Activity Corridor
Existing Land Use:	Vacant
Proposed Use Class:	Office – “P”
Lot Area:	496.554m ²
Right of Way (ROW):	South eastern side, sealed, 5.0m in width, City owned
Heritage List:	No

The subject site lies between Fitzgerald Street and Cielo Lane which is a City owned right-of-way (ROW). The site is located within the portion of Fitzgerald Street which lies between Vincent Street and Bulwer Street. The site is zoned ‘Commercial’ and its location is shown at **Attachment 1**. The area to the north east, south west and north west, on the opposite side of Fitzgerald Street, is also zoned ‘Commercial’. The area to the rear of the subject lot and on the opposite side of Cielo Lane is zoned ‘Residential’ with an R-Code of ‘R50’. Fitzgerald Street is classified as an Other Regional Road (ORR) under the Metropolitan Region Scheme (MRS) and is reserved as a Category 2 Road. The subject lot is affected by the proposed future widening of the Fitzgerald Street Road Reserve.

Council at its Ordinary Meeting held on 27 May 2014 granted approval for a four storey office building and associated car parking on the subject site. One of the conditions of approval was that a cash-in-lieu contribution of \$6400 be made for the car parking shortfall of 1.28 bay associated with the development. The cash-in-lieu payment was received in full on 8 July 2014. The previous approval, including the conditions and approved plans are included as **Attachment 2**.

The above planning approval expired on 27 May 2016. The current application was lodged on 5 May 2017 and proposes to amend this approval by extending the term of the approval. This application accords with the provisions of Clause 77 of the Planning and Development (Local Planning Scheme) Regulations 2015, which allows a previous planning approval to be amended to extend the timeframe within which the development must be substantially commenced.

The City referred the application to the Department of Planning, Lands and Heritage in early June 2017 as the property abuts an Other Regional Road. A response was received from the Department on 30 June 2017. Following this the City undertook an initial assessment and additional information was requested from the applicant to justify departures from the deemed-to-comply requirements of the Local Planning Policy No 7.1.1 – Built Form (Built Form Policy). Following receipt of additional information from the applicant, the application was advertised at the end of October 2017, details of which are provided below.

DETAILS:**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1 (TPS1), the City's Policy No. 7.7.1 – parking and Access and the Built Form Policy. 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	Deemed-to-Comply	Discretion Previously Approved	Discretion Required under Built Form Policy
Street Setback		✓	
Building Setbacks/Boundary Wall			✓
Building Height/Storeys	✓		
Landscaping			✓
Parking & Access		✓	
Bicycle Facilities		✓	
Service Areas and External Fixtures	✓		
Ground Floor Design	✓		
Ground Floor Frontage		✓	
Awnings, Verandahs and Colonnades	✓		
Building Design	✓		
Pedestrian Access	✓		

Detailed Assessment

The deemed-to-comply assessment of the elements that require the discretion of Council is as follows and is discussed further in the comment section below:

Building Setbacks/Boundary Wall	
Deemed-to-Comply Standard	Proposal
Built Form Policy - Clause 2.2 The third and fourth storeys are to be setback 3.0m to the north east and south west side boundaries.	A minimum nil setback is proposed.
Built Form Policy - Clause 2.7 15% Deep Soil Zone	4% Deep Soil Zone.

CONSULTATION/ADVERTISING:

Consultation on the proposal was undertaken for a period of 14 days in accordance with the Planning and Development (Local Planning Scheme) Regulations 2015, from 10 October 2017 until 23 October 2017. A total of 63 letters were sent to owners and occupiers of properties within close proximity of the subject site (**Attachment 1**) in accordance with the City's Policy No. 4.1.5 – Community Consultation. The City wrote to the same owners and/or residents that were consulted when the original development application was initially advertised in April 2014.

At the end of the consultation period only one submission, which neither supported nor objected to the proposal, was received. The main points raised in the submission are summarised as follows:

- Access to the rear car park of the adjoining lot shall be maintained at all times unless written permission is received from the landowner.
- A full structural and conditional dilapidation report be conducted prior to any works commencing on the site. The dilapidation report should be submitted to the owners of 300 Fitzgerald Street for comment and agreement.
- Construction noise levels are to be monitored to ensure that they do not exceed the permitted noise levels.

The applicant has provided a justification for the proposal and a response to the submissions which are included as **Attachments 3** and **4** respectively.

A detailed summary of the submission and Administration's response to each matter raised is included in **Attachment 5**.

The application, given that Fitzgerald is classified as an Other Regional Road, was also referred to the Department of Planning, Lands and Heritage for comment. The Department have noted that the awning of the proposed building is located within the future road widening reserve. The awning may remain on the proviso that the landowner agrees to remove it upon the land being ceded for road widening. The removal is to be at the expense of the owner. A condition to this effect is already included in the approval and it is recommended this be retained in any approval to extend the term of approval of this development.

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;
- State Planning Policy 3.1 – Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.1 – Built Form Policy; and
- Policy No. 7.7.1 – Parking and Access.

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

Clause 77(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015* enables the term of a development approval to be amended so as to extend the period within which any development approved must be substantially commenced. However, no guidance is provided as to how discretion can be exercised in this regard. The State Administrative Tribunal (SAT) has published several decisions that relate to the extension of time and provide relevant considerations in the exercise of discretion in this application. Notably in the decision of Claymont Westcapital Pty Ltd and East Perth Redevelopment Authority WASAT 77 – 2008, SAT identified three key considerations, namely:

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

Each relevant matter is to be considered and balanced in the exercise of discretion. The applicant has addressed the above matters in their justification for the proposal, which is included as **Attachment 3**.

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 Council approved the previous application and the development is more than three storeys.

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:

Lot Boundary Setbacks

The proposed development has a nil side boundary setback for all four storeys. These lot boundary setbacks are identical to those included in the previous approval, which met the deemed-to-comply standards set under the previous Hyde Park Precinct Policy No. 3.1.12 and Development Guidelines for Commercial and Mixed Use Developments Policy No 3.1.12, which was the applicable policy at the time. However, in January 2017, the Hyde Park Precinct Policy No. 3.1.12 was rescinded and the Built Form Policy became the applicable policy for the purposes of lot boundary setbacks. The Built Form Policy sets a deemed-to-comply side setback of nil for the first two storeys and three metres for the third and fourth storeys. Given this, the proposal has been assessed against the relevant design principles of the Built Form Policy.

In order to satisfy the design principles of the Built Form Policy, the proposed development is required to incorporate design elements that reduce the impact of building bulk and maximise natural light access, natural ventilation and, internal and external privacy. The applicant in their submission, which is included as **Attachment 3**, have provided justification for the side setback departure from the deemed-to-comply criteria by demonstrating the manner in which the design principles have been addressed through the building design. In summary the applicants have stated that the proposed development is consistent with the existing nil side setbacks of the non-residential adjoining lots at 300 and 308 Fitzgerald Street.

The adjoining lots are not considered to be adversely impacted by the building bulk of the proposed development. The commercial developments on either side of the subject site both include three storey boundary walls which will screen the third and fourth storey boundary walls from the street and ensure there is no impact on the adjoining property. The front façade is characterised by a mix of materials such as an aluminium awning at ground level, perforated shade awnings on the second, third and fourth stories, aluminium framed windows and metal louvres. The rear (east) elevation contains shade awnings which reduces the visual impact of building bulk. The development contains skylights and a light well which allows for natural light access to the development. The proposed office development's setbacks and landscaping are consistent with surrounding non-residential developments. The proposed rear (east) elevation, which adjoins Cielo Lane, contains window openings and visually permeable screens/gates (on the ground floor) which allows for passive surveillance of the rights of way.

Given the above, it is considered that the proposal does meet the relevant design principles and the side boundary setbacks of the third and fourth floor are considered appropriate.

Landscaping

The approved development includes approximately 20 square metres or 4 percent of the site area as deep soil zone, which is well below the 15 percent set as a deemed-to-comply standard in the Built Form Policy. These deep soil zones are provided within the road widening area, given the development footprint covers the entire site area and no roof terrace or balconies are proposed. The future road reserve is likely to incorporate landscaping in the location of the deep soil zones proposed, and so these landscaped areas are considered appropriate. However, there is opportunity for the area of deep soil zone in the road widening area to be increased and more significantly, there is also opportunity for additional tree planting in this area which would deliver significant canopy coverage of both the front setback area and the road reserve. In order to address the design principles of the Built Form Policy, it is recommended that the landscaping condition

on the existing approval be amended as part of any extension to the term of this approval to require a minimum of 30 square metres of deep soil zone and 80 percent of the road widening area to be provided with canopy coverage.

Environmentally Sustainable Design

The previous planning approval has not addressed the environmentally sustainable design requirements of the Clause 1.8 of the Built Form Policy. As such it is recommended that a condition be included on any extension of time requiring the applicant to demonstrate that the development is capable of achieving one of the environmental performance ratings in accordance with Clause 1.8 of the Built Form Policy, prior to the proposed development being commenced. This will ensure that environmentally sustainable design is considered as part of the detailed building design of the development and that the intent of this element of the Built Form Policy is satisfied.

Time Extension

The applicants have demonstrated that the developer, as holder of the development approval, has actively and relatively conscientiously pursued the implementation of the development approval issued 27 May 2014. The applicants in their justification have raised the following points:

- Payment of the cash-in-lieu contribution of \$6,400, as required by Condition 6.3, was paid by the landowner on 8 July 2014.
- An application for building permit received a Certificate of Design Compliance by a private building certifier on 10 November 2014 and building permit issued by the City on 3 February 2015.
- Marketing of the proposed office development for expressions of interest has commenced via methods including advertising signage on-site and online website. Due to current economic conditions sale of the development has stagnated and construction has not been a viable option to pursue.

The proponent remains committed to delivering the development and seeks an additional two years to progress the development.

Although the previous Hyde Park Precinct Policy No. 3.1.12 and Development Guidelines for Commercial and Mixed Use Developments Policy No 3.1.12, which were applicable at the time the planning approval was issued, have been rescinded, the planning framework has not changed substantially. The site is still zoned Commercial and the changes in the provisions of the Built Form Policy relating to setbacks, environmentally sustainable design and landscaping can be appropriately addressed by the development or through conditions of approval. The development is considered to generally accord with the Built Form Policy, subject to conditions being imposed regarding landscaping, and as such the request for the extension of time is recommended for approval, subject to previous conditions and advice notes detailed on planning approval 5.2013.520.1.

9.7	NOS. 388-396 (LOTS: 64-65; D/P: 613) WILLIAM STREET, PERTH - PROPOSED AMENDMENT TO CONDITION OF APPROVAL: PROPOSED PERIODIC THEATRE AND ASSOCIATED ACTIVITIES ON EXISTING CAR PARK
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TRIM Ref: D17/158165




Author: Emily Andrews, Urban Planner

Authoriser: John Corbellini, Director Development Services

Ward: South

Precinct: 13 – Beaufort

Attachments:

1. Attachment 1 - Location and Consultation Map [⇒](#) 
2. Attachment 2 - Previous Determination [⇒](#) 
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 Condition 1 and extend the period within which the development must be substantially commenced for development approval 5.2015.482.1 granted on 8 December 2015 for a Periodic Theatre and Associated Activities on Existing Car Park at Nos 388 and 396 (Lots: 64 & 65; D/P: 613) William Street, Perth, subject to the following condition:

1. All conditions, requirements and advice notes detailed on the development approval 5.2015.482.1 granted on 8 December 2015 continue to apply to this approval, with exception of Condition 1 which is amended to read as follows:

“1. Approval period

This approval is only valid until 30 April 2020, between the months of December to April inclusive, and does not allow continuation of the use beyond that date. Should the applicant wish to continue the use after this date, it will be necessary to re-apply and obtain approval from Council prior to continuation of the use.”

PURPOSE OF REPORT:

To consider an application to amend a time limited condition of the development approval for a change of use to theatre at Nos. 388 and 396 William Street, Perth.

BACKGROUND:

Landowner:	Shing I – Chen
Applicant:	Strut and Fret Production House Pty Ltd
Date of Application:	10 October 2017
Zoning:	MRS: Urban TPS1: Zone: Commercial TPS2: Zone: District Centre
Built Form Area:	Town Centre
Existing Land Use:	Car Park
Proposed Use Class:	Theatre
Lot Area:	495m ²
Right of Way (ROW):	None
Heritage List:	No

The subject site is located on the eastern side of William Street and on the corner of William and Monger Street. The location of the subject site is included as **Attachment 1**. The subject site abuts a vacant lot to the south and an Eating House to the east. The locality has been developed with a range of commercial uses including eating houses and shops. The subject site has previously been granted development approval for a private car park.

The subject site and those immediately adjoining along William Street and Money Street are zoned Commercial. Properties fronting Monger Street are zoned Residential with a density coding of R80. The City's Draft Local Planning Scheme No. 2 (LPS 2) contemplates a change in zoning to the immediate area to District Centre.

At its Ordinary Council meeting on 8 December 2015, Council granted a conditional and time-limited development approval for the subject site to operate as a temporary Theatre use. A copy of this approval, including the approved development plans, is provided in **Attachment 2**. Condition 1 of the development approval set out that the approval was valid until 31 July 2017. The applicant has advised that no events were held/undertaken and a search of the City's records also indicated that no other relevant approvals were obtained. As a result the approval was not acted upon and has lapsed.

On 27 October 2017, the City received an application to amend a condition on the existing development approval. The application was assessed as a "Theatre" as it is considered to fall within this use under TPS 1. A "Theatre" land use is a permitted use within the Commercial zone.

The Theatre is a temporary venue, with theatrical productions that range in styles and genres to appeal to children, families, seniors and theatre audiences. The development proposes to seat 630 persons inside the venue. The entrance to the site for patrons at the corner of William and Monger Streets, and portable amenities such as power generators, toilets, refrigeration, video camera surveillance and external site lighting are provided on site.

DETAILS:

The application seeks to amend the previous development approval issued by Council by extending the time within which the development must be substantially commenced and amending Condition 1 which relates to the time limited nature of the proposed theatre use. The current condition was valid to 31 July 2017 and did not allow for the continuation of the use beyond this date without further approval. All remaining conditions as provided in **Attachment 2** are not proposed to be amended as part of this application.

The application proposes the temporary theatre use to be able to operate for three years from December 2017 to April 2020, with events only taking place during the months of December through to April. The construction and dismantling of the structure associated with the use is proposed to occur within the specified timeframe. When the theatre use is not in operation, the subject site will revert back to the approved use of a "Private Car Park".

During each event period the site will be open daily with operational hours being determined by the event program. In accordance with Condition 4 of the approval issued by Council, the operating hours are restricted to:

- Sunday to Thursday: 12noon – 10pm; and
- Friday & Saturday: 12noon – midnight.

As previously approved, the theatre and associated event space will utilise the entirety of the site and as such, no car parking is provided onsite.

CONSULTATION/ADVERTISING:

Community consultation on the proposal occurred for a period of 14 days, from 17 November 2017 to 30 November 2017. The method of consultation involved 29 letters being mailed out to all owners and occupiers adjacent to the site, as shown in **Attachment 1**, in accordance with the City's Policy No. 4.1.5 – Community Consultation.

A total of one (1) submission was received, which was in objection. The comments raised related to noise issues from machinery and patrons leaving the site, increased traffic in the area and parking concerns. A summary of submissions received during the consultation period and Administration's response to each is contained within **Attachment 3**.

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;
- Policy No. 7.5.7 – Licenced Premises; and
- Policy No. 7.7.1 – Parking and Access.

The application to amend the aforementioned condition of development approval is made in accordance with Clause 77(1) (a) and (b) of *Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015*, which enables an application to be made requesting a local government to amend the approval so as to extend the period in which any development approved must be substantially commenced and 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*.

Since the previous decision by Council in December 2015, the City's Policy No. 7.7.1- Parking and Access has been amended (on 8 December 2015) and Policy No. 7.1.1- Built Form has been implemented. However, the parking requirement for the subject site has not altered from the previous approval, with the number of bays required and relevant adjustment factors remaining relevant.

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."*

"Economic Development

2.1 *Progress economic development with adequate financial resources."*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed theatre is a unique activity that is considered to make a positive contribution to the area as it will entice a variety of visitors and add to the local economy.

The theatre is a temporary structure that is consistent with the Town Centre Provisions of the Built Form Policy in terms of building height and setbacks. Whilst provisions of the Town Centre have not been applied to the subject application given the temporary nature of the structure, is considered to address the intent of the policy as it will readily stimulate what is currently an inactive space and draw activity to the area.

The proposal is considered to be appropriately located within the William Street Town Centre. Given the seasonal use of the site as a theatre, a cash-in-lieu contribution for the car parking shortfall was not previously required. In order to mitigate the lack of onsite parking, a condition was imposed requiring all ticket sales to include free public transport and this aspect remains part of this application.



Although Noise has been raised as a concern during the community consultation period, the use will be required to comply with the *Environmental Protection (Noise) Regulations 1997*. The proposed operation hours are consistent with the City's Policy No. 7.5.7 – Licensed Premises within a 'Commercial' Zone. Given the theatre use, the majority of loud noise will be contained within the tent structure and will be subject to the submission of an acoustic report to the City, which is required by Condition 10.1 to be provided in conjunction with an Event Management Plan.

As all of the conditions of the approval remain valid, the applicant will be required to demonstrate compliance with each condition, including providing the above mentioned Event Management Plan as well as a Waste Management Plan. These two plans will cover the attenuation and management of noise, the provision of sufficient site facilities, the management and collection of waste and the notification of surrounding neighbour prior to use of the site as a theatre. The existing approval also restricts the operating hours to 12:00pm to 10:00pm Sunday to Thursday and 12:00pm to midnight Friday and Saturday. It is considered that these conditions are capable of addressing the concerns raised during the consultation period.

The proposed three year extension to the approved time is considered appropriate to allow the operator to action their approval. The management plan requirements and the short term nature of the use will enable its impact on the local community to be re-evaluated should the operator seek to operate beyond this period.

Accordingly, it is recommended that the condition relating to the term of approval, issued by Council on 8 December 2015, be amended to extend the approval to 30 April 2020 between the months of December to April only.

9.8	NOS. 452-460 (LOT: 1; D/P: 613) WILLIAM STREET, PERTH - PROPOSED AMENDMENT TO CONDITION OF PREVIOUS APPROVAL: CHANGE OF USE FROM SHOP TO TAVERN
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TRIM Ref: D17/166900
Author: Joslin Colli, Coordinator Planning Services
Authoriser: John Corbellini, Director Development Services
Ward: South
Precinct: 13 – Beaufort
Attachments: 1. Attachment 1- Location Map 
 2. Attachment 2 - Previous Conditions of Approval 

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 planning approval 5.2017.212.1 granted 17 October 2017 for a change of use from Shop to ‘Tavern’ at Nos. 452-460 (Lot: 1; D/P: 613) William Street, Perth subject to the following conditions:

1. All conditions, requirements and advice notes detailed on development approval 5.2017.212.1 granted 17 October 2017 continue to apply to this approval, with the exception of Conditions 1.1 and 1.2 which are deleted and replaced as follows:
 - 1.1. A maximum of 50 customers shall be permitted at the premises at any given time.

PURPOSE OF REPORT:

To consider a request to amend a conditions 1.1 and 1.2 of development approval issued by Council at its meeting 17 October 2017.

BACKGROUND:

Landowner:	A Yozzi & F A Yozzi
Applicant:	S J Winfield
Date of Application:	16 June 2017
Zoning:	MRS: Urban, Other Regional Road Reservation TPS1: Zone: Commercial TPS2: Zone: District Centre
Built Form Area:	Town Centre
Existing Land Use:	Shop – “P”
Proposed Use Class:	Tavern – “SA”
Lot Area:	531m ²
Right of Way (ROW):	Not Applicable
Heritage List:	Management Category A, State Registered Place

The subject site was granted development approval (subject to conditions) for a Change of Use from Shop to Tavern by Council at the Ordinary Meeting 17 October 2017. Council resolved to approve a Tavern which proposes to operate a small retail wine store and bar that is focused on natural and minimal intervention wine and showcases Western Australian produce. The applicant expects the retail component will account for 70 percent of the sales with the dine-in/bar component equating for 30 percent of sales. The dine-in/bar component will offer meals and will incorporate an indoor area of 20 square metres and use 24 square metres of the area within the footpath reserve directly in front of the subject premises for alfresco seating. The indoor area will include a communal table and bar area.

The application proposed a maximum number of persons on-site at any one time of 50 customers and 4 staff. The proposed maximum number of customers in the indoor area at any time with 22 customers and the maximum number of customers in the alfresco area at any time of 28 customers.

The previous approval issued by Council included the following conditions:

“1. Use of Premises

The use shall be limited to:

1.1 *A maximum of 22 customers shall be permitted within the indoor area at any given time;*

1.2 *A maximum of 28 customers shall be permitted within the outdoor alfresco area at any given time;”.*

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

On the 20 November 2017 the applicant contacted the City to query the process for amending conditions 1.1 and 1.2 outlined above which limit the number of patrons permitted inside the proposed Tavern and within the alfresco area.

The applicant seeks to amend the condition to remove the specification for a maximum number of patrons permitted indoors with the following modification proposed:

“1. Use of Premises

The use shall be limited to:

1.1 *A maximum of 50 customers shall be permitted within the indoor area at any given time;*

1.2 *A maximum of 28 customers shall be permitted within the outdoor alfresco area at any given time;”.*

DETAILS:

The application seeks to amend the previous development approval issued by Council modifying condition 1.1 and 1.2 of the approval which limits the number of patrons permitted inside and within the proposed alfresco area. The current conditions permit a maximum of 50 patrons across the site with a maximum of 22 permitted indoor at any one time and a maximum of 28 permitted within the outdoor alfresco area.

At the time of seeking development approval the applicant sought approval for a maximum of 50 patrons with a maximum of 22 proposed indoor and 28 proposed within the outdoor alfresco. These numbers were specified based on the advice received that the building would be classified as a Class 9B under the building code and this would require limitations on the patron numbers in the different area proposed to be used. Since obtaining development approval the applicant has engaged a private building surveyor who has advised that the use is capable of classification as a Class 6 which does not require patron numbers to be specified in areas proposed for use but rather just a maximum occupancy.

CONSULTATION/ADVERTISING:

The application has not been advertised as the proposed modification is not considered to alter the intent of the approval or increase the scale of development from that which was previously advertised and approved.

Design Advisory Committee (DAC):

Referred to DAC: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;* and
- *City of Vincent Town Planning Scheme No. 1.*

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 a decision 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 application proposes to modify conditions of approval relating to the maximum number of patrons permitted indoors, where the current approval restricts the maximum number permitted indoors to 22 and a maximum of 28 permitted in the alfresco area with a total of 50 permitted across the site. Review of the Building Code requirements by the proponent indicates that the identified Building Classification and permit that will be sought will not require maximum patron numbers to be specified for the building. As such the applicant seeks to amend the condition so as to remove reference to a maximum of 22 permitted indoors and instead specify a total of 50 patrons permitted at the site and retain the condition specifying a maximum of 28 permitted within the alfresco.

At the time of preparing the approval and conditions Administration limited the patron numbers based on the information provided in the application and on the advice that the Public Building requirements would require limitations on the maximum number of patrons permitted indoors. City staff have discussed the application and confirmed that the building classification would not impact the maximum number of patrons permitted based on the classification this use is likely to fall within. However, as the premises is proposed to be operated as a bar in addition to the retail component, this use is required to comply with the *Health (Public Building) Regulations 1992*, due to the premises only having one exit the premises would only be permitted to have a maximum of 50 persons inside at any one time.

On the basis that the Public Building requirements will only permit a maximum of 50 patrons inside the premises at any one time the proposed amendment to the condition to remove the indoor limitation of 22 and instead amend the approval to specify a maximum of 50 patrons at any one time is acceptable. This is considered consistent with the Public Building requirements and is no greater than the number of patrons previously considered by Council for the premises. The proposal still seeks to limit the total number of patrons to 50 and retain the condition limiting patrons in the outdoor area however, the removal of the prescribed number of persons indoor will allow the applicant to provide increased capacity indoors during weather changes where outdoor seating is not appealing.







9.9 AMENDMENT TO POLICY NO. 7.5.15 - CHARACTER RETENTION AND HERITAGE AREAS

TRIM Ref: D17/148496

Authors: Amanda Fox, Strategic Planning Officer
Jordan Korovesi, Coordinator Policy & Place

Authoriser: John Corbellini, Director Development Services

Attachments:

1. Attachment 1 - Advertised Draft Policy No. 7.5.15 - Character Retention and Heritage Areas [⇒](#) 
2. Attachment 2 - Submission Table [⇒](#) 
3. Attachment 3 - Revised Draft Policy No. 7.5.15 - Character Retention Areas and Heritage Areas (Tracked Changes) [⇒](#) 
4. Attachment 4 - Revised Draft Policy No. 7.5.15 - Character Retention Areas and Heritage Areas (Without Tracked Changes) [⇒](#) 
5. Attachment 5 - Proposed Draft Policy No. 7.5.15 - Character Retention Areas and Heritage Areas (Tracked Changes) [⇒](#) 
6. Attachment 6 - Proposed Draft Policy No. 7.5.15 - Character Retention Areas and Heritage Areas (Without Tracked Changes) [⇒](#) 

RECOMMENDATION:

That Council:

1. **PROCEEDS** with the amendment to Local Planning Policy No. 7.5.15 – Character Retention and Heritage Areas, with modifications, and **ADOPTS** the Heritage Area designation of Harley Street, with modifications, as shown in Attachment 4 pursuant to Clauses 5 and 9 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. Subject to endorsement of Recommendation 1, **PREPARES** an amendment to Local Planning Policy No. 7.5.15 – Character Retention and for the purpose of designating Janet Street as a proposed Heritage Area as shown in Attachment 6 pursuant to Clause 5 and 9 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
3. **NOTES:**
 - 3.1. The submissions received in relation to the advertising of the amendment to Local Planning Policy No. 7.5.15 – Character Retention Areas and the proposed Heritage Area designation of Harley Street and **ENDORSES** Administration’s responses to those submissions included as Attachment 2;
 - 3.2. That the approved Local Planning Policy No. 7.5.15 – Character Retention and Heritage Areas, as shown in Attachment 4, will be published and the City will give notice of the Heritage Area designation to the Heritage Council of Western Australia and each owner of land affected by the designation pursuant to Clauses 5 and 9 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
 - 3.3. That the amendment to Local Planning Policy No. 7.5.15 – Character Retention and Heritage Areas and the proposed Heritage Area designation of Janet Street, as shown in Attachment 6, will be advertised for a period of 28 days pursuant to Clauses 5 and 9 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Policy No. 4.1.5 – Community Consultation.

PURPOSE OF REPORT:

To consider:

1. The results of public consultation and final adoption of the amendment to Local Planning Policy No. 7.5.15 – Character Retention and Heritage Areas (the Policy) to designate Harley Street, Highgate as a Heritage Area; and
2. Adopting a new amendment to the Policy to designate Carr Street, West Perth as a Character Retention Area, designate Janet Street, West Perth as a Heritage Area and make minor administrative changes to the Policy for the purpose of advertising for public comment.

BACKGROUND:**1. Advertised Amendment – Harley Street**

On 7 February 2017 Council resolved to prepare an amendment to the Policy to:

- Include administrative provisions that allow Heritage Areas to be recognised in the Policy; and
- Designate Harley Street as a Heritage Area.

A copy of this amendment is included as Attachment 1. The amendment was advertised between 7 March 2017 and 10 April 2017. The City received three submissions during the advertising period including:

- a) Two written submissions of support (one including a number of minor modifications to the Character Retention Area Policy); and
- b) A petition in support containing 37 signatories, representing 23 properties (70% of properties).

A summary of submissions is included as Attachment 2.

2. Proposed Amendment – Carr Street and Janet Street**2.1 Carr Street, West Perth Character Retention Area**

The City received a nomination to include Carr Street, West Perth between Charles and Cleaver Street (Nos. 48 – 107) as a Character Retention Area on 13 November 2015. The nomination demonstrated support from 42% of landowners for this proposal. The Character Retention Area Policy requires a nomination to gain support from at least 40% of landowners before the City will commence preparing a set of provisions in consultation with the community. As the proposal met this requirement the City proceeded with the nomination.

A subsequent petition was received from 80 percent of the owners on the northern side of Carr Street between Nos. 68 – 82, as shown in Figure 1 of Appendix 3 of **Attachment 6**, requesting exclusion of their properties from the nomination on the basis that this portion of the street was uncharacteristic from the remaining nominated area. The City supported this request due to this portion of Carr Street being uncharacteristic with the remainder of Carr Street.

Following this, the City undertook a detailed assessment of the development on the street and determined that the remaining area was suitable for inclusion in the Policy as the street is a fine and highly intact example of late nineteenth to early twentieth century residential development. The area has a cohesive character, comprising of single storey masonry residences and includes fine examples of semi-detached and single residences in the Federation Bungalow style and Inter War periods of architecture. All dwellings in these styles contribute to the authenticity of the streetscape.

The City held workshops with the landowners and residents on the street in May 2016 and April 2017 to understand the specific development characteristics that warrant local planning policy guidance and to gauge support for the inclusion of Carr Street as either a Character Retention Area or Heritage Area. A mix of views were presented at both of these workshops and, overall, the majority of owners supported including Carr Street as a Character Retention Area. Overall, land owners did not support a Heritage Area designation. The City is now proposing to amend the Policy to include Carr Street as a Character Retention Area.

Draft Character Retention Area Guidelines have since been developed for Carr Street (as Appendix No. 3 to the Character Retention Area Policy) as a result of this consultation with the Carr Street community.

2.2. Janet Street, West Perth Character Retention

The City received a nomination to include Janet Street, West Perth as a Character Retention Area on 6 March 2016. The nomination demonstrated support from 47% of landowners for this proposal. The Character Retention Area Policy requires a nomination to gain support from at least 40% of landowners before the City will commence preparing a set of provisions in consultation with the community. As the proposal met this requirement the City proceeded with the nomination.

The City undertook a detailed assessment of the development on the street and determined that the remaining area was suitable for inclusion in the Policy as the street contains a good representation of a highly cohesive and intact 1920s development. The houses on the southern side are all simple Interwar Bungalow style dwellings with the same rectangular footprint and deep front verandahs. The roof form and materials vary, comprising a mix of roof tile and corrugated metal sheeting, and hipped gable roof forms. The houses on the northern side of the street are modest examples of late Federation and Interwar periods of design.

The City held workshops with the landowners and residents on the street in June 2016 and April 2017 to understand the specific development characteristics that warrant local planning policy guidance and to gauge support for the inclusion of Janet Street as either a Character Retention Area or Heritage Area. Only two land owners attended the second workshop, with one in support of the guidelines and one objecting to the nomination of Janet Street as a Character Retention or Heritage Area. Following the workshop, one email of objection and one email of support were received from two Janet Street land owners who were not able to attend. No comments were provided on the potential for Janet Street to be designated a Heritage Area. The City is now proposing to amend the Policy to include Janet Street as a Heritage Area.

Draft Heritage Area Guidelines have been developed for Janet Street (as Appendix No. 3 to the Character Retention Area Policy) as a result of this consultation with the Janet Street community.

2.3. Administrative Changes

During the preparation of the draft guidelines for Carr and Janet Streets, further minor refinements to the Character Retention Area Policy were identified to remove any ambiguity regarding the purpose and application of the Policy, improve operational efficiency and add further clarity to the provisions.

DETAILS:

1. **Advertised Amendment – Harley Street**

The submissions on the advertised Harley Street Heritage Area raised two key issues. A summary of these issues and Administrations recommended modifications is included below. A full summary of the submissions and Administrations response is included as **Attachment 2**.

1.1 State Administrative Tribunal Decision

One submitter raised concern with the City's ability to apply the local planning policy provisions as a result of the State Administrative Tribunal consideration of the development application at 14 Harley Street. The City has thoroughly reviewed the decision on this matter and this has highlighted some minor issues with the Character Retention Area Policy, namely the use of the term 'Design Principles' in the Guidelines tables, when these are in fact Local Housing Objectives. This decision also reiterated the primacy of the R-Codes over local planning policies, such as the Character Retention Area Policy. The R-Codes set very clear limits on the scope of local planning policies to control the design requirements for single houses and grouped dwellings. The Character Retention Area Policy works within these limits to increase the design controls in Character Retention Areas. However, the SAT decision made it evident that the application of the policies provisions need clarification. As a result, some minor changes to the explanatory text and the wording of the local housing objectives is proposed.

1.2 Design Advisory Committee Involvement

One submitter raised concern with the requirement for applications that depart from the deemed to comply provisions to be supported by the City's Design Advisory Committee. The submitter was concerned that every application, including simple extensions or renovations, would need to be referred to the Design Advisory Committee and felt that this would be overly onerous and unnecessary in some instances. To address this issue Administration recommends modifying Clause 2.2 to clarify that where an application departs from the deemed to comply requirements the City has discretion to seek the support of the Design Advisory Committee.

In addition to the modifications as a result of submissions, Administration identified the need for a further modification. Clause 9 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the requirements for local governments when designating a Heritage Area. It requires the City to include a map showing the location of the Heritage Area, a statement about the heritage significance of the area and a record of places of heritage significance in the heritage area. The advertised draft Policy did not include a statement about the heritage significance of Harley Street or a record of places of significance in the area and it is recommended that this be included in the final Policy.

2. **Proposed Amendment – Carr Street and Janet Street**

2.1 Carr Street, West Perth Character Retention Area & Janet Street, West Perth Heritage Area

Through the workshop process with the community the City identified seven key characteristics of the development on both Carr Street and Janet Street that warrant local planning policy guidance to ensure that future development retains these characteristics. The key areas are:

- Street Setbacks;
- Lot Boundary Setbacks;
- Building Height;
- Setbacks of Garages and Carports;
- Street Walls and Fences;
- Roof Pitch; and
- Built Form (which includes elements such as materials, orientation, internal floor levels, front windows and verandahs).

In addition, for Janet Street to be included as a Heritage Area the City is required to include a map showing the location of the Heritage Area, a statement about the heritage significance of the area and a record of places of heritage significance in the heritage area in accordance with Clause 9 of Schedule 2 of the Regulations.

Draft Guidelines have been developed for both Carr Street and Janet Street as Appendix No. 3 and 4 to Policy No. 7.5.15 - Character Retention and Heritage Areas to address the above areas. The guidelines are proposed to replace certain 'deemed-to-comply' provisions of the R-Codes and establish local housing objectives that augment the 'design principles' of the R-Codes. These provisions are considered to reflect the prevailing character of the streetscape and will be used as a basis to assess development proposals.

2.2. Administrative Changes

During the preparation of the draft guidelines for Carr and Janet Streets, further minor refinements to the amended Local Planning Policy were identified to be necessary to improve operational efficiency and add further clarity to the provisions where required.

Minor administrative modifications are proposed to remove any ambiguity regarding the purpose and application of the Local Planning Policy. The proposed amendment including the Guidelines for Carr Street, Janet Street and the administrative changes is included as **Attachment 5** and **Attachment 6**.

CONSULTATION/ADVERTISING:Harley Street Heritage Area Consultation

The formal advertising of the amendment to the Local Planning Policy No. 7.5.15 – Character Retention to allow for the inclusion of Heritage Areas and to designate Harley Street a Heritage Area was undertaken for a period of 28 days from 7 March 2017 to 10 April 2017. Consultation was undertaken in accordance with Part 2 and Part 3 of Schedule 2 of the Regulations and the City's Policy No. 4.1.5 – Community Consultation and included:

- Written notification to landowners in the proposed Harley Street Heritage Area;
- Advertisements in the Guardian and the Perth Voice newspapers in March;
- Notice on the City's website; and
- Copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre.

The City received three submissions during the advertising period including:

- Two written submissions of support; and
- A petition in support containing 37 signatories, representing 23 properties (70% of properties).

A summary of these submissions is included as **Attachment 2**.

Proposed Carr Street and Janet Street Consultation

If approved by Council, the proposed amendment to the Policy will be advertised in accordance with the requirements of Part 2 and Part 3 of Schedule 2 of the Regulations and the City's Policy No. 4.1.5 – Community Consultation.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

The risk of not progressing an adequate character retention policy framework is that the City will be unable to appropriately deal with development issues and this may result in unintended development outcomes, resulting in the loss of character streetscapes that create attractive and desirable places to live.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of advertising and implementing this proposal will be met through the existing operational budget.

COMMENTS:

Heritage Areas are an area designated under Clause 9 of Schedule 2 of the Regulations. These areas generally need special planning controls to conserve and enhance the cultural heritage significance. In addition to the design provisions for Character Retention Areas, under Part 7 of Schedule 2 of the Regulations, a Heritage Area requires development approval prior to demolition occurring. Heritage Areas are identical in operation to places on the City's Heritage List, although those places on the Heritage List are individually identified rather than area based.

The consultation relating to the designation of Harley Street as a Heritage Area displayed a high level of engagement and support by landowners within the area with only minor concerns, which have been addressed. On this basis, Administration considers that there is adequate support for Harley Street to be designated as a Heritage Area along with development guidelines to be adopted as an amendment to Local Planning Policy No. 7.5.15 – Character Retention and Heritage Areas. The further modifications proposed, as a result of submissions, are considered necessary to ensure the Policy is clear in its application and relationship with the R-Codes.

Subject to Council supporting the above amendment and the inclusion of Heritage Areas generally, a further amendment is proposed to the Policy to include Carr Street as a Character Retention Area and Janet Street as a Heritage Area with corresponding policy provisions to guide development in each area. Administration has facilitated two workshops with affected property owners from these areas and has prepared draft Guidelines as a result of this consultation. The general level of support received through the workshops supports proceeding to public consultation for both areas.

Administration recommends that Council adopt the final version of Local Planning Policy No. 7.5.15 – Character Retention and Heritage Areas (the Policy) to designate Harley Street, Highgate as a Heritage Area and then adopt a new amendment to the Policy to designate Carr Street, West Perth as a Character Retention Area, designate Janet Street, West Perth as a Heritage Area and make minor administrative changes to the Policy for the purpose of advertising for public comment.

10 TECHNICAL SERVICES**10.1 CAPITAL WORKS UPDATE - PARKS AND ENGINEERING OPERATIONS**

TRIM Ref: D17/159844
Author: Craig Wilson, A/Director Technical Services
Authoriser: Craig Wilson, A/Director Technical Services
Attachments: Nil

RECOMMENDATION:

That Council:

1. **RECEIVES** the update report on 2017/18 Parks and Engineering Operations Capital Works Program;
2. **NOTES** the information contained within the report; and
3. **RECEIVES** a further progress report at its Ordinary Meeting in March 2018.

PURPOSE OF REPORT:

To consider the information contained in the report on the progress of a number of 2017/18 Infrastructure Capital Works projects including those that were carried forward from 2016/17.

BACKGROUND:

At its Ordinary Meeting of 25 July 2017 Council received a report on a number of 2016/17 Parks and Engineering Operations Capital Works projects that had either not commenced, or had not been completed, prior to 30 June 2017.

Further, the City has embarked upon a number of new Capital Works projects listed in the 2017/18 budget.

This report updates the status of the outstanding 2016/17 projects and provides an overview of the progress of the more significant 2017/18 capital works.

DETAILS:**Parks Services Capital Works 2016/17 Projects**Banks Reserve Foreshore Restoration Stage 2 - Budget \$185,000

The implementation of the restoration works was originally scheduled to commence in March/April 2017 but was deferred pending the City receiving a number of regulatory approvals.

The final outstanding approval is for the detailed design, which has been submitted to the Department of Biodiversity, Conservation and Attractions (DBCA) (formerly Department of Parks and Wildlife), and which is expected to be received no later than the end of the first week of December. Therefore the anticipated date for the commencement of works is mid-December and should take 6-8 weeks inclusive of the Christmas period. The 'dryland' planting will however be postponed until the wetter months, April-June, with the project being fully acquitted this financial year.

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

Completed.

Parks Services Capital Works 2017/18 Projects

Axford Park Redevelopment - Budget \$200,000

In conjunction with Policy and Place a Request for Quotation (RFQ) seeking *'Engagement of a Consultant for the Design of the Proposed Axford Park Upgrade'* has been prepared and is due to be advertised in December (at the time of writing this report). The 'quick wins', such as the removal of the gazebo and paving, have been included in the RFQ and are scheduled, if approved by Council, to be removed in the first half of 2018.

Extension of Hyde Street Reserve - Budget \$140,000*

* Inclusive of the additional \$20,000 Commonwealth 'Stronger Communities' grant that will be used to install solar lighting.

The Public Notice/Advertising for the closure of Hyde Street, Mount Lawley, between Alma and Forrest Streets, to vehicular traffic has been completed with one submission received opposed to the closure. Similarly the City wrote to the various services authorities with nil objections received. In accordance with Council's, in part, decision of 17 October 2017:

"DELEGATES BY ABSOLUTE MAJORITY to the Chief Executive Officer the powers, pursuant to sections 3.50(1) and 3.50(4) of the Local Government Act 1995, to consider and determine any submissions made in relation to the local public notice given in 3 above and to order that Hyde Street, Mount Lawley is permanently closed to the passage of vehicles between Forrest Street and Alma Road; and"

Subject to the Chief Executive Officer's approval it is anticipated that the works will commence in the latter part of January 2018 and will be largely completed by March / April 2018, other than some additional planting in the cooler months.

'Give Way' Park, Intersection of Anzac and Scarborough Beach Roads - Budget \$12,000

Whilst not a significant project in itself it came about as a result of a Community Budget Submission which has resulted in the small park being transformed into a useable urban green space with the design based largely upon the community's direct engagement with the Parks team.

Lawler Street Sump - Budget \$198,000

The design has been finalised and is currently being reviewed by an independent Hydraulic Consultant to verify the assumptions and calculations used to ensure it can cater for a 1:100 year storm event. The on-road intercepting soak-wells will be installed by the City's Engineering Operations team, whereas the infiltration system to be installed within the sump area will be undertaken by a specialist drainage contractor. The landscaping 'over' the storage cells will be undertaken by the City's Parks Team.

Once the design is 'proven' quotations will be sought and an order will be issued with an anticipated construction date in February/March 2018.

Beatty Park Reserve Drainage Improvements - Budget \$150,000

Administration has had several meetings with the residents of Emmerson Street and Farr Avenue in respect of the above project. A multi discipline (hydraulic and landscaping) consultant team has been engaged to prepare the design and documentation, and to project manage implementation of the project. The proposed works will include civil elements such as drainage pipe upgrades, as well as landscaping elements, by way of a shallow compensation basin planted with native vegetation. Works are anticipated to commence in March 2018.

Asset and Design / Engineering Operations Capital Works 2016/17 ProjectsMain Roads WA Impacted Projects

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

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

The above is largely still the case and therefore there are still a number projects throughout the metropolitan area awaiting approval.

However, specific to the above projects the following applies:

William and Brisbane Streets Two-way Conversion and Associated Works -Budget \$325,329

The appropriate approvals have been received as have the quotations for the modifications to the traffic signals.

However, before submitting a further report to Council at its meeting on February 2018, Administration will be meeting with Main Roads WA and the City of Perth to discuss a works schedule, implementation date, and 'marketing strategy' given the significant impact the changes will have upon traffic in and around Northbridge and Perth CBD.

In respect of the change-over date it is anticipated that it would be in April/May 2018 and is typically done early on a Sunday morning after several weeks of advanced notice (social media, press advertising and variable message boards etc.)

Loftus/Bourke Streets Pedestrian Crossing Phases - Budget \$150,000

The City's contribution is \$75,000. However the project still requires Main Roads WA to undertake a 'Linsig' analysis before a final approval is issued (an internal process as they will be doing the signal works). In order to ensure that the project is completed within budget the City will undertake the civil component while Main Roads will be responsible for the signal/electrical works (which carries the greater risk). In light of the above the anticipated construction date is the second quarter of 2018.

Vincent & Oxford Streets, Leederville, Banning the Right Movement into Oxford Street South from Vincent Street East Bound, Installing a Cyclist 'Head Start' Box in Oxford Street North Bound - Budget \$65,000

While Main Roads has previously provided the City with an 'Approval in Principle' they subsequently requested further traffic analysis. As a consequence the City has engaged a Traffic Engineering Consultant to provide the appropriate level of expertise to progress the project. However, as of 27 November 2018 the consultant has advised that they are yet to receive the additional traffic data requested from Main Roads in order to meet the specified criteria.

Therefore the anticipated construction date is now April-June 2018. Note: Once approved it does not require any physical works by the City other than payment.

Vincent/Fitzgerald Streets and William/Bulwer Street Intersections, Pedestrian Crossing Improvements - Combined Budget \$290,000

Both projects are now completed, awaiting a final invoice.

Water Corporation Impacted Projects (New Pipes for Perth)

Project	Locality	Budget
Anzac Road Traffic Calming	Leederville / Mount Hawthorn	\$65,000
Newcastle Street Footpath (Carr Place to Water Corporation office)	Leederville	\$85,000
Oxford Street North – Bicycle Network Plan (Anzac Road to Scarborough Beach Road)	Leederville	\$290,000

Anzac Road Traffic Calming - Budget \$65,000

Commenced 22 November 2017.

Newcastle Street footpath, southern side, Carr Place to the Water Corporation Offices (629 Newcastle Street) - Budget \$85,000

Works will commence in January 2018, depending upon the availability of contractors. However if it cannot be completed in February 2018 prior to the 'Leedy Open Streets' it will be deferred to March to minimise the disruption to pedestrian traffic.

Bicycle Network, Oxford Street North (Anzac Road to Scarborough Beach Road) and Greening Plan - Combined Budget \$290,000

Water Corporation has completed its works on the 460d distribution water main on the western side of Oxford Street (other than outstanding 'green' bicycle treatments at a number of intersections). However, they do not intend to replace the 205d cast iron water main on the eastern side of Oxford Street this financial year. Nor have they committed to doing it in 2018/19 other than indicating that it is still a priority project. Further, the Water Corporation project team are yet to be advised of their likely capital works budget for 2018/19.

Therefore, the City is faced with a scheduling dilemma, to either proceed in 2017/18 and face the prospect of the new works being 'dug up' the following year, or carry the works forward to 2018/19 by which time Water Corporation may be in a position to advise of the scheduling of the works.

In light of the lack of information forthcoming from the Water Corporation, Administration's recommendation is to take the latter approach and again carry forward the funds (to 2018/19) pending the Water Corporation releasing its 2018/19 Capital Works program.

Other Projects

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

Newcastle Street, Oxford Street to Carr Place (Roads to Recovery) - Budget \$50,000

Completed.

Nova Lane Reconstruction - Budget \$100,000

With the engagement of *Asphalttech*, as the City's primary Asphalt Contractor in October 2017 they have been requested to provide a fee proposal to reconstruct the substandard sections of Nova Lane and asphalt overlay the full length with the works to be completed by March 2018.

Newcastle and Palmerston Streets Black Spot Improvement - Budget \$40,000

The scope of works involves closing the median island in Newcastle Street to prevent the right turns in and out, while maintaining full bicycle access. However, as Newcastle Street is a boundary road with the City of Perth it requires their written agreement before the project can proceed, and which is yet to be received. In order to reinforce the merit of the project a Road Safety Audit was conducted in November 2017 and will be forwarded to the City of Perth as additional supporting information. A further meeting is to be arranged with the City of Perth in early 2018 in order to progress the project.

Asset and Design / Engineering Operations Capital Works 2017/18 ProjectsSafe Active Streets Shakespeare Street Bike Boulevard Phase II - Budget \$1,100,000

The largest single project on the 2017/18 program is the above, with a budget of \$1.1million funded by the Department of Transport, and as reported to Council at its Ordinary Meeting of 14 November 2017. On the basis the project is supported by the community, and it is subsequently approved by Council, it is scheduled to commence in March 2018.

Road Resurfacing Programs - Combined Budget \$1,670,000

As a result of the City's Asphalt tenderer having only been appointed in October 2017 the program could not be finalised until the contractor, *Asphaltech*, had an opportunity to assess the City's program against their committed work schedule under their existing contracts. As a consequence, *Asphaltech*, were fully committed for October and only had limited 'slots' available in November and December. However the City's Engineering Operations crew has largely completed the preliminary site works, i.e. new kerbing, drainage improvements etc., in readiness for the asphalt contractor. At this time *Asphaltech* has nominated February 2018 in which the majority of the local roads will be completed.

Asphaltech has to this point resurfaced four (4) local streets and will be doing another two (2) roads in the second week of December.

Metropolitan Regional Road Program (MRRG) - Road Rehabilitation Projects

The two (2) largest resurfacing projects, being Angove Street, Charles Street to Fitzgerald Street, and Fitzgerald Street, Raglan Road to Burt Street, will be undertaken in February/March 2018. Further, for the section of Angove Street through the café strip, and Fitzgerald Street will likely be done as night works to minimise disruption to local businesses specifically and traffic in general.

The Fitzgerald Street works will be inclusive of replacing the 'speed' cushions.

The remaining MRRG project, Scarborough Beach Road, Oxford Street to Fairfield Street, was originally scheduled to be undertaken in December 2017. However in light of the potential impact upon the Christmas trading period for the businesses in the Mt Hawthorn Town Centre it has been deferred until late January/early February 2018.

Local Roads and Roads to Recovery Program

In respect of the *Local Roads* and *Roads to Recovery* Programs the City has reassessed some of the treatments to be applied. In the past the City has not used 'crack sealing', which is a treatment whereby significant 'reflective' surface cracking is cleaned out and filled with a hot liquid bitumen to seal against water penetration. It is a commonly used practice across the metropolitan area to prolong the life of the road surface and pavement.

Several of the roads on this year's program, specifically Fleet Street, Leederville, and Monmouth Street, North Perth, were re-assessed and it was considered more cost effective to extend the life of the pavement by 3-5 years by crack sealing. Crack sealing is considerably cheaper, and using Fleet Street as an example, will cost less than \$1,000, whereas the proposed resurfacing was budgeted at \$10,000.

However, that said, with the rising cost of 'oil' the cost of bitumen products has also increased and as a consequence a number of the road resurfacing projects will likely exceed their budget allocation.

Proposed Amended Works Program – Mid Year Budget Review

Therefore, it is proposed that as part of the mid-year budget review process to seek Council's approval to adjust the budgets of a number of road resurfacing projects. It is however expected to be cost neutral as it is intended to use the savings from the 'crack sealing' to balance the increase in asphalt costs for those roads to be resurfaced.

In regards the 2017/18 footpath program it has also been re-assessed and several paths on the program do not warrant a full replacement but rather damaged sections replaced. Similarly to that of the roads programs Council's approval will be sought to adjust the budget allocations accordingly. Again it will be cost neutral.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

All of the projects discussed in the report are funded, either as a 2016/17 carried forward, or as approved in the 2017/18 budget.

COMMENTS:

As indicated in the body of the report there are a number of significant infrastructure projects that were either deferred, or continue to be deferred, for the reasons outlined. However, other than the Bicycle Network Oxford Street North Project, it is the intention to complete both the outstanding and current capital works projects in 2017/18. Further, a number of these projects will be undertaken in full by third parties, either directly engaged contractors or Main Roads WA contractors, and do not require, other than project management and oversight, the City's resources.

11 CORPORATE SERVICES

11.1 CITY OF VINCENT CODE OF CONDUCT REVIEW

TRIM Ref: D17/76357

Author: Tim Evans, Manager Governance and Risk

Authoriser: John Paton, Director Corporate Services

Attachments: 1. DRAFT City of Vincent Code of Conduct 2017 

RECOMMENDATION:

That Council:

1. **ADOPTS** the revised City of Vincent Code of Conduct 2017, included as Attachment 1;
2. **NOTES** that the Code will be subject to further formatting and styling to be determined by the Chief Executive Officer, prior to publication; and
3. **NOTES** that the Code will be re-presented to Council for re-adoption no more than three months after each Ordinary Council Election.

PURPOSE OF REPORT:

To consider the review of its Code of Conduct (the Code) and to adopt the revised Code of Conduct 2017.

BACKGROUND:

The *Local Government Act 1995* (the Act) requires every local government to prepare and adopt a Code of Conduct to be observed by Council Members and employees. The Council first adopted a Code of Conduct on 26 August 1996.

Council last reviewed and adopted its Code of Conduct at its ordinary meeting on 9 April 2013 and it is considered good practice to review the Code regularly for the following reasons:

- To ensure the Code remains current and relevant;
- That any Legislative changes can be included; and
- The review acts as a reminder to Council Members and Employees.

DETAILS:

Upon review, Administration found that the current code of conduct remains largely relevant and effective, but identified the following areas for amendment:

- The style of the current code is dated and could be remodelled to use more enabling and empowering language;
- The length of the document, being 37 pages was considered to be a potential obstacle to the document being read and fully understood by its intended audience;
- Inclusion of the requirement for Council Members to disclose contact with developers on the "Contact with Developers Register", as required by Council policy;
- The removal of the following clauses that were considered to be captured either under the general behavioural provisions of the Code or under other legislation or policy:
 - 5.4 - Land Dealings and Personal Development Applications;
 - 6.2 - Travelling and Sustenance expenses;
 - 6.4 – Access to Council Buildings;
 - 8.3 – Corporate Obligations; and
 - Parts of section 9 - Implementation, Review, Compliance and Annual Reporting; and
- Inclusion of Committee Members and Contractors within the scope of the Code.

CONSULTATION/ADVERTISING:

The Code of Conduct is substantially an internal document and there is little change to the substance and effect of the code. It is therefore considered that there is little value in undertaking public consultation on the revised Code. However, due to its direct impact on Council members and employees, several rounds of internal consultation have occurred and all Council Members and staff have had opportunity to provide feedback on the revised Code.

Once approved, the Code will be published on the City's website and all employees will be provided with information about the new Code.

LEGAL/POLICY:

Section 5.103 of the Act requires the City to adopt a Code of Conduct.

Part 9 of the Local Government (Administration) Regulations 1996 sets out a number of requirements that must be included in the City's Code of Conduct relating to the disclosure of gifts and travel contributions.

RISK MANAGEMENT IMPLICATIONS:

Low: Maintaining a current and effective code of conduct is an important element in addressing risks that may arise from the behaviour of Council Members and employees, however there is considered to be very little risk in the decision to adopt the revised code of conduct.

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Administration has reviewed the Code of Conduct of various other local governments and noted that they vary considerably in size and format, however the content is invariably similar. This is perhaps unsurprising given the purpose of the document and the requirements that must be included as per the provisions of the Act.

Style and Length

Administration has endeavoured to make the document as readable and accessible as possible by revising the tone of the language, to talk more about desired behaviours than list specific examples of acceptable and unacceptable behaviour. The relevant legislation has been included in separate shaded text boxes so that the reader is informed about the relevant sections of legislation but can clearly distinguish this from the content of the Code itself. This is intended to make the document as logical and legible as possible.

It is noted that the revised Code of Conduct is more compact than the previous Code, with 22 pages as opposed to 37 pages. It is intended that a document that is 15 pages shorter will be easier to read and grasp for its audience.

It should be noted that the copy of the Code of Conduct included as **Attachment 1** is a final draft version and will not reflect the final appearance of the published document. The attached version of the Code of Conduct will be subject to further formatting and styling changes to be determined by the CEO prior to publication. However, no changes will be made to the content following its acceptance by Council. This approach ensures that any changes required by Council can be readily incorporated into the document with minimal delay and without significant re-design. Having the document aesthetically designed will further enhance the readability and therefore effectiveness of the Code of Conduct.

Council Member Contact with Developers

The City's "Policy 4.2.15 – Council Member Contact with Developers" was adopted in June 2015 to increase the openness and transparency of the decision making process that surrounds development applications. As this policy sets out a standard for Council Members, it is considered appropriate that it be incorporated in the Code of Conduct.

Committee Members and Contractors

It is a requirement of the Act that the City has a Code of Conduct that covers committee members. However, until the recent inclusion of external members on the City's Audit Committee, the City did not have any committee members that were not Council Members and the current Code did not explicitly express the requirement for Committee Members to adhere to the Code. On review, it is also considered appropriate for the City's contractors to be captured by the majority of clauses within the Code given that they are working on behalf of, and under contract to, the City.

Social Media

The ubiquity of social media has led to a blurring of the lines in some instances between the professional and personal dealings of staff members and Council Members. Consequently, a section relating to appropriate use of social media has been added to clarify the City's expectations of people's use of social media as it relates to the City. It clarifies that, while a Council Member or employee may consider that the use of social media is a personal activity, the provisions of the City's code of conduct still apply, particularly where it can be identified that the person is associated with the City. In particular, there should be no adverse reflection on the City or Council and it also provides guidance on how to appropriately and effectively manage discussion of City-related matters.

Removal of Clauses

A number of clauses - fully listed in the Details section of this report – are proposed for removal. While the clauses were generally still considered to be appropriate, the general behavioural provisions of the Code already guided the general level of acceptable behaviour and that it was considered unnecessary to list out as many expressions of that behaviour as are present in the current Code. The removal of these clauses will not diminish the scope of the Code in any way and their deletion serves to further streamline the document.

Administration is of the view that the current document serves as a contemporary reflection of the City of Vincent's desired minimum standards of conduct and it is recommended that the amendments to the Code of Conduct be adopted.

11.2 AMENDED PURCHASING POLICY 1.2.3

TRIM Ref: D17/154617

Author: Kara Davies, Executive Secretary Corporate Services

Authoriser: John Paton, Director Corporate Services

Attachments: 1. Current Purchasing Policy 1.2.3  
2. Revised Purchasing Policy 1.2.3  

RECOMMENDATION:**That Council:**

1. **APPROVES** for the purpose of community consultation, the revised Purchasing Policy 1.2.3 as detailed in Attachment 2;
2. **NOTES** that a subsequent report will be presented to Council at the conclusion of the Local Public Notice period, along with any public submissions received; and
3. **RESCINDS** the following City policies that are no longer relevant, have been superseded by provisions in the Purchasing Policy or can be addressed by procedures:

Policy 1.2.9	Sustainable Use of Paper, Printing and Office Products
Policy 1.2.10	Commercial Dealings – Native Forest Woodchips
Policy 4.1.24	Legal Advice

PURPOSE OF REPORT:

To consider amendments to the *Local Government (Functions and General) Regulations 1996* in regards to procurement and seek approval of the revised Purchasing Policy 1.2.3.

BACKGROUND:

The current version of the Purchasing Policy (**Attachment 1**) was due for review in February 2017.

Amendments to the *Local Government (Functions and General) Regulations 1996* (Regulations) were published in the Government Gazette on 18 September 2015, effective from 1 October 2015. Key changes included:

- An increase of the tender threshold from \$100,000 to \$150,000;
- Require a Local Government's purchasing policy to specify the minimum number of oral or written quotes required for purchases under the tender threshold;
- A new divisions in the Regulations for the introduction of 'Panels of Pre-Qualified Suppliers';
- Introduction of additional tender exemptions for – Australian Disability Enterprises and Registered Aboriginal Enterprises; and
- Technical drafting amendments to improve understanding of the Regulations.

Administration reviewed the current policy to make use of the above provisions, to endeavour to strike a balance between controls and efficiency. Generally the goal for policies is to be between one or two pages. However, in this case the requirements that need to be covered to meet the provisions of the Regulations result in a longer policy.

Following a full review, Administration submitted a revised draft of the Policy to the June Council Workshop and subsequently to the Audit Committee meeting held 18 July 2017.

DETAILS:

Part 4 of the Regulations deals with Provision of Goods and Services, including the requirement to adopt and implement a Purchasing Policy.

As a result of the amendments to the Regulations, Administration reviewed its Purchasing Policy 1.2.3 and determined that the existing policy was not fully compliant when viewed without the Policy Guidelines and Procedures (currently attached to the Policy). The policy should contain the policy positions of the Council, however it is the CEO's responsibility to establish effective systems and controls to comply with both legislation and Council policies. Therefore Administration proposes to develop a separate set of procedures to implement the revised policy.

In reviewing the Policy, the Western Australian Local Government Association (WALGA) 'Model Purchasing Policy' template was used as a reference. A draft was presented to the City's Audit Committee on 18 July 2017.

The main changes proposed to the policy were:

- Mandatory Tender Threshold;
- Panels of Pre-Qualified Suppliers;
- General Purchasing Thresholds; and
- Limit on Tender Exemptions.

1. Mandatory Tender Threshold

The Regulations mandate that purchases of goods or services over the value of \$150,000 must be sourced via tender. In the intervening period, the City has continued to use \$100,000 as its tender threshold minimum. On review, Administration is recommending increasing the minimum tender threshold to \$150,000.

2. Panels of Pre-Qualified Suppliers

Part 4 Division 3 of the Regulations has been added to allow Local Governments to create a panel of pre-qualified suppliers. The Regulations only allow this when the purchasing policy outlines: how to establish a panel; how the panel will operate; how each supplier will be invited to quote; consistent communication with the panel; and recording and retention of quotes and purchases from suppliers. Section 5 of the draft Policy identifies the objectives of Panels.

3. General Purchasing Thresholds

Section 4 of the Policy identifies purchasing requirements for various thresholds. Administration has developed a two tier table which allows different purchasing requirements for pre-qualified suppliers. This had not been addressed in the previous policy. The intention is to offer an efficiency incentive for the use of pre-qualified suppliers. Pre-qualified suppliers include suppliers on the WALGA Preferred Supply Program; the State Government CUA; or a City appointed panel of pre-qualified suppliers.

4. Limit on Tender Exemptions

The Amendments to Regulation 11(2) allow (in most instances) an unlimited exemption from the requirement to go to tender for purchases from certain preferred suppliers. Administration is recommending to cap this exemption at \$250,000. The cap is intended to ensure effective oversight of large purchases and contracts, and has been set at this level to coincide with the requirement to present to Council a Business Case.

The Audit Committee considered the draft Policy and resolved:

"That the Audit Committee SUPPORTS the draft Purchasing Policy included as Attachment 2 and RECOMMENDS the following points are addressed before being referred to Council for formal consideration:

- 1.1 *Provide further clarification around the qualitative criteria to be used in assessing the value and competitiveness of goods or services to be acquired;*

- 1.2 *Include a provision requiring staff to request suppliers to provide their quotations in writing, noting that in any event staff will be required to create a written record of all verbal quotations received;*
- 1.3 *Expand the Objectives of the Policy to include compliance with applicable standards and codes and ensure that goods and services to be procured are necessary and fit for purpose; and*
- 1.4 *Include a provision to qualify, for the avoidance of doubt, that the purchasing requirements defined in clause 4.4 of the Policy do not exempt compliance with other relevant provisions of the Policy.”*

Feedback provided by the Committee was considered and the draft policy updated to strengthen accountability and ensure good governance. A copy draft Policy is included as **attachment 2**, with the amendments since the Audit Committee review marked up in red. In summary the main changes are:

Policy Objectives

- Additional wording regarding compliance with codes and standards; and
- Include wording that all procurement is necessary, fit for purpose and supported by an appropriate budget provision.

Value for Money

- An expanded definition of value for money;
- Reinforce the requirement for an initial needs assessment to verify ongoing relevance and necessity for the procurement and mode of delivery; and
- Additional points to consider when assessing value for money.

Purchasing Requirements

- Specifying the requirement for a written record of verbal quotes.
- Expanding the Sustainable Procurement provision to recognise the benefit from reducing consumption.

In reviewing the Purchasing Policy, consideration was also given to the following existing policies that have a relationship to the Purchasing Policy:

Policy 1.2.9 Sustainable Use of Paper, Printing and Office Products

The Purchasing Policy includes a section on Sustainable Procurement and specifies the consideration of sustainable benefits as an objective of the Policy. It is considered that this overarching principle applied across the City's overall procurement activities removes the need for this stand-alone policy. It is therefore recommended for rescinding.

Policy 1.2.10 Commercial Dealings – Native Forest Woodchips

As with the previous Policy, it is considered that this Policy is superseded by the broader sustainability provisions in the Purchasing Policy and therefore is recommended for rescinding.

Policy 4.1.24 Legal Advice

Obtaining legal advice is considered to be an administrative process and as such should be controlled by the CEO. This Policy is therefore recommended for rescinding.

CONSULTATION/ADVERTISING:

The guidelines for community consultation associated with new and significant amendments to Policies recommends the following minimum requirements:

- Local Public Notice of 21 days; and
- Letter to local Business & Community Groups.

Given the scale of changes to the Policy and potential impact on the community it is recommended that public submissions be invited and considered prior to adoption.

LEGAL/POLICY:

Part 4 of the *Local Government (Functions and General) Regulations 1996*.

The following City policies have been identified as being related to purchasing:

- a) Policy 1.2.9 Sustainable Use of Paper, Printing and Office Products
- b) Policy 1.2.10 Commercial Dealings – Native Forest Woodchips
- c) Policy 4.1.24 Legal Advice

RISK MANAGEMENT IMPLICATIONS:

High: Purchasing and supply management cuts across the entire operation of the City and all aspects of risk, including compliance, financial and reputational. This policy and associated procedures establish clear expectations to guide effective procurement practices at the City.

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

Section 1.3 (3) of the *Local Government Act 1995* (Act) provides that:

"In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity."

The intent of this provision, being at the commencement of the Act establishes an influence over all aspects of a local government's operations, including procurement. The Purchasing Policy includes specific references to Sustainable Procurement to ensure principles are applied across all aspects of the City's procurement activities.

FINANCIAL/BUDGET IMPLICATIONS:

The purchasing policy guides how procurement is to occur and has an overarching principle of achieving value for money outcomes.


COMMENTS:

The revised policy is now in line with amendments to the *Local Government (Functions and General) Regulations 1996* effective from 1 October 2015 and Administration has also included a number of other amendments to the Policy that will strengthen accountability and ensure good governance.

In conjunction with presenting the reviewed Policy to Council for adoption, Administration is also proposing that three policies listed within the report be rescinded, as it is considered they are either no longer relevant, have been superseded by provisions in the Purchasing Policy or can be addressed by procedures.

Due to the extent of changes from the current Policy (Attachment 1), the draft Policy as presented in attachment 2 only shows in mark-up the changes that are being proposed from the version presented to the Audit Committee on 18 July 2017. This version was presented at a Council Workshop on Tuesday 21 November 2017.

11.3 REVIEW OF INVESTMENT POLICY

TRIM Ref: D17/155211
Author: Kara Davies, Executive Secretary Corporate Services
Authoriser: John Paton, Director Corporate Services
Attachments: 1. Investment Policy 1.2.4 (Marked Up) 

RECOMMENDATION:**That Council:**

1. **ADOPTS** the amended Investment Policy 1.2.4 as detailed in Attachment 1; and
2. **AGREES** that public advertising and community consultation is not required due to the minor nature of the amendment.

PURPOSE OF REPORT:

To consider a further amendment to the City's Investment Policy 1.2.4.

BACKGROUND:

At the Ordinary Council Meeting on 5 April 2016, Council requested a report from Administration on the potential for the City to divest from banks that are not fossil free, within the limitations of the City's Investment Policy.

Following research and discussion at a Council Workshop, Administration presented a report (item 9.3.4) to Council on 23 August 2016, recommending the following changes to the Investment Policy:

- **OBJECTIVES** – insert an objective to give preference to banks that are assessed to have a “higher social and environmental responsibility rating”
- **AUTHORITY FOR INVESTMENT** – inclusion of regulation 19C (introduced in April 2012) and removal of “Local Government Guidelines No.19” as this has been withdrawn by the Department of Local Government and Communities.
- **AUTHORISED INVESTMENTS** – removal of clauses which are in conflict with the Local Government (Financial Management) Regulations 1996 regulation 19C (introduced in April 2012).
- **PROHIBITED INVESTMENTS** – removal of prohibitions for investments that are proscribed by regulation 19C of the Local Government (Financial Management) Regulations 1996.
- **SOCIAL AND ENVIRONMENTAL RESPONSIBILITY PROFILE OF INSTITUTIONS** – inclusion of a new section that gives preference to investments with institutions that have been assessed to have a “higher rating of demonstrated social and environmental responsibility”.

As a result, Council resolved:

“That Council:

1. *ADOPTS* the amended Policy 1.2.4 Investment Policy included as Attachment 1; and agrees that public advertising and community consultation is not required;
2. *REQUESTS* Administration to seek validation from the major banks of their social and environmental responsibility policies and performance and report the results to the Ordinary Council Meeting on 13 December 2016;

3. REQUESTS The WA Local Government Association (WALGA) to lobby the major banks on behalf of all local governments in Western Australia to improve their social and environmental responsibility performance; and
4. RESOLVES to incorporate further review of the Investment Policy into the development of the next Sustainable Environment Strategy.
5. *GIVES CONSIDERATION to including a provisional amount of \$80,000 in the 2017/18 budget for investment in carbon abatement initiatives within the City of Vincent.*"

DETAILS:

The City's Investment Policy includes the stated objectives to:

- take a conservative approach to investments, but with a focus to add value through prudent investment of funds;
- have investment funds achieve an overall return of the UBS Bank Bill Index;
- achieve a high level of security of the overall portfolio by using recognised rating criteria;
- maintain an adequate level of diversification;
- give preference to investments with institutions that are assessed to have higher social and environmental responsibility rating; and
- have ready access to funds for day to day requirements, without penalty.

In respect to the third objective, the City uses the Standard & Poor's credit rating index (or equivalent) and then applies the following credit ratings table:

Long Term Rating*	Short Term Rating*	Direct Investments Maximum % With any one institution	Managed Funds Maximum % With any one institution	Maximum % of Total Portfolio
AAA Category	A1+	30%	45%	100%
AA Category	A1+	30%	45%	100%
A Category	A1	20%	30%	80%
BBB Category	A2	10%	n/a	20%

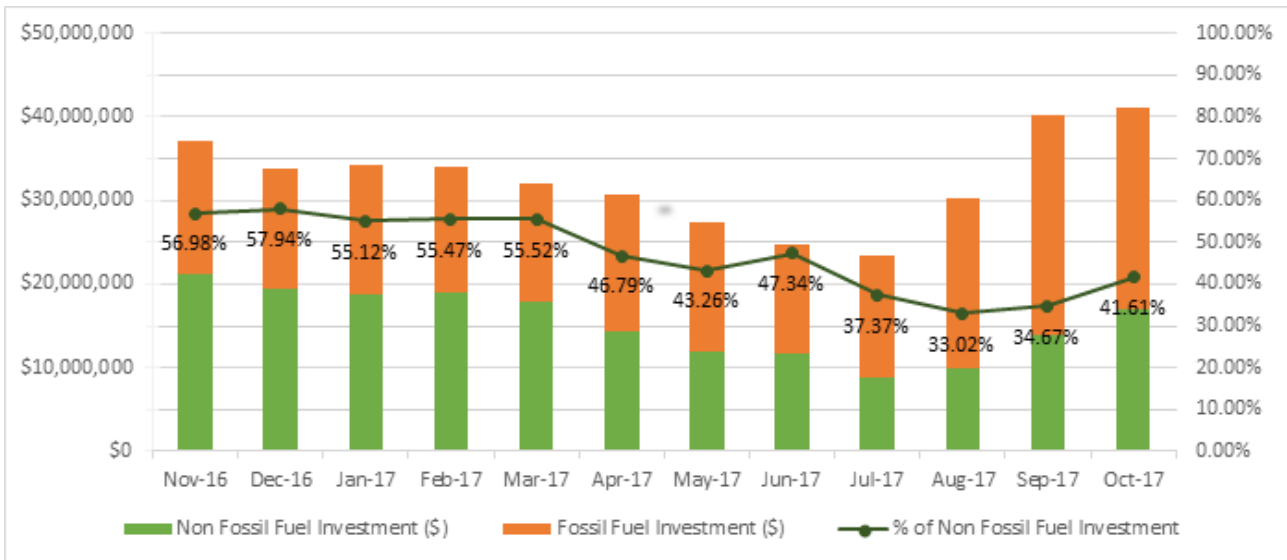
The short term (0-365 days) rating as defined by Standard and Poor's is:

A1+	Extremely strong degree of safety regarding timely payment
A1	A strong degree of safety for timely payment
A2	A satisfactory capacity for timely payment

The City's investment activities are conservative and currently only rely on the use of term deposits. The credit ratings table above is designed to further manage risk by ensuring diversification amongst individual institutions and category of institution. So whilst 100% of investments could be held in A1+ rated institutions, any one bank could only have up to 30% at any one time. Another factor that mitigates financial risk is that the City has investments maturing every week to ensure ready access to funds for day to day requirements.

Since Council introduced the 'Divestment' strategy into the Investment Policy, Administration has added additional non-fossil fuel lending institutions to an approved list, however the maximum limits for the A2 category, which includes the majority of non-fossil fuel lending institutions, has restricted the amount able to be invested in these institutions.

The following graph demonstrates the split of the City's investments over the past 12 months:



It is clear that the ratings agencies differentiate between an A1(+) and A2 institution, however, Standard & Poor (and others) still assess the institution’s capacity to meet its financial commitments as satisfactory. Whilst a differentiation is warranted, it is considered that the maximums set for this category are somewhat disproportionate to the risk. In view of this, the maximums for the A2 category have been increased from 10% to 20% for any one institution and to 60% for the category as a percentage of the overall portfolio.

This initiative is anticipated to improve alignment to the objective of giving ‘*preference to investments with institutions that are assessed to have higher social and environmental responsibility rating*’, whilst still operating conservatively and maintaining a high degree of security.

CONSULTATION/ADVERTISING:

The proposed amendment to the Investment Policy is very minor in scope and is considered not to warrant advertising.

LEGAL/POLICY:

- Local Government Act 1995 – Section 6.14.
- The Trustees Amendment Act 1997 – Part 111 Investments.
- Local Government (Financial Management) Regulations 1996 – Regulations 19, 19C, 28 and 49.
- Policy no. 1.2.4 – Investment Policy
- Policy no. 4.1.5 – Community Consultation

RISK MANAGEMENT IMPLICATIONS:

Short-Term Issue Credit Ratings	
Category	Definition
A-1	A short-term obligation rated 'A-1' is rated in the highest category by S&P Global Ratings. The obligor's capacity to meet its financial commitments on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitments on these obligations is extremely strong.
A-2	A short-term obligation rated 'A-2' is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher rating categories. However, the obligor's capacity to meet its financial commitments on the obligation is satisfactory.
A-3	A short-term obligation rated 'A-3' exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to weaken an obligor's capacity to meet its financial commitments on the obligation.

Note: The City does not invest in A3 credit rated institutions.

STRATEGIC IMPLICATIONS:

Not applicable

SUSTAINABILITY IMPLICATIONS:

The Policy provides for the City's investment decisions to give a preference to institutions with a demonstrated social and environmental responsibility rating. The amendment extends this to provide a funding stream for environmental outcomes where investment delivers additional income from a fossil fuel lending institution.

FINANCIAL/BUDGET IMPLICATIONS:

The operational changes implemented to the credit rating table should deliver an improvement to the overall level of investment income achieved by the City.

The additional income generated from investments with fossil fuel lending institutions will be calculated on an annual basis, with any social and environmental initiatives, such as carbon abatement projects listed for consideration in the annual budget process.

COMMENTS:

Given Council's policy position on giving preference to institutions with a higher rating of demonstrated social and environmental responsibility, consideration has been given to what should occur in cases where a fossil fuel lending bank is delivering a better return.


In this instance, whilst additional revenue will be achieved, it is considered that the additional income could be applied to other socially and environmentally aligned projects, such as carbon abatement projects.

It is therefore proposed that the following minor amendment be made to section 8 of the Policy: Social and Environmental Responsibility Profile of Institutions:

Where an investment is made with an institution that has a lower rating of demonstrated social and environmental responsibility due to providing a higher rate of return, the additional return generated will be invested back into social and environmental initiatives within the City of Vincent.

A marked up version of the Investment Policy 1.2.4 is included as **Attachment 1**.

11.4	FINANCIAL STATEMENTS AS AT 31 OCTOBER 2017
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TRIM Ref: D17/164379
Author: Sheryl Teoh, Accounting Officer
Authoriser: John Paton, Director Corporate Services
Attachments: 1. Financial Statements 

RECOMMENDATION:

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

PURPOSE OF REPORT:

To present the provisional Financial Statements for the period ended 31 October 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 October 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 31 October 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	6-62
5.	Capital Expenditure and Funding and Capital Works Schedule	63-77
6.	Cash Backed Reserves	78
7.	Rating Information and Graph	79-80
8.	Debtor Report	81
9.	Beatty Park Leisure Centre Financial Position	82

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

Summary of Financial Activity by Programme as at 31 October 2017

	Adopted Budget 2017/18 \$	YTD Budget 2017/18 \$	YTD Actual 2017/18 \$	Variance 2017/18 \$	Variance 2017/18 %
REVENUE	22,396,493	7,854,796	7,691,372	(163,424)	-2%
EXPENDITURE	(57,020,430)	(19,848,529)	(18,435,824)	1,412,705	-7%
NET OPERATING EXCLUDING RATES	(34,623,937)	(11,993,733)	(10,744,452)	1,249,281	-10%
OPERATING ACTIVITIES EXCLUDED FROM BUDGET					
NON-CASH EXPENDITURE AND REVENUE					
Add Deferred Rates Adjustment	0	0	6,712	6,712	0%
Add Back Depreciation	9,663,980	3,221,276	3,433,016	211,740	7%
(Profit)/Loss on Asset Disposals	(411,373)	(32,390)	(93,560)	(61,170)	189%
"Percent for Art" and "Cash in Lieu" Funds Adjustment	0	0	0	0	0%
AMOUNT ATTRIBUTABLE TO OPERATING ACTIVITIES	9,252,607	3,188,886	3,346,168	157,282	5%
INVESTING ACTIVITIES					
Non-Operating Grants, Subsidies and Contributions	2,692,344	588,000	809,666	221,666	38%
Capital Expenditure	(13,411,320)	(4,664,122)	(1,464,587)	3,199,535	-69%
Proceeds from Joint Venture Operations	333,333	0	0	0	0%
Proceeds from Disposal of assets	204,500	96,000	240,196	144,196	150%
	(10,181,143)	(3,980,122)	(414,725)	3,565,397	-90%
FINANCING ACTIVITIES					
Repayments Loan Capital	(881,398)	(285,716)	(285,715)	1	0%
Transfers from Reserves	1,309,605	120,290	30,367	(89,923)	-75%
Transfers to Reserves	(1,850,534)	(507,672)	(122,490)	385,182	-76%
	(1,422,327)	(673,098)	(377,838)	295,260	-44%
Plus: Surplus/(Deficiency) Brought Fwd 1 July 2017	4,035,268	4,035,268	4,475,026	439,759	11%
	(32,939,532)	(9,422,799)	(3,715,820)	5,706,979	-61%
Surplus/(Deficiency) Before General Rates	32,939,532	32,719,937	32,565,027	(154,910)	0%
Total amount raised from General Rates					
NET CURRENT ASSETS at JUNE 30 C/FWD - SURPLUS/(DEFICIT)	0	23,297,138	28,849,206	5,552,069	24%

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 2% (\$163k), this is due to lower revenue in Transport of \$176k (predominantly parking infringement revenue which is expected to improve) and Recreation and Culture of \$127k (facility hire and Beatty Park).

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 7% (\$1.41m), this is due to lower expenditure in Recreation and Culture \$538k, Community Amenities \$368k, and Transport \$171k. Similarly, the operating expenditure listed under the Nature and Type report also reflects a favourable variance of 7%, with the largest variances in Employee Costs and Materials and Contracts.

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 the 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 \$28,849,206, compared to year to date budget surplus of \$23,297,138. 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 31 October 2017 is \$28,849,206.

4. Summary of Income and Expenditure by Service Areas (Note 4 Page 6 – 62)

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

5. Capital Expenditure and Funding Summary (Note 5 Page 63 - 77)

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 Budget	YTD Budget	YTD Actual	Remaining Budget
	\$	\$	\$	%
Land and Buildings	2,343,358	1,220,258	241,875	90%
Infrastructure Assets	8,358,501	2,791,613	822,857	90%
Plant and Equipment	1,597,846	322,636	273,162	83%
Furniture and Equipment	1,111,615	329,615	107,340	90%
Total	13,411,320	4,664,122	1,445,234	89%

	Adopted Budget	YTD Budget	YTD Actual	Remaining Budget
	\$	\$	\$	%
FUNDING				
Own Source Funding - Municipal	9,204,871	3,859,832	365,004	96%
Cash Backed Reserves	1,309,605	120,290	30,367	98%
Capital Grant and Contribution	2,692,344	588,000	809,666	70%
Other (Disposals/Trade In)	204,500	96,000	240,196	-17%
Total	13,411,320	4,664,122	1,445,234	89%

Note: Detailed analysis is included on page 63 - 77 of Attachment 1.

6. Cash Backed Reserves (Note 6 Page 78)

The Cash Backed Reserves schedule details movements in the reserves, including transfers and funds used, comparing actual results with the annual budget. The balance as at 31 October 2017 is \$9,000,242.

7. Rating Information (Note 7 Page 79-80)

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

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

The Rates debtors balance as at 31 October is \$11,767,298 (this includes deferred rates of \$102,650). This represents 35.08% of the collectable income compared to 35.66% at the same time last year.

8. Receivables (Note 8 Page 81)

Receivables of \$3,292,828 are outstanding at the end of October 2017, of which \$2,837,939 has been outstanding over 90 days. This is comprised of:

- \$2,445,266 (76.4%) 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.
- \$445,815 (15.3%) relates to Cash in Lieu Parking. Some Cash in Lieu Parking debtors have special payment arrangements over more than one year.
- \$401,747 (8.3%) relates to Other Receivables, including recoverable works and property.

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

9. Beatty Park Leisure Centre – Financial Position Report (Note 9 Page 82)

As at 31 October 2017 the operating deficit for the Centre was \$428,376 in comparison to the year to date budgeted deficit of \$365,594. This unfavourable outcome is primarily due to higher depreciation expense being incurred as a result of the latest Fair Value Revaluation.

Once the depreciation component has been deducted, the cash position showed a current cash deficit of \$41,408 in comparison to year to date budget estimate of a cash deficit of \$183,278.

10. Explanation of Material Variances

All material variance as at 31 October 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 an Ordinary Meeting of the Council within two months after the end of the month to which the statement relates.

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.

11.5	AUTHORISATION OF EXPENDITURE FOR THE PERIOD 20 OCTOBER 2017 TO 22 NOVEMBER 2017
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TRIM Ref: D17/165544

Author: Nikki Hirrill, Accounts Payable Officer

Authoriser: John Paton, Director Corporate Services

Attachments:

1. Payments by EFT November 2017 [⇒](#) 
2. Payments by Cheque November 2017 [⇒](#) 
3. Payments by Credit Card November 2017 [⇒](#) 

RECOMMENDATION:

That Council RECEIVES the list of accounts paid under delegated authority for the period 20 October 2017 to 22 November 2017 as detailed in attachment 1, 2 and 3 as summarised below:

Cheque Numbers 81778 – 81876	\$139,585.00
Cancelled Cheques 81436, 81532, 81701, 81732 and 81672	-\$2,727.01
EFT Documents 2160 – 2168 and 2172 - 2174	\$3,224,118.05
Payroll	\$1,139,863.49

Direct Debits

- Lease Fees \$385.00
- Loan Repayments \$147,118.84
- Bank Fees and Charges \$26,502.50
- Credit Cards \$7,121.88

Total Direct Debit	\$181,128.22
Total Accounts Paid	\$4,681,967.75

PURPOSE OF REPORT:

To present to Council the expenditure and list of accounts paid for the period 20 October 2017 to 22 November 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 20 October 2017 to 22 November 2017, covers the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account (Attachment 1, 2 and 3)		
Cheques	81778 - 81876	\$139,585.00
Cancelled Cheques	81436, 81532, 81701, 81732 and 81672	-\$2,727.01
EFT Payments	2160 – 2168 and 2172 - 2174	\$3,224,118.05
Sub Total		\$3,360,976.04
Transfer of Payroll by EFT	20/10/17 Ad hoc	\$139.31
	31/10/17	\$559,068.04
	03/11/17 Ad hoc	479.46
	14/11/17	580,176.68
	November 2017	\$1,139,863.49
Bank Charges and Other Direct Debits		
Lease Fees		\$385.00
Loan Repayments		\$147,118.84
Bank Charges – CBA		\$26,502.50
Credit Cards		\$7,121.88
Total Bank Charges and Other Direct Debits (Sub Total)		\$181,128.22
Total Payments		\$4,681,967.75

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.

11.6	2016/2017 CARRY FORWARDS ADJUSTMENT REPORT
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TRIM Ref: D17/166353

Author: John Paton, Director Corporate Services

Authoriser: John Paton, Director Corporate Services

Attachments: 1. 2017/18 Carry Forward Budget Review 

RECOMMENDATION:

That Council:

1. **RECEIVES** the list of reviewed Carry-Forward Budgets for the 2017/18 Capital Budget as detailed in Attachment 1;
2. **APPROVES** the following adjustments to the 2017/18 Annual Budget:
 - a) a reduction to the Capital Expenditure Budget of \$55,787 as per the individual line-item adjustments listed in Attachment 1;
 - b) an increase of \$33,270 in Transfer from Reserves;
 - c) a reduction in Municipal funding of \$89,057

PURPOSE OF REPORT:

To consider amendments to the 2017/18 Capital Expenditure Budget, that recognise the final audited balance of expenditure in 2016/17 for carry-forward projects.

BACKGROUND:

During the preparation for the 2017/18 Annual Budget, an allowance was made to carry forward funds for uncompleted projects from 2016/17. The value of the carry forwards was based on estimates of the prior-year expenditure to 30 June 2017. As the Annual Financial Report for the year ended 30 June 2017 has been finalised and audited, the estimated funds available to be carried-forward can now be updated to reflect the actual level of expenditure and consequently the remainder of the budget available to be carried-forward into 2017/18.

The update of the carry-forward figures will need to amend the total 2017/18 budget for the affected line-items.

DETAILS:

The 2017/18 Adopted Budget included a capital expenditure program totalling \$13,411,320, with carry forward funding totalling \$3,206,465 as detailed in the table below:

2017/18 Capital Works Budget			
Category	Carry Fwd	New	Total
Land & Buildings	\$560,858	\$1,782,500	\$2,343,358
Infrastructure Assets	\$2,226,856	\$6,131,645	\$8,358,501
Plant and Equipment	\$320,636	\$1,277,210	\$1,597,846
Furniture and Equipment	\$98,115	\$1,013,500	\$1,111,615
	\$3,206,465	\$10,204,855	\$13,411,320

The \$3,206,465 that was estimated to be carried-forward from 2016/17 into the 2017/18 Annual budget was made-up from the following funding source:

2017/18 Carry Forward Funding	
Funding Source	Total
Municipal Funds	\$2,663,776
Reserve Funds	\$175,290
Grant Funds	\$367,399
Contribution	\$0
	\$3,206,465

In most instances, the estimated expenditure and consequently the available funds for carrying forward closely aligns to the actual outcome for 2016/17, however there are a few requiring adjustment, with the overall outcome being that the expenditure to 30 June 2017 on carry-forward projects was under-estimated and therefore the budget available in 2017/18 for these projects can now be reduced.

Attachment 1 (2017/18 Carry-Forward Budget Review) lists the projects that need to have their respective 2017/18 budgets amended.

The net result from these adjustments is:

2017/18 Carry Forward Funding			
Funding Source	Original	Adjustment	Amended
Municipal Funds	\$2,663,776	-\$89,057	\$2,574,719
Reserve Funds	\$175,290	\$33,270	\$208,560
Grant Funds	\$367,399	0	\$367,399
Contribution	\$0	0	\$0
	\$3,206,465	-\$55,787	\$3,150,678

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Not Applicable

RISK MANAGEMENT IMPLICATIONS:

Low: In accordance with *Section 6.8(i) 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:

The net effect of all adjustments is a \$55,787 reduction to the carry forward component of the 2017/18 Capital Works Budget.

COMMENTS:

With the completion of the year-end processes and audit for the 2016/17 financial year, it is good practice for the carry-forward components of the 2017/18 Capital Expenditure Budget to be adjusted to reflect the actual funds available at the end of 2016/17. Any areas of over-expenditure against the adjusted budgets will need to be addressed during the mid year budget review.

11.7 INVESTMENT REPORT AS AT 30 NOVEMBER 2017

TRIM Ref: D17/168760
Author: Sheryl Teoh, Accounting Officer
Authoriser: John Paton, Director Corporate Services
Attachments: 1. Investment Report [↗](#) 

RECOMMENDATION:

That Council **NOTES** the Investment Report for the month ended 30 November 2017 as detailed in Attachment 1.

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

Total funds held for the period ended 30 November 2017 including on call in the City's operating account were \$41,716,473; compared to \$37,034,885 for the comparative period ended 30 November 2016.

Total Investments for the period ended 30 November 2017 were \$39,482,047 as compared to \$38,947,823 for the prior month end; and \$35,775,011 for the period ended 30 November 2016.

Investment comparison table:

Month Ended	2016/17		2017/18	
	Total Funds Held	Total Investments	Total Funds Held	Total Investments
July	\$19,683,412	\$18,420,252	\$23,433,728	\$21,212,649
August	\$26,167,645	\$22,573,297	\$30,161,860	\$27,714,651
September	\$36,754,571	\$34,302,896	\$40,305,364	\$37,944,911
October	\$37,581,885	\$34,521,542	\$41,087,462	\$38,947,823
November	\$37,034,885	\$35,775,011	\$41,716,473	\$39,482,047
December	\$33,692,431	\$31,165,443		
January	\$34,645,041	\$33,201,749		
February	\$34,028,716	\$32,316,251		
March	\$32,070,200	\$31,424,409		
April	\$30,661,122	\$26,206,328		
May	\$27,412,051	\$25,718,292		
June	\$24,670,461	\$23,533,279		

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

	Adopted Budget	YTD Budget	YTD Actual	% of YTD Budget
Municipal	\$414,960	\$188,610	\$195,757	103.79%
Reserve	\$258,420	\$96,800	\$100,704	104.03%
Sub-total	\$673,380	\$285,410	\$296,461	103.87%
Leederville Gardens Inc Surplus Trust*	\$0	\$0	\$60,363	0.00%
Total	\$673,380	\$285,410	\$356,824	125.02%

*Interest estimates for Leederville Gardens Inc Surplus Trust were not included in the 2017/18 Budget as actual interest earned is held in Trust and restricted.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The power to invest is governed by the *Local Government Act 1995*.

6.14. Power to invest

- (1) *Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the Trustees Act 1962 Part III.*
- (2A) *A local government is to comply with the regulations when investing money referred to in subsection (1).*
- (2) *Regulations in relation to investments by local governments may —*
 - (a) *make provision in respect of the investment of money referred to in subsection (1); and*
 - [(b) deleted]
 - (c) *prescribe circumstances in which a local government is required to invest money held by it; and*
 - (d) *provide for the application of investment earnings; and*
 - (e) *generally provide for the management of those investments.*

Further controls are established through the following provisions in the Local Government (Financial Management) Regulations 1996:

19. Investments, control procedures for

- (1) *A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.*
- (2) *The control procedures are to enable the identification of —*
 - (a) *the nature and location of all investments; and*
 - (b) *the transactions related to each investment.*

19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

- (1) *In this regulation —*

authorised institution means —

 - (a) *an authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or*
 - (b) *the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986;*

foreign currency means a currency except the currency of Australia.
- (2) *When investing money under section 6.14(1), a local government may not do any of the following —*
 - (a) *deposit with an institution except an authorised institution;*
 - (b) *deposit for a fixed term of more than 3 years;*

- (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
- (d) invest in bonds with a term to maturity of more than 3 years;
- (e) invest in a foreign currency.

To further guide the prudent and responsible investment of the City's funds, Council has adopted the City's Investment Policy No. 1.2.4, which delegates the authority to invest surplus funds to the Chief Executive Officer or his delegate.

Administration has established guidelines for the management of the City's investments. It is of note that a review of the Guidelines and Policy Procedures supporting the City's Investment function has been undertaken in November 2017 to increase the maximum direct investments within the A1 category from 20% to 25% for a single institution, and A2 category from 10% to 20% for a single institution, and from 20% to 60% for the category as per following ratings table.

Short Term Rating (Standard & Poor's) or Equivalent	Direct Investments Maximum % with any one institution		Managed Funds Maximum % with any one institution		Maximum % of Total Portfolio	
	Policy	Actual	Policy	Actual	Policy	Actual
A1+	30%	27.4%	30%	Nil	90%	55.3%
A1	25%	0.0%	30%	Nil	80%	0.0%
A2	20%	16.5%	n/a	Nil	60%	44.7%

*As per subtotals on **Attachment 1**

RISK MANAGEMENT IMPLICATIONS:

Moderate: Funds are invested with various financial institutions with high Long Term and Short Term Rating (Standard & Poor's or equivalent), obtaining more than three quotations for each investment. These investment funds are spread across various institutions and invested as Term Deposits from one to twelve months to reduce risk.

STRATEGIC IMPLICATIONS:

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

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

The funds for investment have increased from the previous period due to seasonal funds available from receipt of rates and other revenue after creditors and other payments.

The City has obtained a weighted average interest rate of 2.59% for current investments including the operating account; and 2.66% excluding the operating account. The Reserve Bank 90 days Accepted Bill rate for November 2017 is 1.72%.

As at 30 November 2017, the City's total investment earnings excluding the Leederville Gardens Inc. Surplus Trust income exceed the year to date budget estimate by \$11,051 (3.87%).

In response to the August 2016 amendment to the City's Investment Policy that provided for preference "*to be given to investments with institutions that have been assessed as to have a higher rating of demonstrated social and environmental responsibility, providing that doing so will secure a rate of return that is at least equal to alternatives offered by other institutions*", Administration has actively sought investment offerings from relevant institutions.

It is of note that in September 2017, the City added Bank Australia Ltd to the list of non-fossil fuel lending institutions utilised and further funds were invested with them during this reporting period. As a result, 44.66% of the City's investments were held in non-fossil fuel lending institutions as at 30 November 2017.

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

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

11.8	FINANCIAL STATEMENTS AS AT 30 NOVEMBER 2017
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TRIM Ref: D17/171669

Author: Nilesh Makwana, Accounting Officer

Authoriser: John Paton, Director Corporate Services

Attachments: 1. Financial Statements as at 30 November 2017 

Recommendation:

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

PURPOSE OF REPORT:

To present the Financial Statements for the period ended 30 November 2017.

BACKGROUND:

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

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

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

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

DETAILS:

The following documents, included as **Attachment 1** represent the Statement of Financial Activity for the period ending 30 November 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	62-75
6.	Cash Backed Reserves	76
7.	Rating Information and Graph	77-78
8.	Debtor Report	79
9.	Beatty Park Leisure Centre Financial Position	80

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

Summary of Financial Activity by Programme as at 30 November 2017

	Revised Budget 2017/18 \$	YTD Budget 2017/18 \$	YTD Actual 2017/18 \$	Variance 2017/18 \$	Variance 2017/18 %
REVENUE	22,397,993	9,809,184	9,686,224	(122,960)	-1%
EXPENDITURE	(57,017,898)	(24,330,482)	(22,458,563)	1,871,919	-8%
NET OPERATING EXCLUDING RATES	(34,619,905)	(14,521,298)	(12,772,339)	1,748,959	-12%
OPERATING ACTIVITIES EXCLUDED FROM BUDGET					
NON-CASH EXPENDITURE AND REVENUE					
Add Deferred Rates Adjustment	0	0	6,712	6,712	0%
Add Back Depreciation	9,663,980	4,026,595	4,278,550	251,955	6%
(Profit)/Loss on Asset Disposals	(411,373)	(46,710)	(93,560)	(46,850)	100%
"Percent for Art" and "Cash in Lieu" Funds Adjustment	0	0	0	0	0%
AMOUNT ATTRIBUTABLE TO OPERATING ACTIVITIES	9,252,607	3,979,885	4,191,702	211,817	5%
INVESTING ACTIVITIES					
Non-Operating Grants, Subsidies and Contributions	2,692,344	746,245	1,031,186	284,941	38%
Capital Expenditure	(13,411,320)	(7,302,077)	(1,978,618)	5,320,927	-73%
Proceeds from Joint Venture Operations	333,333	0	0	0	0%
Proceeds from Disposal of assets	204,500	111,000	240,196	129,196	116%
	(10,185,175)	(6,444,832)	(707,236)	5,735,064	-89%
FINANCING ACTIVITIES					
Repayments Loan Capital	(881,398)	(357,954)	(357,953)	1	0%
Transfers from Reserves	1,309,605	377,290	30,967	(346,323)	-92%
Transfers to Reserves	(1,850,534)	(633,116)	(151,806)	481,310	-76%
	(1,422,327)	(613,780)	(478,792)	134,988	-22%
Plus: Surplus/(Deficiency) Brought Fwd 1 July 2017	4,035,268	4,035,268	4,475,026	439,759	11%
	(32,939,532)	(13,564,757)	(5,291,639)	8,270,587	-61%
Surplus/(Deficiency) Before General Rates	32,939,532	32,767,022	32,576,992	(190,030)	-1%
Total amount raised from General Rates					
NET CURRENT ASSETS at JUNE 30 C/FWD - SURPLUS/(DEFICIT)	0	19,202,265	27,285,354	8,080,557	42%

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 1% (\$122k), this is due to lower revenue in Transport of \$98k (predominantly parking infringement revenue which is expected to improve) and Recreation and Culture of \$205k (facility hire and Beatty Park). It should be noted that there is positive variance of \$109 in Health.

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

Operating Expenditure

Expenditure by programme is showing a favourable variance of 8% (\$1.87m), this is due to lower expenditure in Recreation and Culture \$676k, Community Amenities \$658k, and Transport \$193k. Similarly, the operating expenditure listed under the Nature and Type report also reflects a favourable variance of 8%, with the largest variances in Employee Costs and Materials and Contracts.

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 the Tamala Park Land Sale Reserve which is transferred when actual funds are received.

Opening Funding Surplus / (Deficit)

The surplus opening balance brought forward from 2016/17 is \$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.

Closing Surplus / (Deficit)

There is currently a surplus of \$27,285,354, compared to year to date budget surplus of \$19,202,265. 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 November 2017 is \$27,285,354.

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 - 75)

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.

	Revised Budget \$	YTD Budget \$	YTD Actual \$	Remaining Budget %
Land and Buildings	2,343,358	1,498,358	307,743	87%
Infrastructure Assets	8,377,501	4,303,026	1,242,985	85%
Plant and Equipment	1,600,346	812,546	310,548	81%
Furniture and Equipment	1,114,147	688,147	117,343	89%
Total	13,435,352	7,302,077	1,978,618	85%

FUNDING	Adopted Budget \$	YTD Budget \$	YTD Actual \$	Remaining Budget %
Own Source Funding - Municipal	9,208,903	6,067,542	676,269	93%
Cash Backed Reserves	1,309,605	377,290	30,967	98%
Capital Grant and Contribution	2,712,344	746,245	1,031,186	62%
Other (Disposals/Trade In)	204,500	111,000	240,196	-17%
Total	13,435,352	7,302,077	1,978,618	85%

Note: Detailed analysis is included on page 62 - 75 of Attachment 1.

6. Cash Backed Reserves (Note 6 Page 76)

The Cash Backed Reserves schedule details movements in the reserves, including transfers and funds used, comparing actual results with the annual budget. The balance as at 30 November 2017 is \$9,028,958.

7. Rating Information (Note 7 Page 77-78)

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 (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 November is \$9,847,819 (this includes deferred rates of \$102,650). This represents 27.74% of the collectable income compared to 26.99% at the same time last year.

8. Receivables (Note 8 Page 79)

Receivables of \$3,388,203 are outstanding at the end of November 2017, of which \$2,898,351 has been outstanding over 90 days. This is comprised of:

- \$2,265,005 (78.1%) 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.
- \$429,846 (14.8%) relates to Cash in Lieu Parking. Some Cash in Lieu Parking debtors have special payment arrangements over more than one year.
- \$203,500 (7%) relates to Other Receivables, including recoverable works and property.

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

9. Beatty Park Leisure Centre – Financial Position Report (Note 9 Page 80)

As at 30 November 2017 the operating deficit for the Centre was \$421,978 in comparison to the year to date budgeted deficit of \$307,966. This unfavourable outcome is primarily due to higher depreciation expense being incurred as a result of the latest Fair Value Revaluation.

Once the depreciation component has been deducted, the cash position showed a current cash surplus of \$61,813 in comparison to year to date budget estimate of a cash deficit of \$80,071.

10. Explanation of Material Variances

All material variance as at 30 November 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 an Ordinary Meeting of the Council within two months after the end of the month to which the statement relates.

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.

12 COMMUNITY ENGAGEMENT**12.1 ADOPTION OF THE PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW 2017**

TRIM Ref: D17/161129

Author: Tim Evans, Manager Governance and Risk

Authoriser: Michael Quirk, Director Community Engagement

- Attachments:
1. Parking and Parking Facilities Amendment Local Law 2017 - for adoption - 12 December 2017 [⇒](#) 
 2. Parking and Parking Facilities Amendment Local Law 2017 - with tracked changes - 12 December 2017 [⇒](#) 
 3. Parking and Parking Facilities Local Law 2007 - for inclusion in Council Report - 12 December 2017 [⇒](#) 
 4. Summary of Submissions - Parking and Parking Facilities Amendment Local Law 2017 [⇒](#) 

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 Parking and Parking Facilities Amendment Local Law 2017 included as Attachment 1;

2. **NOTES** the purpose and effect of the local law as:

Purpose

The purpose of the Parking and Parking Facilities Amendment Local Law 2017 is to amend the Parking and Parking Facilities Local Law 2007 in order to add three new prescribed offences, to delete Schedule 6 and other minor amendments; and

Effect

The effect of the Parking and Parking Facilities Amendment Local Law 2017 is to make it an offence to park in a bicycle lane, to stop in a clearway and to leave a vehicle unattended in a taxi rank; and

3. **NOTES:**

- 3.1 the minor amendments to the version of the Parking and Parking Facilities Amendment Local Law 2017 that was advertised for public submission;
- 3.2 that Administration will publish the Parking and Parking Facilities 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 Parking and Parking Facilities Amendment Local Law 2017 and to adopt the proposed local law.

BACKGROUND:

At its Ordinary Meeting held on 22 August 2017, Council resolved to make the City of Vincent Parking and Parking Facilities Amendment Local Law 2017 for the purposes of public comment.

The purpose of the Parking and Parking Facilities Amendment Local Law 2017 is to amend the Parking and Parking Facilities Local Law 2007 in order to add three new prescribed offences, to delete Schedule 6 and other minor amendments. The effect of the Parking and Parking Facilities Amendment Local Law 2017 is to make it an offence to park or stop in a bicycle lane, to stop in a clearway, to park with the head of a cul-de-sac, and to leave a vehicle unattended in a taxi rank.

DETAILS:

The Parking and Parking Facilities Amendment Local Law 2017 amends the principal local law which is the Parking and Parking Facilities Local Law 2007. An administrative version of the consolidated Parking and Parking Facilities 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 Parking and Parking Facilities Amendment Local Law 2017:

Removal of Schedule 6

Schedule 6 currently contains a prescribed format as to the style and appearance of parking permits. This schedule is now proposed to be deleted. The intent of this amendment is to allow the City to change the style of the permits it issues from time to time without requiring further amendments to the local law.

New Offences

Administration is proposing that three new offences be created with the penalties for each new offence to be set at a level consistent with other offences of that nature. The proposed new offences are as follows:

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

Minor Amendments

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

1. Specifying that no parking or stopping is allowed in a "clearway";
2. Requiring a person to possess a "valid" ticket rather than an "unexpired" ticket;
3. Removing references to "visitor parking permit" to ensure consistency with Council Policy 3.9.3 – Parking Permits; and
4. Removing the words "by resolution" from clauses 1.8 and 3.1

In addition, at the Council Meeting on 22 August 2017 it was resolved to delete proposed subclause 8.8(2)(a) in relation to vehicles obstructing a public place or thoroughfare. This subclause replicated the existing subclause 8.8(2) and stated that "a vehicle which is parked in any portion of a public place where vehicles may be lawfully parked, is deemed to cause an obstruction and may be impounded where the vehicle is parked for any period exceeding 24 hours (without the permission of the local government)".

CONSULTATION/ADVERTISING:

Public notice of the proposed City of Vincent Parking and Parking Facilities Amendment Local Law 2017 was given in accordance with 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 September 2017, *The Guardian Express* on 5 September 2017 and *The Perth Voice* on 9 September 2017 as well as posted on the City's notice boards and publicised on social media. In addition a letter was also sent to the Department of Local Government, Sport and Cultural Industries ("the Department") requesting feedback.

The submission period closed on 31 October 2017 with one submission being received. A summary of the submission along with Administration's comments is included in **Attachment 4**.

The submission raised concerns with respect to several aspects of the local law including:

- The proposed removal of visitor permits;

- The lack of a deterrent for selling permits;
- The removal of the 24 hour time period in relation to vehicles causing an obstruction; and
- Clarifications as to the practical implementation of clause 4.5.

The Department provided feedback with respect to the form of the Parking and Parking Facilities Amendment Local Law 2017 which has also resulted in Administration making a number of minor amendments to the version of the local law that was advertised. The changes were administrative in nature. However, it is of note that the Department highlighted that a previous amendment published in the *Government Gazette* on 12 July 2011 resulted in there erroneously being two concurrent versions of Schedule 6. This has not been shown in the version of the local law maintained and published by the City and has caused no issues. However, the proposed Parking and Parking Facilities Amendment Local Law 2017 has now been updated to delete both schedules.

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:

Low: It is not considered that the proposed amendments to the Parking Facilities Amendment Local Law 2017 will have a significant effect on the City's risk profile.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

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:

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

Parking Within Head of Cul-De-Sac

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

Park or Stop in Bicycle Lane or Path

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

Leave Taxi Unattended in Taxi Zone/Rank

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

Minor Amendments

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

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

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

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

Minor change to Local Law terminology to provide improved clarity.

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

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

4. Removing the words "by resolution" from clauses 1.8 and 3.1

Clauses 1.8 and 3.1 relate to determining the location of stopping and parking areas. It is proposed that the words "by resolution" be deleted to enable these powers to be delegated in future should Council decide to do so. This would enable Administration to be more responsive to emerging parking issues and pressures within specified limits. However, it should be noted any such delegation would require a further Council decision and therefore the amendment of these clauses has no impact at this time.

5. Removing the 24 hour time period clause in relation to vehicles obstructing a public place or thoroughfare

Subclause 8.8(2) and the previously proposed subclause 8.8(2)(a) relate to vehicles obstructing a public place or thoroughfare. This subclause which states that vehicles parked for any period exceeding 24 hours without the permission of the local government is deemed to cause an obstruction and may be impounded will be deleted. Administration has reviewed the situations where this subclause has previously been utilised and the amended clause 8.8 as well as other clauses and subclauses with associated penalties should enable the most common offences to be dealt with.

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 Parking and Parking Facilities 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 Parking and Parking Facilities 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.

13 CHIEF EXECUTIVE OFFICER**13.1 AUDIT COMMITTEE MINUTES AND ANNUAL FINANCIAL REPORT 2016/2017**

TRIM Ref: D17/160584

Author: John Paton, Director Corporate Services

Authoriser: John Paton, Director Corporate Services

Attachments: 1. Minutes of the Audit Committee Meeting - 21 November 2017 

RECOMMENDATION:

That Council:

1. **RECEIVES** the unconfirmed Minutes of the Audit Committee Meeting held on 21 November 2017, as shown in Attachment 1;
2. **NOTES** the recommendations of the City's Audit Committee of 21 November 2017 in respect to the Annual Financial Report for the Year Ended 30 June 2017 (item 5.3) and:
 - 2.1. Requests Administration to write to the Department of Local Government, Sport and Cultural Industries and the Office of the Auditor General to highlight perceived anomalies and proposed amendments to the reporting ratios; and
 - 2.2. Requires Administration to update the City's Asset Management and Long Term Financial Plans as a matter of priority to provide the appropriate data to accurately prepare the calculation of the asset renewal funding ratio.
3. **ACCEPTS** the Annual Financial Report of the City of Vincent for the Year Ended 30 June 2017 and associated Auditor's Report, included with Item 5.3 in Attachment 1.

PURPOSE OF REPORT:

To receive the unconfirmed Minutes of the Audit Committee Meeting held on 21 November 2017 and consider the Audit Committee's recommendation to Council to adopt the City's Annual Financial Report for the Year Ended 30 June 2017 (Annual Financial Report).

BACKGROUND:

The *Local Government Act 1995* (the Act) requires local governments to prepare an Annual Financial Report on its operations for the preceding financial year by 30 September and submit the Report to its Auditor.

The City submitted the draft Report to its Auditor, Moore Stephens prior to 30 September 2017, although adjustments were required following that date and in consultation with the Auditor. Following finalisation of the annual audit by the Auditor, a meeting of the City's Audit Committee was held on 21 November 2017, where the Report was considered. A copy of the Unconfirmed Minutes of the Audit Committee meeting is included as **Attachment 1**.

DETAILS:**Annual Financial Statement for the Year Ended 30 June 2017:**

Item 5.3 on the Audit Committee agenda dealt with the Audit of the 2016/2017 Annual Financial Report.

In accordance with Section 6.4 of the Act, the Annual Financial Report has been prepared and the annual accounts audited by the City's external Auditor, Moore Stephens. The Audit Committee considered the Annual Financial Report for the Year Ended 30 June 2017, along with the following reports submitted by the City's Auditor:

- Independent Auditor's Report to the Electors of the City of Vincent; and
- Management Report for the Year Ended 30 June 2017.

The Annual Financial Report is to be incorporated into the Annual Report in order to hold an Annual General Meeting of Electors, at which the City's Annual Report will be presented. A separate report is listed in the current agenda presenting the Annual Report for adoption.

A copy of the Annual Financial Report must also be submitted to the Director General of the Department of Local Government, Sport and Cultural Industries.

The following extracts from the Independent Auditor's Report provided by Moore Stephens, were considered pertinent and highlighted to the Audit Committee:

"In our opinion, the financial report of the City of Vincent is in accordance with the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended), including:

- a) giving a true and fair view of the City's financial position as at 30 June 2017 and of its financial performance and its cash flows for the year ended on that date; and*
- b) complying with Australian Accounting Standards (including Australian Accounting Interpretations)."*

"Report on Other Legal and Regulatory Requirements

During the course of the audit we became aware of the following instance where the City did not comply with the Local Government (Financial Management) Regulations 1996 (as amended):

Annual Budget

The annual budget for the year ended 30 June 2017 was not submitted to the Department of Local Government within 30 days of its adoption as required by Local Government (Financial Management) Regulation 33.

Monthly Statement of Financial Activity

The monthly statement of financial activity for November 2016 was not presented to council within 2 months after the end of the month to which the statement relates, as required by Local Government (Financial Management) Regulation 34(4)(a).

In accordance with the Local Government (Audit) Regulations 1996, we also report that:

- a) There are no matters that in our opinion indicate significant adverse trends in the financial position or the financial management practices of the City.*
- b) Except as noted above, no matters indicating non-compliance with Part 6 of the Local Government Act 1995 (as amended), the Local Government (Financial Management) Regulations 1996 (as amended) or applicable financial controls of any other written law were noted during the course of our audit.*
- c) In relation to the Supplementary Ratio Information presented at page 79 of this report, we have reviewed the calculation for the Asset Consumption Ratio as presented and nothing has come to our attention to suggest it is not supported by:
 - i) verifiable information; and*
 - ii) reasonable assumptions.**

The Asset Renewal Funding Ratio was not calculated and hence no review was carried out.

- d) All necessary information and explanations were obtained by us.*
- e) All audit procedures were satisfactorily completed in conducting our audit."*

In addition, in accordance with section 10(4) of the *Local Government (Audit) Regulations 1996*, the City's Auditor also issued a Management Report for information.

Following consideration of the Annual Financial Report, Independent Auditor's Report and Management Report and discussing relevant issues with the City's Auditor in attendance at the meeting, the Audit Committee at its meeting on 21 November 2017 resolved:

“That the Audit Committee:

1. *RECEIVES the Independent Auditor’s Report and Management Report prepared by the City’s Auditor, David Tomasi of Moore Stephens Chartered Accountants on the Audit for the year ending 30 June 2017 as detailed in Attachment 1 and 2;*
2. *RECEIVES the Annual Financial Report for the year ended 30 June 2017 as shown in Attachment 3;*
3. *RECOMMENDS to Council the adoption of the Annual Financial Report for the year ended 30 June 2017;*
4. *NOTES that in line with the current provisions of the Local Government Act 1995, the Audit Committee will continue to receive the audit report, management report and signed financial statements prior to reporting to Council in order to liaise with the external auditor and provide comment and recommendations to Council;*
5. *RECOMMENDS that Council writes to the Department of Local Government, Sport and Cultural Industries and the Office of the Auditor General to highlight perceived anomalies and proposed amendments to the reporting ratios;*
6. *NOTES that the data required for the City to accurately prepare the calculation of the asset renewal funding ratio is not currently available; and*
7. *RECOMMENDS that Council require Administration to update the City’s asset management and long term financial plans as a matter of priority to provide the appropriate data.”*

CONSULTATION/ADVERTISING:

There is no legislative requirement to consult on the preparation of the Annual Financial Report. The Act requires an Annual General Meeting of Electors to be held and the City’s Annual Report incorporating the Annual Financial Report (or at a minimum, the abridged version) to be made available publicly. The full Annual Financial Report will also be publicly available.

As in previous years, it is intended to make the Annual Financial Report available on the City’s website, with only a limited number of printed, bound colour copies being made available for viewing at the Library and Local History Centre and the City’s Customer Service Centre.

LEGAL/POLICY:

Section 5.53 of the *Local Government Act 1995* states:

“5.53 Annual Reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
 - (f). *the financial report for the financial year;”*

Section 6.4 of the *Local Government Act 1995* states:

“6.4 Financial Report

- (1) *A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- (2) *The financial report is to –*
 - (a) *Be prepared and presented in the manner and form prescribed; and*
 - (b) *Contain the prescribed information.*
- (3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its Auditor –*

- (a) *The accounts of the local government, balanced up to the last day of the preceding financial year; and*
- (b) *The annual financial report of the local government for the preceding financial year.”*

Local Government (Financial Management) Regulation 51(2) states:

“A copy of the annual financial report of a local government is to be submitted to the Executive Director within 30 days of the receipt by the CEO of the Auditor’s Report on that financial report.”

Local Government (Audit) Regulations 1996 prescribes procedures and form of the audit, including:

“10. Report by auditor

- (1) *An auditor’s report is to be forwarded to the persons specified in section 7.9(1) within 30 days of completing the audit.*
- (2) *The report is to give the auditor’s opinion on —*
 - (a) *the financial position of the local government; and*
 - (b) *the results of the operations of the local government.*
- (3) *The report is to include —*
 - (a) *any material matters that in the opinion of the auditor indicate significant adverse trends in the financial position or the financial management practices of the local government; and*
 - (b) *any matters indicating non-compliance with Part 6 of the Act, the Local Government (Financial Management) Regulations 1996 or applicable financial controls in any other written law; and*
 - (c) *details of whether information and explanations were obtained by the auditor; and*
 - (d) *a report on the conduct of the audit; and*
 - (e) *the opinion of the auditor as to whether or not the following financial ratios included in the annual financial report are supported by verifiable information and reasonable assumptions —*
 - (i) *the asset consumption ratio; and*
 - (ii) *the asset renewal funding ratio.*
- (4) *Where it is considered by the auditor to be appropriate to do so, the auditor is to prepare a management report to accompany the auditor’s report and to forward a copy of the management report to the persons specified in section 7.9(1) with the auditor’s report.”*

The persons specified in section 7.9(1) of the Act are:

- The mayor or president; and
- The CEO of the local government; and
- The Minister.

RISK MANAGEMENT IMPLICATIONS:

High: Not adopting the 2016/2017 Annual Financial Report would result in non-compliance with *the Local Government Act 1995*.

STRATEGIC IMPLICATIONS:

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

“4.1.2 Manage the organisation in a responsible, efficient and accountable manner.”

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The Rate Setting Statement within the Annual Financial Report identifies a final end of year surplus position of \$4,475,025 compared to a surplus of \$4,251,223 the previous year. The actual surplus is a moderate improvement of \$439,757 on the opening balance forecast in the 2017/2018 Adopted Budget (\$4,035,268).

COMMENTS:

The Annual Financial Report, as noted by the City's Auditor has been prepared in accordance with applicable legislation and accounting standards and gives a true and fair view of the financial position of the City. The relative alignment of the actual closing balance to the forecast opening balance included in the 2017/18 Adopted Budget reflects the improved budget and forecasting practices employed at the City.

It is therefore proposed that in accordance with the Audit Committee's recommendation, Council accepts the Annual Financial Report for the Year Ended 30 June 2017 as presented to the Audit Committee meeting held 21 November 2017, along with the Audit Committee's recommendation to:

1. write to the Department of Local Government, Sport and Cultural Industries and the Office of the Auditor General to highlight perceived anomalies and proposed amendments to the reporting ratios; and
2. require Administration to update the City's asset management and long term financial plans as a matter of priority to provide the appropriate data [to accurately prepare the calculation of the asset renewal funding ratio].

Relative to item 1. above, the Audit Committee was not commenting on the City's performance, but a potential for a perceived anomaly between the requirements of the Operating Surplus Ratio, which sought a 'surplus' result of 15% or greater for an advanced standard and the limits imposed by legislation on revenue from general rates (+/- 10%). However, it was noted that a single ratio or single year's results may not be representative of the true sustainability of an organisation."

Relative to item 2. above, Council Members will already be aware that Administration is giving priority attention to building the City's asset management framework in order to provide the relevant data to input into the review of the long term financial plan from 2018/19 onwards.

13.2 ANNUAL REPORT 2016/2017

TRIM Ref: D17/138812

Author: Rosslind Ellis, Manager Marketing and Communications

Authoriser: Len Kosova, Chief Executive Officer

Attachments: 1. Annual Report 2016/2017 

RECOMMENDATION:

That Council:

1. Pursuant to Section 5.54(1) of the *Local Government Act 1995*, **ACCEPTS BY AN ABSOLUTE MAJORITY** the City of Vincent Annual Report for the 2016/2017 Financial Year, included as Attachment 1 and **NOTES** that the report will be subject to further formatting and styling to be determined by the Chief Executive Officer, prior to publication;
2. Pursuant to Section 5.27 of the *Local Government Act 1995*, **CONVENES** a General Meeting of Electors of the City of Vincent to be held on 30 January 2018 at 6.00pm in the City's Council Chambers, to present the City of Vincent Annual Report for the 2016/2017 Financial Year; and
3. **NOTES** that:
 - 3.1 pursuant to Sections 5.29 and 5.55 of the *Local Government Act 1995*, the Chief Executive Officer will give local public, notice of the General Meeting of Electors to be held on 30 January 2018 and of the availability of the City of Vincent Annual Report for the 2016/2017 Financial Year, as soon as practicable after the report has been accepted by Council; and
 - 3.2 pursuant to Regulation 51 of the *Local Government (Financial Management) Regulations 1996*, the Director General of the Department of Local Government, Sports and Cultural Industries will be provided with a copy of the City of Vincent Annual Report for the 2016/2017 Financial Year, inclusive of the Annual Financial Report for the same period and the Auditor's Report on that Financial Report.

PURPOSE OF REPORT:

To accept the 2016/2017 Annual Report and set a date for the Annual General Meeting of Electors.

BACKGROUND:

The Annual Report is an important document through which the City communicates with its stakeholders, providing a summary of the City's activities throughout 2016/2017, outlining the progress made towards the strategic objectives set out in the City's guiding strategic documents. The *Local Government Act 1995* (the Act) requires every Local Government to prepare an Annual Report and hold an Annual General Meeting (AGM) of electors.

DETAILS:

The Annual Report must, in addition to other requirements, incorporate the financial report and the auditor's report on the financial report. The Annual Report for 2016/2017 included as **Attachment 1** satisfies these requirements.

Section 5.27 of the Act requires the AGM to be held on a day selected by the local government, but not more than 56 days after the report is accepted by the local government.

It should be noted that the copy of the draft Annual Report included as **Attachment 1** is only a draft version and does not necessarily reflect the appearance of the final. The attached version of the Annual Report will be subject to further formatting and styling changes to be determined by the Chief Executive Officer prior to publication. However, no further changes will be made to the report content, following its acceptance by Council. This approach ensures that any changes required by Council can be readily incorporated in the document with minimal delay and without major re-formatting.

The process and timetable for drafting the Annual Report and arranging the AGM is largely influenced by the availability of the City's auditor and receipt of the auditor's report.

Council, at its Ordinary Meeting held on 17 October 2017 adopted the Council Meeting Schedule for 2018 which included a proposed date for the AGM of 30 January 2018. This date will ensure that there is sufficient time to finalise the publishing of the Annual Report.

CONSULTATION/ADVERTISING:

The AGM will be advertised via local public notice as required by section 5.29 of the Act. To advertise the AGM. It is proposed that the meeting will commence at 6.00pm, prior to the Council Briefing Session on that night.

LEGAL/POLICY:

The *Local Government Act 1995*, Section 5.53 requires every Local Government to prepare an Annual Report. Section 5.54 states that the Annual Report is to be accepted by the Local Government no later than 31 December after that financial year.

Section 5.53 of the *Local Government Act 1995* states:

5.53 Annual Reports

- (1) *The Local Government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
 - a) *a report from the mayor or president;*
 - b) *a report from the CEO;*
 - e) *an overview of the plan for the future of the district made in accordance with Section 5.56 including major activities that are proposed to commence or to continue in the next financial year;*
 - f) *the financial report for the financial year;*
 - g) *such information as may be prescribed in relation to the payments made to employees;*
 - ha) *the auditor's report for the financial year;*
 - hb) *details of entries made under section 5.121 during the financial year in the register of complaints, including —*
 - (i) *the number of complaints recorded in the register of complaints; and*
 - (ii) *how the recorded complaints were dealt with; and*
 - (iii) *any other details that the regulations may require;*
 - i) *such other information as may be prescribed.*

Section 5.54 of the *Local Government Act* states:

5.54 Acceptance of Annual Reports

- (1) *Subject to subsection (2) the annual report for a financial year is to be accepted* by the Local Government no later than 31 December after that financial year.*

** Absolute majority required*

- (2) *If the Auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the Local Government no later than 2 months after the Auditor's report becomes available.*

Section 5.55 of the *Local Government Act 1995* states:

5.55 Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the Local Government.

Section 5.27 states:

5.27 Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the Local Government but not more than 56 days after the Local Government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

Regulation 51(2) of the *Local Government (Financial Management) Regulations 1996* requires every local government to provide a copy of its Annual Financial Report to the Director General of the Department of Local Government within 30 days of the local government's CEO receiving the Auditor's Report on that Financial Report. The Auditor's report was received on 29 November 2016. Given that the Annual Financial Report and Auditor's Report form part of the City's Annual Report for the 2015/2016 Financial Year, it is appropriate to submit a copy of the complete Annual Report to the Department following Council's adoption, as occurred last year.

RISK MANAGEMENT IMPLICATIONS:

Low/Medium: The risk associated with not adopting the 2016/2017 Annual Report and failure to set a date for the 2018 Annual General Meeting of Electors will result in non-compliance with the requirements of the *Local Government Act 1995*.

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The Annual Report is prepared by the City's Administration and as such these costs are absorbed by the City's Operating Budget.

COMMENTS:

In order for the City to meet its legislative requirements, it is recommended that Council accepts the Annual Report for 2016/2017 and convenes the Annual General Meeting of Electors on 30 January 2018 at 6:00pm, as previously resolved by Council on 17 October 2017.

13.3 COUNCIL RECESS PERIOD 2017-18 - DELEGATED AUTHORITY TO THE CHIEF EXECUTIVE OFFICER

TRIM Ref: D17/160882
Author: Tim Evans, Manager Governance and Risk
Authoriser: Len Kosova, Chief Executive Officer
Attachments: Nil

RECOMMENDATION:

That Council:

1. **DELEGATES BY ABSOLUTE MAJORITY**, pursuant to section 5.42 of the *Local Government Act 1995*, to the Chief Executive Officer, the power to deal with any items of business that may arise from 13 December 2017 to 29 January 2018, and which are not otherwise the subject of delegated authority already granted by Council, subject to:
 - a. Reports being issued to all Council Members for a period of three business days prior to the delegated decision being made and no requests for 'call-in' of the matter being received from Council Members;
 - b. Reports being displayed on the City's website for a period of three business days prior to the delegated decision being made;
 - c. A report summarising the items of business dealt with under delegated authority being submitted for information to Council at its Ordinary meeting to be held on 6 February 2018; and
 - d. A Register of Items Approved under this Delegated Authority being kept and made available for public inspection on the City's website during the period that the delegation applies.

PURPOSE OF REPORT:

To obtain the Council's approval for Delegated Authority to deal with matters during the Council recess period 2017-2018.

BACKGROUND:

The Council will be in recess after the ordinary meeting on 12 December 2017 until the Annual General Meeting and Council Briefing on 30 January 2018. Therefore, it will be necessary to make arrangements to enable items of business that may arise during that period to be dealt with by the CEO.

DETAILS:

Council is in recess from 13 December 2017 to 29 January 2018 inclusive. A Council resolution is required to allow the CEO to make a decision on matters which may arise during this period for which no delegated authority already exists. It should be noted that matters which require an absolute majority decision are not able to be delegated.

Reports relating to decisions proposed to be made using the delegations made for the recess period will be issued to all Council Members for review and comment for a period of three business days. This will allow Council Members to either comment on the proposed decision, and for those comments to be considered prior to any decision being made, or to 'call-in' the matter, thereby preventing the delegation being exercised. If a matter is called in then it would be referred to the 6 February 2018 Ordinary Council Meeting.

CONSULTATION/ADVERTISING:

Whilst there is no statutory requirement to do so, items being processed under delegated authority will be referred to Council Members for comment and 'call-in' for a period of three days prior to the delegated decision being made.

LEGAL/POLICY:

Under Section 5.42 of the *Local Government Act 1995*, Council may, by absolute majority, delegate to the Chief Executive Officer (CEO) the exercise of any of its powers or the discharge of any of its duties under this Act, other than those referred to in section 5.43.

Section 5.43(b) of the *Local Government Act 1995* states:

5.43 Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- a)
- b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- c)

RISK MANAGEMENT IMPLICATIONS:

Medium: If the Council does not approve of the Delegated Authority for the festive season and January, it would likely result in the delay of issuing approvals to some development applications, thereby disadvantaging these applicants.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan 2013-2017 - Objective 4 – "*Leadership, Governance & Management and 4.1.2 – Manage the organisation in a responsible, efficient and accountable manner*".

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Administration is not expecting to be in a position to award any tenders over the recess period that have the potential to exceed the CEO's upper limit on accepting tenders.

13.4 INFORMATION BULLETIN

TRIM Ref: D17/95474

Author: Emma Simmons, Governance and Council Support Officer

Authoriser: John Paton, Director Corporate Services

- Attachments:**
1. Minutes of the Environmental Advisory Group Meeting held on 2 October 2017 [⇨](#) 
 2. Minutes of the Design Advisory Committee Meeting held on 4 October 2017 [⇨](#) 
 3. Minutes of the Design Advisory Committee Meeting held on 18 October 2017 [⇨](#) 
 4. Minutes of the Business Advisory Group Meeting held on 7 September 2017 [⇨](#) 
 5. Minutes of Mindarie Regional Council Meeting held on 9 November 2017 [⇨](#) 
 6. Minutes of Tamala Park Regional Council - Special Council Meeting held on 9 November 2017 [⇨](#) 
 7. Statistics for Development Applications as at end of November 2017 [⇨](#) 
 8. Register of Legal Action and Prosecutions Register Monthly - Confidential
 9. Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 16 November 2017 [⇨](#) 
 10. Register of Applications Referred to the MetroWest Development Assessment Panel – Current [⇨](#) 
 11. Register of Applications Referred to the Design Advisory Committee – Current [⇨](#) 
 12. Register of Petitions - Progress Report - December 2017 [⇨](#) 
 13. Register of Notices of Motion - Progress Report - December 2017 [⇨](#) 
 14. Register of Reports to be Actioned - Progress Report - December 2017 [⇨](#) 
 15. Unconfirmed Minutes of the Pedestrian and Cycling Advisory Group held on 16 October 2017 [⇨](#) 

WRECOMMENDATION:

That Council RECEIVES the Information Bulletin dated December 2017

14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**14.1 NOTICE OF MOTION - CR JOSHUA TOPELBERG – INFORMATION REGARDING VERGE TREE REMOVAL**

TRIM Ref: D17/169081

Attachments: Nil

That Council:

- 1. REQUESTS Administration, from February 2018, to include in the monthly Information Bulletin presented to Council a summary of all requests received and decisions made regarding removal of verge trees in the City of Vincent; and**
- 2. NOTES that Policy No. 2.1.2 – Street Trees is overdue for review and will be reviewed in 2018.**

REASON:

Verge trees are highly regarded by our community for the significant contribution they make to the local streetscape, amenity and environment. For this reason, decisions to remove (or not remove) street trees can attract a high degree of community interest, depending on the location, maturity and type of tree(s) involved.

From time to time, the City also itself removes verge trees and investigates incidents of unauthorised verge tree removal.

The monthly summary report on verge tree decisions should ideally include the following:

- Source of the request (minus personal identifying information)
- Reason for the request
- Administration's assessment and decision on the request
- Any unauthorised verge tree removal or damage
- Any City-initiated decision to remove a verge tree, including the reason
- Details of any verge trees planted in place of removed verge trees

ADMINISTRATION COMMENT:

Administration supports the proposed Motion.

Administration already maintains databases of the information referenced in the dot-points above and can readily include a summary of these matters in the monthly Information Bulletin presented to Council.

Requests from residents to remove verge trees are assessed and determined by Administration in accordance with Council Policy No. 2.1.2 – Street Trees. Reasons cited by residents for removal of a street tree typically relate to the tree's health, structural integrity, size, location or type.

Policy No. 2.1.2 is overdue for review and is intended to be reviewed in 2018 in light of the review of the City's Greening Plan (Corporate Business Plan Item 1.6) and development of a Street Tree Matrix. Provision of the requested information to Council on a monthly basis will increase Council Member and public awareness of requests and reasons for street tree removal, which will be beneficial for the review of Policy No. 2.1.2.

14.2 NOTICE OF MOTION - CR JIMMY MURPHY - REVIEW AND ASSESSMENT OF THE CITY'S BUILDING ASSETS

TRIM Ref: D17/169605

Attachments: Nil

That Council:

- 1. LISTS FOR CONSIDERATION in the 2018/19 to 2022/23 Corporate Business Plan a project to review and assess the City's building asset portfolio in order to:**
 - 1.1. Develop a strategic framework that assesses the long term need for and required number, nature and type of community building assets within the City;**
 - 1.2. Determine the City of Vincent's position in providing and maintaining those building assets, taking into account both community needs and the City's long term financial sustainability;**
 - 1.3. Identify opportunities for the City to efficiently and effectively manage its building assets portfolio; and**
- 2. To assist in Council's timely deliberations on 1. above, REQUESTS the CEO to provide a report to Council by March 2018 comprising the following for each building in the City's building assets portfolio:**
 - 2.1. A summary of its current use, tenure and occupancy arrangements;**
 - 2.2. An opinion on the extent to which it satisfies or could satisfy a current or future community need;**
 - 2.3. An estimate of the future asset maintenance and renewal costs; and**
 - 2.4. Identification of options to sustainably manage the asset management and renewal burden on the community.**

REASON

The City has an asset sustainability ratio of 0.53 which is below the target range of 0.9 – 1.1, set by the Department of Local Government, Sport and Cultural Industries. This indicates the City has not been adequately replacing or maintaining its assets (building assets in particular) as they reach the end of their useful lives. As a result, the City will need to considerably increase the level of expenditure on asset maintenance if we are to ensure our buildings are maintained at an adequate condition.

The size, age and diversity of assets contained in the City's building assets portfolio is likely to require substantial investment in ongoing maintenance and renewal. These costs would represent a significant financial burden on our community given the likely need for them to be substantially funded through rates.

It is imperative that Council use the development of its Asset Management Framework to make careful and informed decisions about the composition of the City's building assets portfolio in order for it to strategically and sustainably cater for community needs into the future. Having said that, it is accepted that some decisions regarding the City's building assets portfolio will be strongly influenced by the outcomes of other work currently being undertaken, such as various Reserve Master Plans and a City-wide Public Open Space Strategy.

ADMINISTRATION COMMENTS

Administration supports the proposed motion, for the reasons mentioned above.

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

Nil

16 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

17 URGENT BUSINESS

Nil

18 CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED**18.1 RATES ON SMALL TENANCIES**

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

18.2 LATE REPORT: CONFIDENTIAL REPORT: APPOINTMENT OF DIRECTOR CORPORATE SERVICES

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
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

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.

19 CLOSURE