



**CITY OF VINCENT**

# **AGENDA**

## **Council Briefing 10 September 2019**

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

**David MacLennan**  
**Chief Executive Officer**





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

1. Shortly after the commencement of the meeting, the Presiding Member will ask members of the public to come forward to address the Council and to give their name and the suburb in which they reside or, where a member of the public is representing the interests of a business, the suburb in which that business is located 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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- A copy of the recorded proceedings and/or a transcript of a particular section or all of a Council meeting is available in accordance with Policy No. 4.2.4 – Council Meetings – Recording and Web Streaming.
- Ordinary Meetings of Council and Council Briefings are streamed live on the internet in accordance with the City's Policy – 4.2.4 - Council Meetings Recording and Web Streaming. It is another way the City is striving for transparency and accountability in what we do.
- The live stream can be accessed from <http://webcast.vincent.wa.gov.au/video.php>
- Images of the public gallery are not included in the webcast, however the voices of people in attendance may be captured and streamed.
- If you have any issues or concerns with the live streaming of meetings, please contact the City's Manager Governance and Risk on 08 9273 6538.

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**1        DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY**

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

**2        APOLOGIES / MEMBERS ON LEAVE OF ABSENCE**

Nil







**3        PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS**

**4        DECLARATIONS OF INTEREST**

## 5 PLANNING AND PLACE

### 5.1 NO. 12A (LOT: 3; S/P: 78266) NOVA LANE, NORTH PERTH - SINGLE DWELLING

TRIM Ref: D19/100223  
Author: Natasha Trefry, Urban Planning Advisor  
Authoriser: Joslin Colli, Coordinator Planning Services  
Ward: South  
Attachments: 

1. Consultation and Location Map [↓](#) 
2. Development Plans [↓](#) 
3. Summary of Submissions - Administration's Response [↓](#) 
4. Summary of Submissions - Applicant's Response [↓](#) 
5. Applicant Justification [↓](#) 
6. Determination Advice Notes [↓](#) 

#### RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES, the development application for Single Dwelling at No. 12A (Lot: 3; S/P: 78266) Nova Lane, North Perth in accordance with the plans in Attachment 2, subject to the following conditions, with the associated advice notes in Attachment 6:

#### 1. Boundary Walls

The owners of the subject land shall finish and maintain the surface of the boundary walls facing No. 14 Nova Lane in a good and clean condition prior to the practical completion of the development and thereafter maintained to the satisfaction of the City. The finish of the walls are to be fully rendered or facebrick to the satisfaction of the City;

#### 2. Landscaping Plan

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

- The location and type of proposed trees and plants;
- Areas to be irrigated or reticulated; and
- The provision of 14.6 percent of the site area as deep soil zone and 26.98 percent canopy cover at maturity; and

2.2 All works shown in the plans as identified in Condition 2.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

#### 3. Sight Lines

No walls, letterboxes or fences above 0.75 metres in height to be constructed within 1.5 metres of where:

- 3.1 walls, letterboxes or fences adjoin vehicular access points to the site; or
- 3.2 a driveway meets a public street; or
- 3.3 two streets intersect; unless otherwise approved by the City of Vincent;

**4. Stormwater**

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

**5. Car Parking and Access**

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

5.2 Vehicle access points are required to match into existing right of way levels; and

5.3 All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications;

**6. Visual Privacy**

Prior to occupancy or use of the development, all privacy screening to balcony/courtyard and balcony 2 shall be visually impermeable and is to comply in all respects with the requirements of Clause 5.4.1 of the Residential Design Codes (Visual Privacy) deemed to comply provisions, to the satisfaction of the City.

**7. External Fixtures**

All external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and

**8. Detailed Schedule of External Finishes**

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

**PURPOSE OF REPORT:**

To consider an application for development approval for a three storey single dwelling at No. 12A Nova Lane, North Perth.

**PROPOSAL:**

The application proposes a single dwelling to a vacant lot which has been subdivided. The development is of a three storey scale.

**BACKGROUND:**

<b>Landowner:</b>	Michael and Lisa Joyce
<b>Applicant:</b>	Broadway Homes Pty Ltd
<b>Date of Application:</b>	12 April 2019
<b>Zoning:</b>	MRS: Urban LPS2: Residential R Code: R30/40
<b>Built Form Area:</b>	Residential
<b>Existing Land Use:</b>	Vacant Lot
<b>Proposed Use Class:</b>	Single Dwelling
<b>Lot Area:</b>	180m <sup>2</sup>
<b>Right of Way (ROW):</b>	Yes – Nova Lane. 6.8m drained and sealed
<b>Heritage List:</b>	Not applicable

The subject site is bound by Nova Lane to the south, a single storey single house to the north, a two storey dwelling to the west and a vacant lot to the east. Administration notes an application for a three storey dwelling has been approved by Council 20 August 2019 for No. 12 Nova Lane (eastern property) which forms part of the subdivided area and is currently vacant. A location plan is included as **Attachment 1**.

The subject site is zoned Residential R30/40 and is affected by Clause 26(1) of City's Local Planning Scheme No. 2 (LPS2) which states: *development will only be permitted to R40 standards where the existing house is retained*. The subject site was created through a survey strata subdivision which retained the existing house at No. 11 Mabel Street, North Perth. The application has been assessed against the development requirements of R40.

The subject site and surrounding properties are zoned Residential R30/40. The subject site forms part of the Residential Built Form area in accordance with the City's Policy No. 7.7.1 – Built Form.

The application proposes a three storey dwelling, which addresses Nova Lane. The development plans have been 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 Local Planning Scheme No. 2 (LPS2), 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
Street Setback	✓	
Building Setbacks/Boundary Wall		✓
Building Height/Storeys		✓
Open Space		✓
Outdoor Living Areas		✓
Landscaping		✓
Privacy		✓
Garage Width		✓
Parking & Access	✓	
Solar Access	✓	
Site Works/Retaining Walls		✓
Essential Facilities	✓	
External Fixtures	✓	
Surveillance	✓	

### Detailed Assessment

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

Lot Boundary Setback	
Deemed-to-Comply Standard	Proposal
<u>East</u> Second Floor: Void – Scullery: 1.5 metres Third Floor: WIL – Bed 3: 1.3 metres  <u>West</u> Second Floor: Balcony - Laundry: 2.3 metres Third Floor: Balcony - Master: 1.4 metres	<u>East</u> Second Floor: Void – Scullery: 1.27 metres Third Floor: WIL – Bed 3: 1.25 metres  <u>West</u> Second Floor: Dining - Laundry: 1.5 metres Third Floor: Balcony - Master: 1.3 metres



<u>North (rear)</u> Second Floor: Living – Scullery: 1.1 metres	<u>North (rear)</u> Second Floor: Living – Scullery: 1.0 metres
<u>Lot Boundary Walls</u> Average Wall Height: 3.0 metres Maximum Wall Height: 3.5 metres	<u>Lot Boundary Walls</u> <u>Upper Floor (West)</u> Average Wall Height: 5.6 metres Maximum Wall Height: 5.16 metres
<b>Open Space</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
45 percent open space	39.5 percent open space
<b>Building Height</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
2 storey built form area Permitted Wall Height – 6.0 metres Permitted top skillion Roof – 7.0 metres Permitted bottom skillion Roof – 6.0 metres	3 storey dwelling Proposed wall height – 8.4 metres Proposed top skillion Roof – 9.1 metres Proposed bottom skillion Roof – 8.4 metres
<b>Garage Width</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
60 percent frontage (6.02 metres)	62.5 percent frontage (6.2 metres)
<b>Landscaping</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
Canopy: 30 percent Deep Soil: 15 percent	Canopy: 26.98 percent Deep Soil: 14.6 percent Other landscaping: 4.2 percent
<b>Visual Privacy</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
6.0 metre cone of vision from habitable rooms other than bedrooms and studies	Dining room: 1.5 metres within lot
<b>Outdoor Living Area</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
20 square metres outdoor living area 33 percent (1/3 covered area)	31.5 square metres proposed 47.5 percent covered area
<b>Site Works &amp; Retaining</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
Retaining walls greater than 0.5 metres in height set back from lot boundaries in accordance with the setback provisions of Table 1.	1.2 metre retaining
Excavation or filling within a site and behind a street setback line limited by compliance with building height limits and building setback requirements.	1.2 metre fill

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 in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, for a period of 14 days commencing on 28 June 2019 – 12 July 2019.

Community consultation was undertaken by means of written notifications with 26 letters being sent to surrounding landowners, as shown in **Attachment 1** and a notice on the City's website. At the conclusion of the community consultation period, one submission objecting to the proposal was received. The main issues raised as part of the consultation relate to the following:

- Visual Privacy to adjacent properties; and
- Boundary wall finish.

A summary of the submissions and Administration's comments on each issue is included as **Attachment 3**, with the applicants response to submissions included as **Attachment 4**. After the advertising period, the applicant revised the proposal to demonstrate a fixed 1.6 metre decorative screen to the second floor balcony (western elevation), which meets the necessary visual privacy screening requirements of the Residential Design Codes. The applicant has also provided additional justification against the built form elements which do not satisfy the deemed-to-comply requirements, included as **Attachment 5**.

**Design Review Panel (DRP):**

Referred to DRP: Yes

As the proposal sought variations to building height, the proposal was referred to the chair of the Design Review Panel for comment. The comments received in regards to the submitted proposal noted:

- The proposed built form is consistent with the adjoining properties;
- A third storey could be considered if setback from the street; and
- Rather than a skillion roof, a flat roof (3 degrees and sloping to front or back) will have less impact and reduce the height of the building.

The comments from the Chair of the DRP were conveyed to the applicant. The applicant provided amended plans and justification, **Attachment 2**, to address the comments of the DRP Chair as follows:

- Increased setback of second floor from 1.8 metres to 1.9 metres;
- Increased setback of third storey to 4.1 metres, 2.2 metres behind the second floor below;
- Retention of skillion roof form, to provide consistency with adjacent dwellings;
- Increased street setback of garage;
- Provided additional landscaping in the front setback area; and
- Replaced solid wall screening from second floor balcony to a decorative screening.

**LEGAL/POLICY:**

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Local Planning Scheme No. 2;
- State Planning Policy 3.1 – Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation; and
- Policy No. 7.1.1 – Built Form Policy.

**Delegation to Determine Applications:**

The matter is being referred to Council as the application proposes a height of three storeys or more, which does not meet the deemed-to-comply building height.

**RISK MANAGEMENT IMPLICATIONS:**

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:**

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

*We are open and accountable to an engaged community.*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**Lot Boundary Setbacks*West: Balcony – Laundry*

The application proposes a 1.5 metre setback for a portion of the second floor (balcony to laundry) from the western boundary in lieu of the 2.8 metre deemed-to-comply standard.

The proposed lot boundary setbacks satisfy the relevant design principles for the following reasons:

- The western elevation incorporates articulation through the use of design elements such as openings, mixed window treatments as well as the horizontal and vertical articulation of walls to reduce the scale of the bulk and scale of the building.
- The calculated setback refers to the whole extent of the western boundary wall, inclusive of the lot boundary wall from the balcony to the laundry on the upper floor. If considered independently, the setback of the dining to laundry portion of the wall is significantly reduced and would be compliant.
- The increased setback and stepped approach of the upper floor articulates habitable and non-habitable room of the dwelling from the neighbouring property.
- Landscaping areas along the western boundary assist in creating a soft edge and natural buffer along portions of the western boundary. Mature tree species, Coral Gum and Apple Tree species, assist in screening portions of the development from the adjacent properties and mitigating the imposition of solid walls.
- The development meets the solar access deemed-to-comply requirements. The reduced setback to the western boundary does not result in overshadowing of the adjoining properties.

*West: Balcony – Master*

The application proposes a 1.3 metre setback for a portion of the third floor (master suite) from the western boundary in lieu of the 1.4 metre deemed-to-comply standard.

The proposed lot boundary setbacks satisfy the relevant design principles for the following reasons:

- The third storey of the dwelling is located centrally to the building and setback a greater distance from the boundary than the first and second floors of the dwelling. The centrally located upper floor and articulated walls of the third storey reduces the scale of the third storey element and ensures the portion of wall does not have any adverse impact on the amenity of the adjoining property.
- The decorative screen to the western façade along the master bedroom façade provides a decorative feature which is visible from the street and neighbouring properties. The screen detail proposed alongside the balcony and master suite wall reduces the scale and mass of solid blank walls viewed from the street and neighbouring properties.
- The reduced setback does not result in any overlooking of the adjoining western property. The balcony accessible from the master bedroom provides a solid 1.6 metre screen wall, in accordance with the R Codes, to limit the cone of vision to adjacent properties.
- The reduced western boundary setback does not result in variations to the solar access deemed-to-comply requirements of the R Codes. The setback allows for access to sufficient sunlight and ventilation to the subject and neighbouring dwelling.

*East: Void – Scullery*

The application proposes a 1.27 metre setback for a portion of the second floor (void area to scullery) from the eastern boundary in lieu of the 1.5 metre deemed-to-comply standard.

The proposed lot boundary setbacks satisfies the relevant design principles and local housing objectives of the R Codes and Built Form Policy and are acceptable for the following reasons:

- The eastern setback on the second floor incorporates articulations, mixed window treatments and render details reduce and mitigate the dwellings actual and perceived bulk.

- The reduced setback provides adequate access to sun and ventilations to the building and the open space area on the ground floor, and to the adjoining property.
- The adjacent eastern property (No. 12 Nova Lane) includes lot boundary walls and an atrium area. The rooms and highlight window treatments along the reduced eastern setback which address the atrium meet the deemed to comply requirements and do not impact the amenity of the adjacent dwelling.
- The balcony area on the first floor of the dwelling is articulation from the neighbouring property, providing a stepped approach and further mitigating perceived bulk to the eastern property and streetscape.
- No major openings from habitable rooms are located on the eastern boundary. The reduced setback does not result in an adverse impact on the neighbouring property in terms of privacy. Consequently, the visual privacy deemed-to-comply requirements are satisfied.

#### *East: Walk in Linen – Bed 3*

The application proposes a 1.25 metre setback for a portion of the third floor (walk in linen to Bed 3) from the eastern boundary in lieu of the 1.3 metre deemed-to-comply standard.

The proposed lot boundary setbacks satisfies the relevant design principles and local housing objectives of the R Codes and Built Form Policy and are acceptable for the following reasons:

- The eastern façade of the proposed dwelling is articulated with contrasting window treatments and glazing to moderate the impact of building bulk on the adjoining property.
- The proposed development meets the deemed-to-comply standards of the R Codes in relation to solar access for adjoining sites. The reduced setback would not result in an undue loss of access to direct sunlight to the adjoining property, and the wall is setback from the boundary to maintain ventilation to the subject and adjacent buildings.
- The reduced setback only applies to a 4 metre portion of the dwelling. The remainder of the eastern boundary on the third storey is articulated and setback to 2.4 metres, meeting the deemed-to-comply requirements.
- The development does not result in any departures from the deemed-to-comply visual privacy requirements of the R Codes in relation to the property to the east.

#### *North: Living - Scullery*

The application proposes a 1.0 metre setback for a portion of the second floor (living area to scullery) from the northern boundary in lieu of the 1.1 metre deemed-to-comply standard.

The proposed lot boundary setbacks satisfies the relevant design principles and local housing objectives of the R Codes and Built Form Policy and are acceptable for the following reasons:

- The proposed development meets the deemed-to-comply standards of the R Codes in relation to solar access for adjoining sites. The reduced setback would not result in an undue loss of access to direct sunlight to the adjoining property, and the wall is setback from the boundary to maintain ventilation to adjacent buildings.
- A 1.0 metre open space/landscaping strip is proposed to the rear of the site that provides a natural buffer from the bordering lot. This open space is also capable of being utilised for additional canopy to the site, which will provide an additional softened landscaping buffer.
- The development does not result in any departures from the deemed-to-comply visual privacy requirements of the R Codes in relation to the property to the north.

#### *Lot Boundary Walls (West)*

The application proposes a boundary wall to the west with average wall height, 5.16 metres in lieu of the 3.0 metres deemed-to-comply standard, and a maximum height of 5.6 metres in lieu of the 3.5 metres deemed-to-comply standard.

The lot boundary wall proposed satisfies the relevant design principles and local housing objectives of the R Codes and Built Form Policy and are acceptable for the following reasons:

- The existing dwelling to the western of the subject site (No. 14 Nova Lane) has an existing parapet wall on the boundary, which abuts the proposed wall of the subject site. The natural slope of the street and

subject site results in a slight increase to the subject wall. The 5.6 metre wall height exceeds the existing parapet wall by 1.6 metres (as existing to 4 metres).

- The proposed boundary wall will abut the existing wall and effectively screen the existing parapet wall at No. 14 Nova Lane, it is considered that the boundary wall will largely be screened by the existing dwelling at No. 14 Nova Lane with the proposed balcony to street helping to mitigate the impact of the over height boundary wall.
- The applicants have amended a portion of the second floor boundary wall, abutting the balcony, to a 1.6 metre decorative screen in place of the 1.6 metre solid masonry wall. This revised boundary treatment meets the relevant screening requirements of the R Codes without compromising on bulk. The decorative screening also provides a design feature and point of interest, which is visible from the street. The proposed western boundary wall provides a natural buffer from the dwelling to the neighbouring western property's carport.
- The majority of the proposed boundary wall is located behind the street setback line of the dwelling, with a large concentration of the boundary bulk located to the rear of the site, not visible from the street.
- Due to the orientation of the lot, the proposed development and boundary wall will not result in overshadowing to the abutting site. The development meets the solar access deemed-to-comply requirements.
- The boundary wall does not incorporate major openings and consequently will not result in overlooking to the adjacent site. The development meets the visual privacy requirements.
- Two storey boundary walls are a prevalent built form within the Nova Lane established streetscape. The scale and materials of the boundary walls – face brick and render finish are consistent colours and materials of other dwellings within the established ROW; as noted in the streetscape analysis provided by the applicant included as **Attachment 5**.

#### Building Height

The application proposes three storeys and a maximum height of 9.1 metres to the top of the skillion roof in lieu of the two storey and maximum top of skillion roof height of 7.0 metres set as a deemed-to-comply standard in the City's Built Form Policy.

The bottom of the skillion is permitted to 6.0 metres, and is proposed to 8.4 metres. The application also proposes a departure from the wall height requirements, with development proposed to 8.4 metres in lieu of the deemed-to-comply 6.0 metres.

The building height proposed satisfies the relevant design principles and local housing objectives of the R Codes and Built Form Policy and is acceptable for the following reasons:

- The third storey and maximum height applies only to the bedrooms of the dwelling, which are all located on the upper floor of the dwelling. The third storey element of the proposal is centrally located to mitigate the imposition of perceived and actual bulk and scale to the northern, eastern and southern properties.
- The central location and increased setback of the upper floor to 4.1 metres creates a tiered built form outcome when viewed from the adjacent properties. The incorporation of highlight windows and articulation of the upper floor reduces the appearance of blank walls to the properties side and rear boundaries.
- Development of a three storey appearance to the street is a prevalent built form within the Nova Lane established streetscape. The built form of the dwelling, with the garage and entry to the dwelling located on the ground floor with living spaces elevated above is clearly demonstrated in the streetscape analysis provided by the applicant included as **Attachment 5**. Unlike the neighbouring properties, the second and third storey elements of the development are stepped away from the street and from the side boundaries in lieu of the solid box-like built form outcomes currently established in the street. The stepped vertical and horizontal massing of the proposal reduces the perceived bulk.
- The roof line of the dwelling is detailed in a contrast timber to break up the bulk of the roof and wall heights of the dwelling. The timber detailing on the third storey in addition to the large windows from the Master Bedroom ensures the third storey, when viewed from the street, does not present large expanses of solid blank walls.
- The slope of the lot from north to south (front to rear) means the proposed dwelling to the rear sits lower than the retained dwelling and does not impact on the established Nova Lane streetscape character.
- The centrally located portion of the third storey means the development does not add to overshadowing of adjoining properties. The overshadowing proposed meets the deemed-to-comply standards of the R Codes.

- The finished floor levels proposed have been stepped in line with the natural ground levels of the site, to ensure a reduced overall height for the building. The development considers and responds to the natural slope with minimal fill and excavation required.

### Landscaping

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 development provides 14.6 percent deep soil zone and 26.98 percent canopy coverage.

- The applicant has proposed to plant 26 Apple Blossom Hibiscus trees, 3 Apples trees, 1 Coral Gum tree and 1 Judas tree. The proposed tree species are capable of growing and providing 3 to 4 metres of canopy each at maturity. Although some overlap of canopy is proposed, this outcome would still represent a departure from the deemed-to-comply standards but the departure is mitigated by the provision of additional shrubs and species – Kangaroo Paw, Bird of Paradise, Blue Leschenaultia and Albany Woolly Bush to the lot boundaries and the balconies of the proposal which will provide ancillary forms of canopy.
- The landscaping provided to the dwelling will serve to soften the appearance of the proposed dwelling and reduce the overall impact of the building bulk and scale when viewed from Nova Lane. The current provision of landscaping in the proposal is considered to contribute to the reduction of the urban heat island effect, increase urban air quality, provide a greater landscape amenity for the locality and create a sense of open space between the proposed dwelling and neighbouring properties.
- The proposed landscaping includes portions of canopy which extends outside of the lot boundaries, contributing to the provision of landscaping within the broader locality.
- Referral of the current landscaping plan to the City's Parks team notes the plant stock provided is water wise and well suited to the development given the proportionate size of the site.
- The proposed landscaping reflects the Local Housing Objectives of the Built Form Policy, and is supported, subject to the imposition of a condition requiring the submission of a landscaping plan that provides for a minimum 26.98 percent canopy cover and 14.6 percent deep soil within the bounds of the subject site.

### Open Space

The application proposes 39.5 percent open space in lieu of the 45 percent deemed-to-comply standard.

The proposal is considered to meet the design principles of the Residential Design Codes for the following reasons:

- For the purposes of calculating open space the covered portion of the balcony on the first floor is excluded. It is considered that this space being accessible from a habitable room which provides a total of 30 square metres will be a functional area of open space that is suitably protected from weather to allow use at most times of the year.
- The development is not considered to result in adverse impacts of building bulk to adjoining properties and the street. The design details such as openings, articulation, roof type and colours and materials is considered to reduce impacts of bulk.
- The rear outdoor living areas and open space for the site does provide some contribution to usable and external spaces of the lot as well as sufficient access in/around the site, in accordance with the design principles.
- The applicant proposes a separate area dedicated for external fixtures (i.e. air conditioning units) and clothes drying areas to the rear of the property – screened from adjacent properties and the street. As a result, the proposed outdoor living areas and open space are for the dedicated use of active and/or passive recreation.
- The 5.5 percent variation to the open space requirement equates to only 3.0 square metres. The loss of this area is not considered to unreasonably restrict the use of the open space areas provided.
- The open space calculated includes portions of the alfresco/courtyard area which are accessible and usable more than 0.5 metres (500 millimetres) above the natural ground level and unenclosed spaces. It is also noted balcony 2 on the upper floor, while not calculated as part of the open space as it is a fully enclosed space, would also contribute to additional areas of outdoor living and amenity for use by the residents.

### Visual Privacy

The application proposes a major opening from the dining room on the first floor, with a cone of vision which is contained 1.5 metres within the lot in lieu of the 6.0 metre deemed-to-comply standard.

The application is considered to meet the design principles of the Built Form Policy and the Residential Design Codes for the following reasons:

- The major opening from the dining room is screened by an existing 1.8 metre parapet wall between the subject and adjacent property. The parapet wall satisfies the definition of 'screening' as per the R Codes definition and requirements as it is visually impermeable and a height above 1.8 metres.
- As a result from the parapet wall, the cone of vision from the dining room is obscured and does not directly impact the adjacent property.
- The cone of vision from the dining room window does not impact habitable spaces and/or rooms of the neighbouring dwelling. Highlight windows from the ensuite, bath and Bed 3 on the upper floor of the neighbouring dwelling are not impacted in regards to privacy and amenity from the major opening from the dining room.

### Outdoor Living Area

The application proposes an outdoor living area with 44 percent covered area in lieu of the 33 percent (one third of total area) deemed-to-comply standard.

The application is considered to meet the design principles of the Built Form Policy and the Residential Design Codes for the following reasons:

- The application satisfies the minimum outdoor living area (OLA) requirements, achieving 31.2 square metres, greater than the 24 square metres stipulated by the R Codes.
- The outdoor living area provides the minimum 4 metre dimensions in length and width of the spaces.
- The outdoor living area is accessible from a habitable room, the living room of the dwelling, meeting the deemed-to-comply requirements and ensuring the space provided is accessible and usable for the occupants of the dwelling.
- The outdoor living area is both covered and uncovered, providing an accessible area which can be utilised year round for active or passive use.
- The open nature of the alfresco allows for adequate ventilation to the dwelling while allowing for sufficient exposure to sunlight.
- The proposed dwelling does not compromise the amenity and use of the adjacent properties. The proposed outdoor living area provided meets the visual privacy deemed-to-comply requirements.

### Garage Width

The development proposes a 6.2 metre garage width (inclusive of garage and supporting structures). The R Codes notes garage width may be increased to 60 percent of the lot frontage where an upper floor or balcony extends the full width of the garage. The alfresco area on the second floor meets this provision. The proposed garage width accounts for 62.5 percent on the frontage in lieu of the 60 percent permitted.

The application is considered to meet the design principles of the Built Form Policy and the Residential Design Codes for the following reasons:

- The subject site provides access from a right of way, Nova Lane as the primary access point to the subject lot. The lot only has a 10-metre frontage, and any proposed double garage, which require a 5.4 metre minimum width, will exceed over 50 percent of the lot frontage.
- The applicant has revised the proposal to increase the setback of the garage to Nova Lane. The revised setback mitigates the imposition of bulk from the garage to the street.
- The revised plans set the garage back further from the street and kept the upper floor cantilevered either side of the garage with pillars. This pillar detail creates a verandah element across the front of the lot, which is considered to mitigate and manage any bulk from the garage.
- The upper floor of the dwellings project forward of the ground floor which helps to alleviate the dominance of the garage on the ground floor.
- Landscaping is incorporated into the front setback of the dwelling, to soften the presentation of the dwelling to the street.

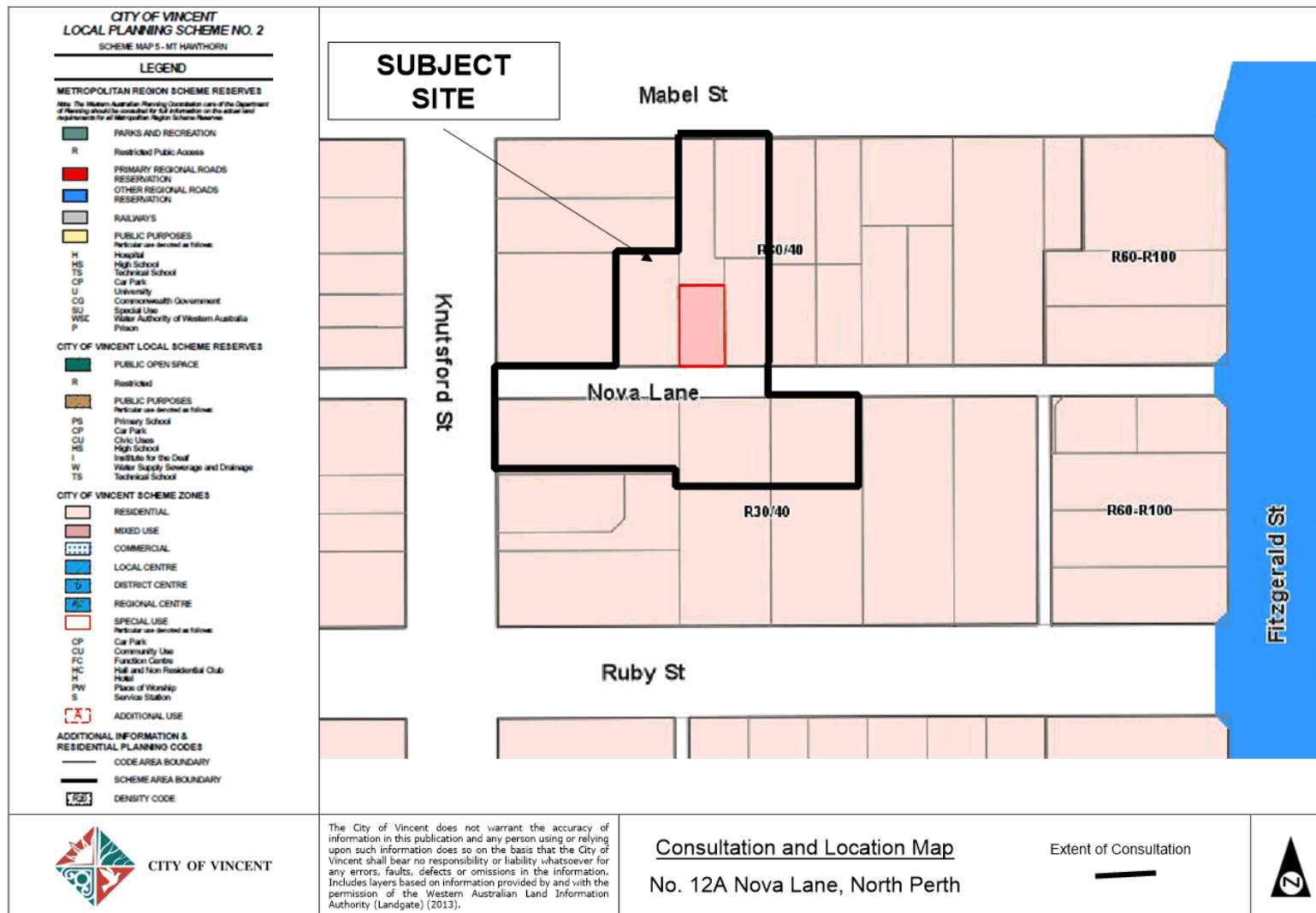
- The proposal maintains a clear and defined access to the dwelling, which is not impeded by the garage. In addition, the dwelling maintains suitable street surveillance to the public realm, via major openings from the balcony/courtyard and the master suite.
- The materials of the dwelling– contrasting brick, render and concrete on the façade along with a number of openings to the streets – help to break up the façade of the dwelling and encourage an active façade and reduce the impact of the garage width.

#### Site Works and Retaining

The application proposes site works (fill) and retaining of 1.2 metres to the rear of the site. The application is considered to meet the design principles of the Built Form Policy and the Residential Design Codes for the following reasons:

- The natural slope of the site sees a 1.6 metre level change from the front to the rear of the lot. The front boundary of the dwelling which addresses Nova Lane is the lowest point of the lot. No site works or retaining to the street are proposed.
- Retaining and fill are located to the rear of the site; the works will not be visible from the street (Nova Lane) and will not impact the streetscape.
- The retaining takes a stepped approach in line with the natural slope of the site from the front to the rear, mitigating the level of retaining required while facilitating a level site.
- The proposed retaining and site works seeks to provide a suitable finished floor level for the whole of the dwellings living spaces, as well as a flatter grade for open space of the site.
- The proposed retaining and site works do not impact the amenity and visual privacy of the adjoining properties as the deemed to comply requirements of the R Codes are satisfied.
- The application proposes a standard fence height (1.8 metres) above the proposed retaining which will ensure the privacy of the subject and adjacent properties.









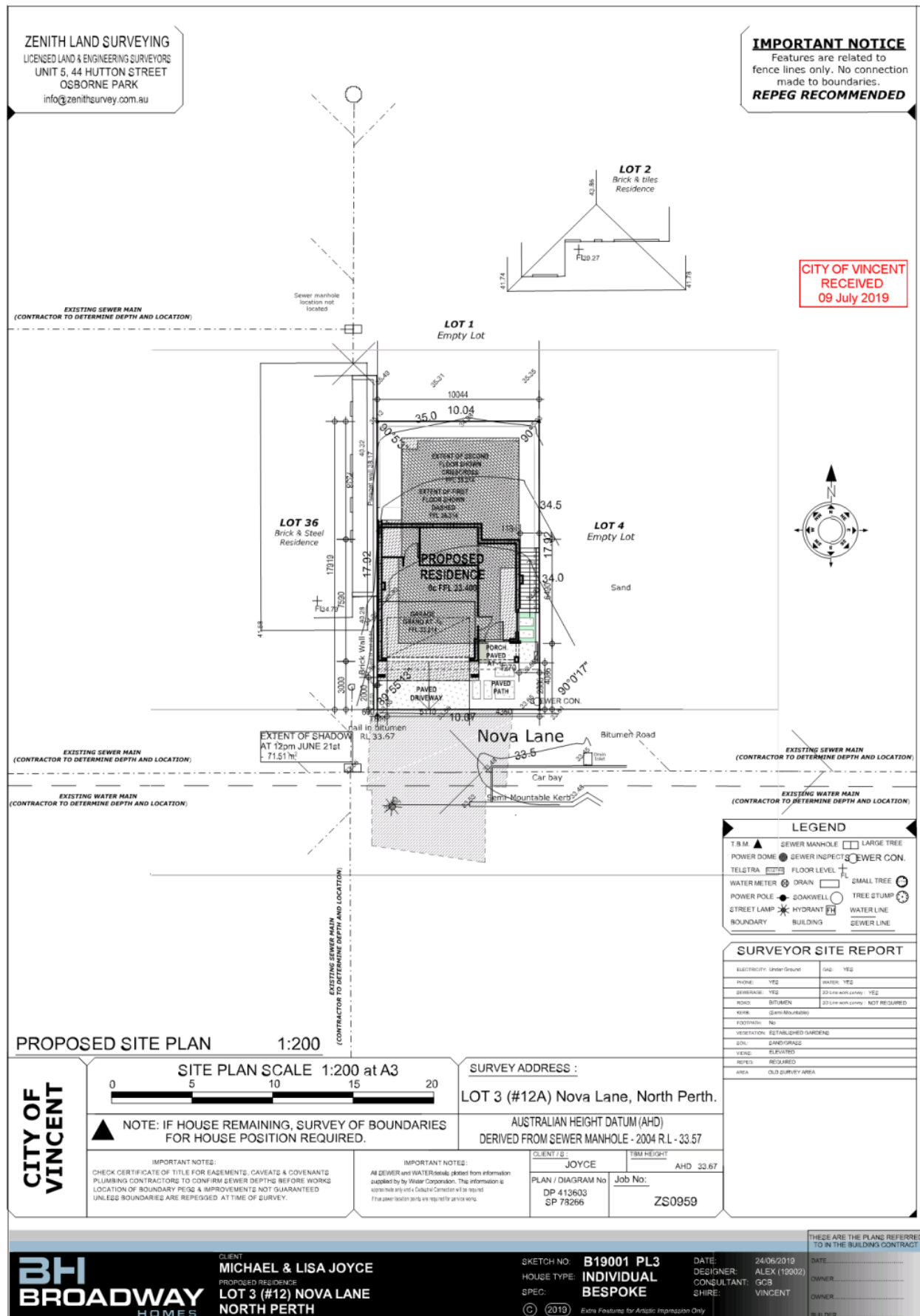


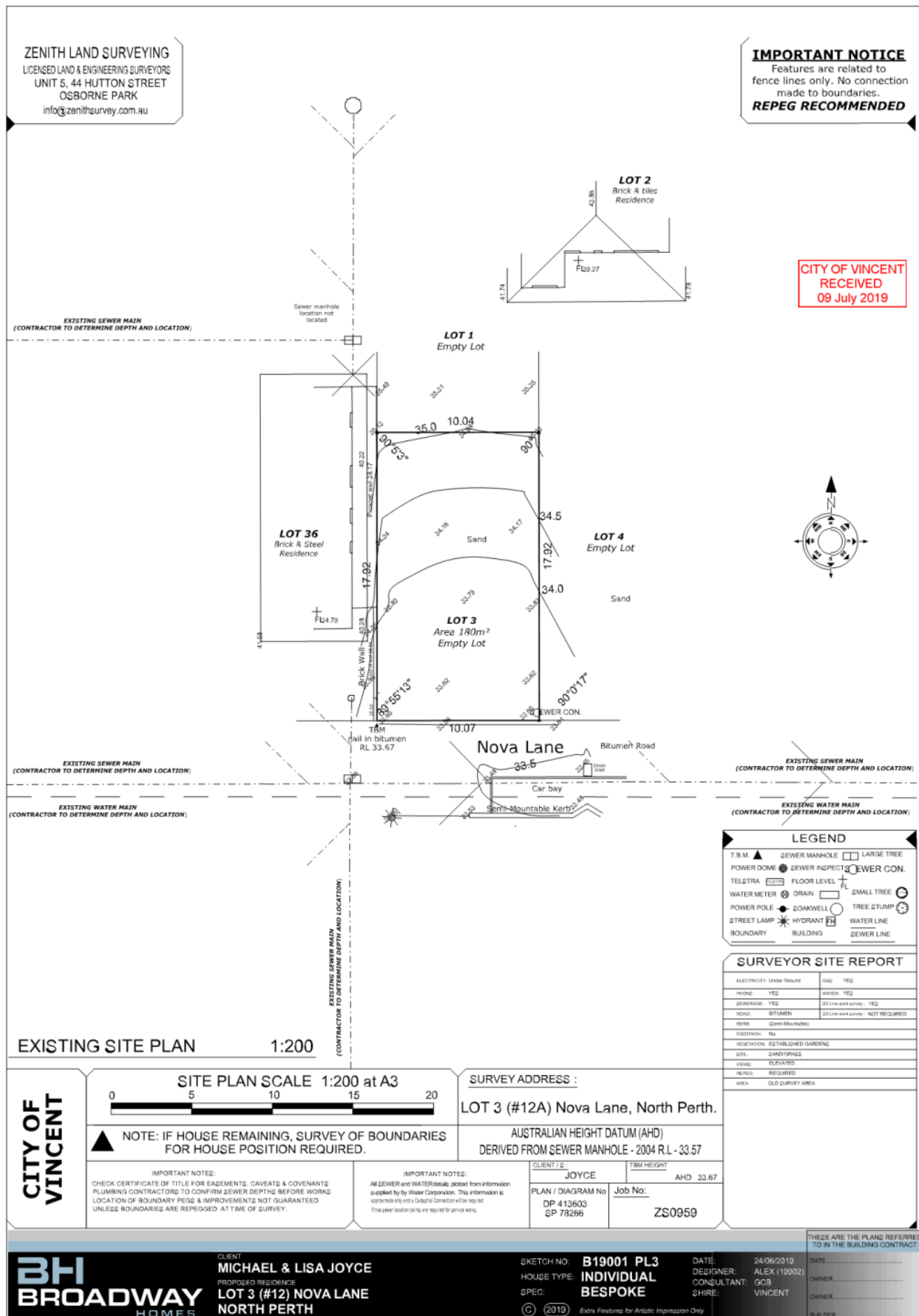
**BH BROADWAY HOMES**

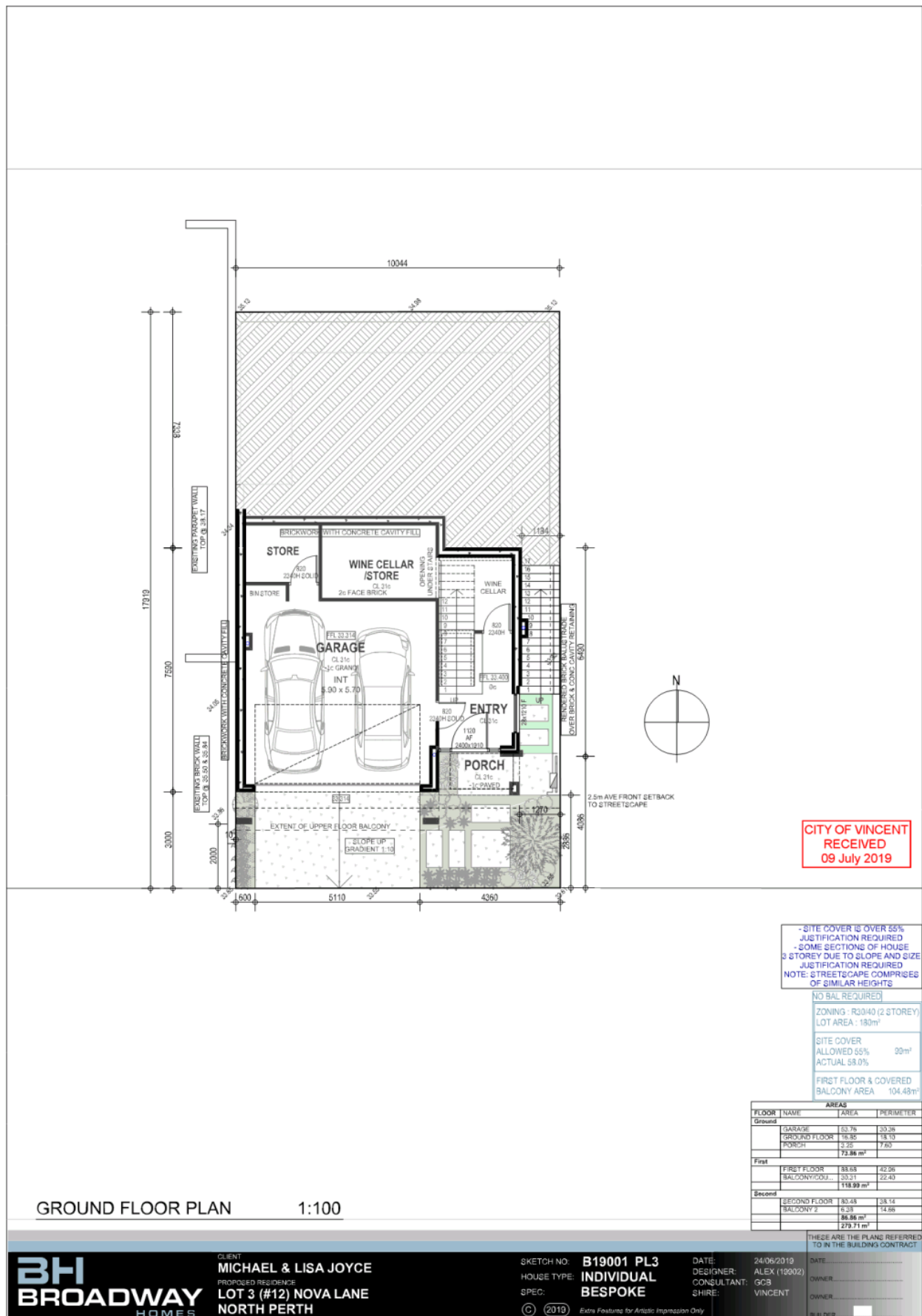
45 MOTIVATION DRIVE WANGARA 6065  
PHONE 6200 2071 FAX 6200 2099 © 2019

**CLIENT: MICHAEL & LISA JOYCE**  
**JOB NO: B19001 PL3**  
DESIGNER: ALEX (19902)

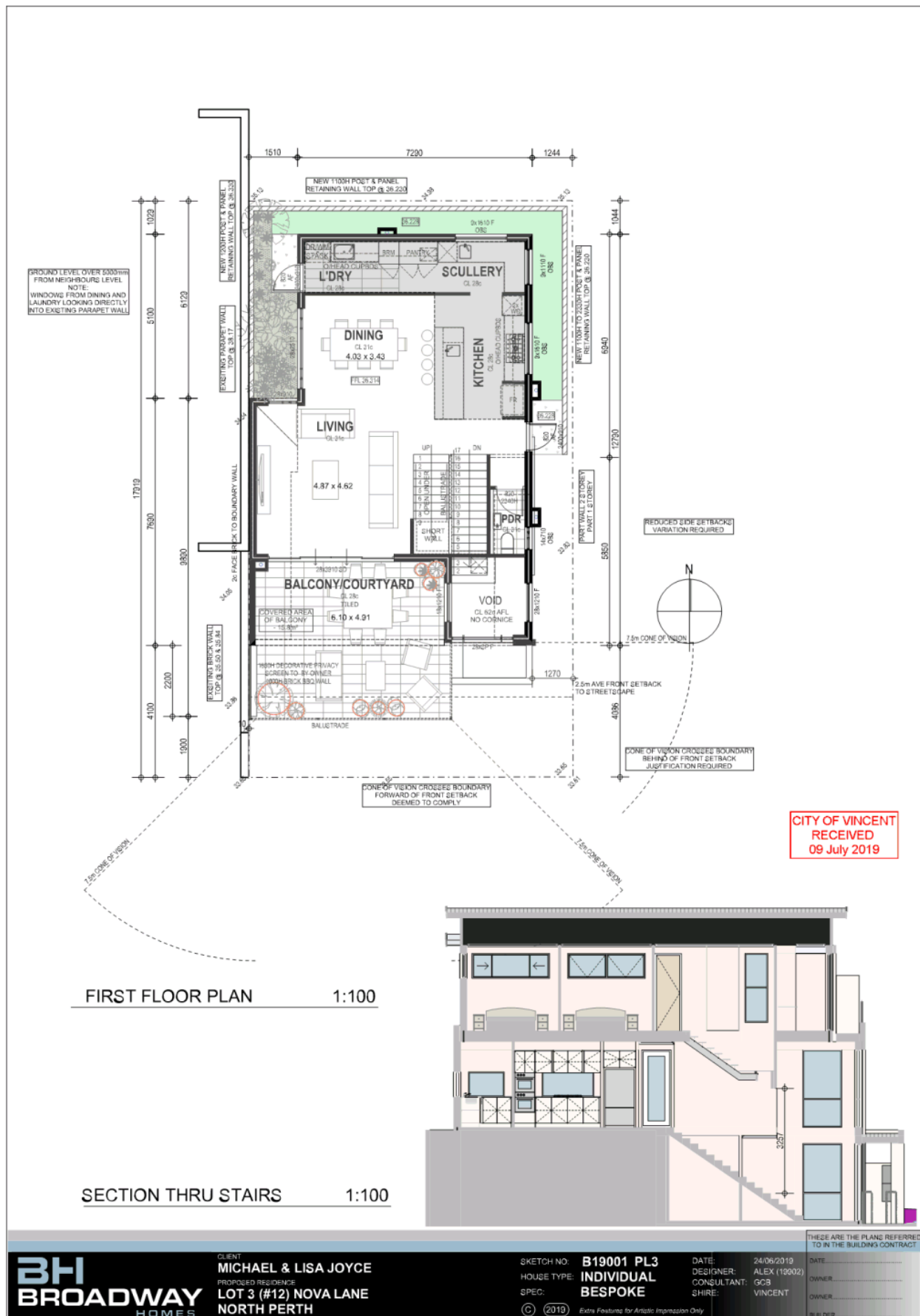
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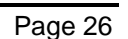




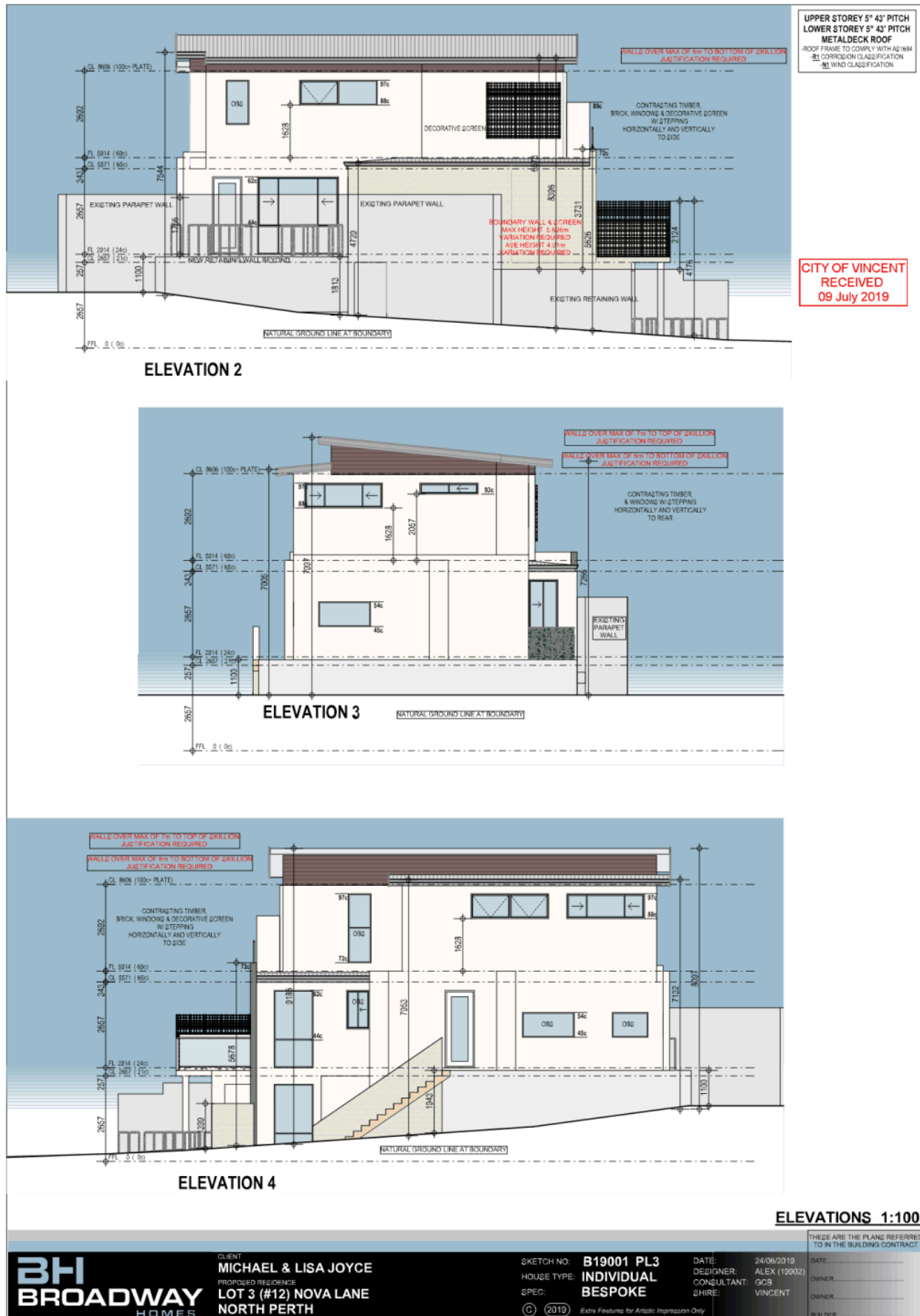


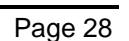












**Summary of Submissions:**

The tables below summarise the comments received during the advertising period of the proposal, together with the City's response to each comment.

Comments:	Officer Technical Comment:
<u>Visual Privacy</u>  Whilst the 1.8 metre first floor setback is not dissimilar to other existing dwellings along the laneway, the uncovered balcony area will have partial line of sight view of the master bedroom of the neighbouring property. Decorative 1.65 metre screen will not provide sufficient privacy to neighbouring residents and dwelling.	<ul style="list-style-type: none"><li>• The cone of vision from the second floor balcony is to the front setback area of the subject site and Nova Lane. The cone of vision which extends to the neighbouring western property is to the front setback area and any overlooking in this area is obscured by a carport. The adjoining dwelling at no.14 Nova Lane does not have any major openings along the eastern boundary and the balcony is screened preventing any potential overlooking from the proposed balcony of No.12 Nova Lane.</li><li>• The 1.65 metre decorative screen meets the screening provisions of State Planning Policy 7.3 - Residential Design Codes – Volume 1 (R Codes) and will be conditioned to comply.</li></ul>
<u>Building Height</u>  Not opposed to the 3 storey dwelling. Request the lot boundary wall facing the neighbouring property be finished rather than unfinished.	A standard condition has been applied to the application noting the boundary wall is to be finished to the satisfaction of the City in either a facebrick or render finish.

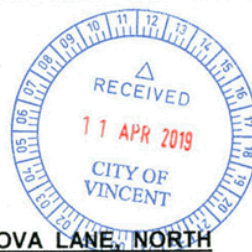
Note: Submissions are considered and assessed by issue rather than by individual submitter.

**Summary of Submissions:**

The tables below summarise the comments received during the advertising period of the proposal, together with the Applicant's response to each comment.

<b>Comments:</b>	<b>Applicant Comment:</b>
<p><u>Visual Privacy</u></p> <ul style="list-style-type: none"> <li>Whilst the 1.8 metre first floor setback is not dissimilar to other existing dwellings along the laneway, the uncovered balcony area will have partial line of sight view of the master bedroom of the neighbouring property. Decorative 1.65m screen will not provide sufficient privacy to neighbouring residents and dwelling.</li> </ul>	<ul style="list-style-type: none"> <li>The screen that will be chosen will be as per the R-Codes requirements.</li> </ul> <p>We understand the screened section is within a front setback and therefore required by the r-codes and will be installed accordingly. In this case it must be noted that even if there was no screen it actually only looks over the roof of the neighbours carport which is open to the lane. The neighbouring properties balcony is further back and also has a privacy screen. There are no windows to rooms in this section, we fail to see the invasion of privacy.</p> <p>It should be noted the original application proposed s a full height solid brick wall that Council required we remove due to the building bulk and add a privacy screen only.</p>
<p><u>Building Height</u></p> <ul style="list-style-type: none"> <li>Not opposed to the 3 storey dwelling. Request the lot boundary wall facing the neighbouring property be finished rather than unfinished.</li> </ul>	<ul style="list-style-type: none"> <li>The boundary wall may be rendered the same as the house as long as the neighbour gives permission to allow us on their site. The reason the wall is in face brick is because it is not possible to apply the render finish without entering onto the neighbour's property and also to get a good standard of finish where the walls will abut each other. The neighbour will be required to sign off on permission to access their site any such works at building permit stage. The current 2c face brick is a finished wall.</li> </ul>

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



**SUBMISSION REGARDING PROPOSED SINGLE HOUSE AT NO. 12A NOVA LANE, NORTH PERTH**

**Background**

The subject site is located on Nova Lane in North Perth, between the intersections of Fitzgerald and Knutsford Streets. The site has resulted from subdivision of the original parent lot, with the original dwelling to Mabel Street being retained. The property is zoned Residential with a density coding of R30/40 under the Local Planning Scheme No. 2 (LPS2).

The subject site has the minimum lot size (180m<sup>2</sup>) for the R40 density and is significantly smaller than other properties that make up the Nova Lane streetscape.

The topography in that area of Nova Lane results in the proposed building being stepped down from a high point in the north to the lower point in the south. Other sites in locality have used substantial retaining to provide level areas for building.

**Compliance**

The proposed design is a contemporary family home on a small lot. It has an inner urban feel and while there are a number of variations to planning requirements, the building is not unreasonable in the context of existing adjoining dwellings and the Nova Lane streetscape.

**Front Setback - Garage ~~no longer applicable~~**

The Built Form local planning policy (LPP) requires an average setback to be calculated using the adjoining five properties. In this instance, the setback of 1.6m has been calculated as follows:

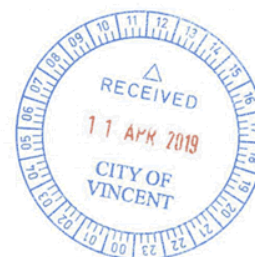
- 8B Nova Lane – 3.0m (garage & dwelling)
- 10 Nova Lane – 2.0m (garage and dwelling)
- 10A Nova Lane – 2.0m (garage and dwelling)
- 12 Nova Lane – Nil vacant
- 14 Nova Lane – 1.0m (carport) & 5.0m (dwelling)

On that basis, the main bulk of the proposed residence is compliant, however a minor variation exists to the garage, which is required to be setback 0.5m behind the dwelling façade and a setback of only 0.2m is achieved.

The design is in keeping with the streetscape character of Nova Lane for the following reasons:

- Nova Lane was likely a right-of-way originally, providing rear access to the properties adjoining it. It has subsequently become a gazetted road, however the character is still that of a lane, where parking structures and fencing are prominent features.
- The upper floor balcony overhang will reduce the visual dominance of the garage door, through forward protrusion, minimising the impact of the parking structure on the Nova Lane streetscape.
- There are many existing examples in the immediate vicinity of development fronting Nova Lane where parking structures are prominent, have minimal front setbacks and no/little overhang. Examples include numbers: 10, 10A, 14 and 14A.
- Nova Lane is characterised by a mix of building setbacks, such that there is no consistent urban edge. This is particularly clear for the properties opposite the subject site, as evidenced in the aerial photograph below:





It can be seen that generally dwellings have minimal front setbacks.. There is no defined setback line, as such and therefore the proposed dwelling is consistent with the streetscape character.

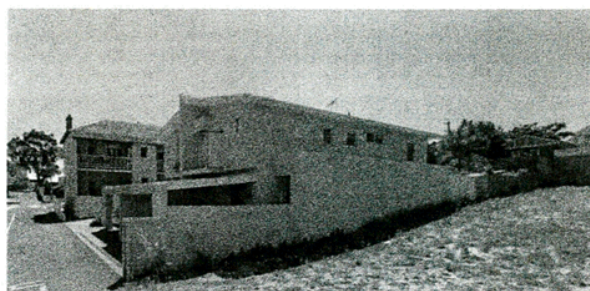
- The design achieves a facade that is articulated with an open porch, open upper floor balcony and large windows, to reduce any building bulk impacts.
- The small nature of the site, combined with a 1.6m fall, restricts how far back the building can be located. The design has achieved the minimum floor area requirement for a family dwelling and cannot be further reduced.

#### Boundary Wall (West)

The subject site has been allocated a density coding of R40 under the local planning scheme. As such, boundary walls can be constructed as deemed to comply development, subject to dimensional restrictions. This proposal includes a Nil setback to the balcony-living room wall on the western side boundary. The following comments are made in relation to the design principles of the R Codes:

- The subject site has from the subdivision of a parent site into four new lots, one of which contains the existing dwelling. The subject site is the smallest site at 180m<sup>2</sup> and also has a lack of depth (in the context of surrounding properties). The proposed boundary wall makes effective use of the small site area and dimensions.
- The existing dwelling to the west of the subject site (No. 14) has an existing parapet wall on the common boundary. The natural slope of the street has increased the height of the adjoining boundary wall, such that the scale of the wall is similar to the two storey boundary wall that is proposed.
- While the proposed western boundary walls do not abut the boundary wall at No. 14 for the full length, the dimensions are similar. The proposed boundary wall has been designed to provide the neighbouring site with privacy and noise protection, as it will provide a buffer from the front balcony of the proposed home.
- A number of boundary walls to homes in the area exist and are therefore a characteristic of the locality. In particular, substantial boundary walls have been approved and constructed for Nos 8 and 8A, the strata development at No. 9, as well as Nos 10 and 10A, The proposed boundary walls are therefore considered consistent with existing development.





*Photographs showing existing boundary walls*



- All of the proposed boundary wall development is located behind the street setback line and much of it is towards the rear of the site. As such, it will have minimal impact from a streetscape perspective.
- Due to the orientation of the lots, the proposed boundary walls will not produce overshadowing of the affected adjoining sites. Any shadow will fall on the subject site and road reserve only.
- The boundary walls do not contain openings and will not result in overlooking of the adjoining sites. In the case of the first floor western boundary wall, the proposal will act as a screen against overlooking from the proposed balcony, thereby increasing visual privacy standards.

#### Setback to Eastern, Northern and Western Walls

Minor variations have been identified to both ground and upper floor walls on the eastern, northern and western sides of the proposed development. These are not considered to impact on the amenity of the adjoining site or the streetscape and the following comments are made in relation to the design principles of the R Codes:

- The variations relate to the following walls:
    - FF West Balcony-Living (2.3m required, 1.5m proposed)
    - FF North Balcony-Laundry (1.1m required, 1.0m proposed)
    - FF East Void-Scullery (1.6m required, 1.2m proposed)
    - SF West Master-Balcony (1.4m required, 1.3m proposed)
    - SF West Balcony-Ensuite (2.0m required, 1.5m proposed)
    - SF East Bed 3-WIL (1.3m required, 1.2m proposed)
- With only one variation over 0.5m (and some only 0.1m), the variations are considered minor and consequently will have a minimal impact on the adjoining site.
- The elevations of the proposed building incorporate articulation through the use of design elements such as openings, varied roof lines and 'stepping' of walls, which provide both horizontal and vertical articulation. These elements will reduce the bulk of the building.
  - The reduced setbacks will not result in any overlooking of the adjoining affected site. Any openings to habitable rooms have been designed with obscured glazing or as highlight openings, to protect the privacy of adjoining properties.
  - The variations do not result in overshadowing of the adjoining properties. The subject site is located on a north-south axis, with the proposed walls predominantly on the east and west. This ensures that the proposed reduced setbacks will have no impact on the affected neighbouring properties, in terms of access to northern sunlight.

#### Building Height

The proposed development is limited to two storeys and wall/roof restrictions of the Built Form LPP. Due to the topography of the site, the building is three storeys at one point and exceeds the dimensional wall and roof requirements. The following justification is provided in support of the design:





- The site is less than 18m deep and falls more than 1.6m from back to front. These are major constraints to designing a dwelling compliant with the requirements that can facilitate accommodation for a family.
- The building has been designed with the natural slope of the land, with a lower garage level, main house level and then further living floor above.
- Vehicle parking is required at the front of the property, as access is from Nova Lane. The ground floor level is dug into the front of the site and contains non-habitable uses only. In this way, it is more akin to an undercroft (for the calculation of "storeys").
- Two levels of living space are located above the garage, with the floor area of those levels being less than 90m<sup>2</sup> (excluding balconies). This would indicate that the building is not large or excessive in terms of livable floor area.
- The proposed floor to ceiling heights are standard and therefore not unreasonable.
- The additional building height will not produce overshadowing of the neighbouring properties, as north is located to the rear of the subject site. Furthermore, the third storey occurs centrally on the site and therefore any shadow will not extend to the property across Nova Lane.
- The location of the second floor in the middle of the subject site enables the views from the balconies at the fronts of adjoining sites to be preserved.
- The dwelling has been designed to ensure the additional building height does not produce overlooking. All openings on the second floor are minor and permanent screens are proposed on sides of the second floor balcony.
- The character of buildings on Nova Lane are inner urban with increased scale, which is reflected in the proposed design.

#### Open Space & Outdoor Living Area

The site has been allocated a density coding of R40, which requires a minimum of 45% open space and provision of a 20m<sup>2</sup> outdoor living area (OLA). In this instance, a 3% variation is proposed to the open space and roof cover to the OLA is excessive, however the variations are considered appropriate for the following reasons:

- The reduced size and width of the subject site makes compliance with open space difficult. Given the existing development in the immediate locality, the proposed dwelling does not represent overdevelopment in the context of the site parameters.
- The home has been designed with a large front balcony to provide a functional space for entertaining, landscaping and recreation. This space is directly adjoining the open plan kitchen/dining/living room, to become an outdoor extension of those living areas, increasing its functionality. A roofed area will provide weather protection.
- The additional site cover enables the proposed building to have a larger ground floor level, reducing the extent of upper floor and consequently having the following positive impacts:
  - Less building bulk to streetscape and adjoining sites;
  - Less overshadowing of adjoining areas;
  - Less potential for overlooking of adjoining properties.
- The building has been designed with sufficient space around the building to allow natural light and ventilation, and for landscaping. An area to the rear is provided with access from the laundry for a drying court.
- The OLA is located at the front of the home and will provide passive surveillance of Nova Lane. It will also present an active frontage to the street, which will encourage neighbourhood community.
- The site is located within a walkable distance of recreational space at Woodville Reserve. The residents of the subject site have many opportunities for both passive and active recreation and will not be disadvantaged by the minor open space variation.

#### Garage Width

The subject site does not have access from a secondary street or ROW. As such, vehicular access and parking must be provided from Nova Lane and will impact on the 10m wide frontage. However, the proposed house has been designed with a subtle garage to reduce any impacts.





Clause 5.2.2 of the R Codes determines that the garage façade should be limited to 60% of the site frontage (with upper floor) to reduce the dominance of parking structures on the streetscape. The garage proposed as part of the new dwelling at the subject site occupies 62.6% of the frontage, however the following points are put forward in support of the design:

- The design of the proposed home will reduce the dominance of parking structures on the streetscape by providing the following elements:
  - The garage setback behind the upper floor building line and an upper floor covering the width of the parking structure;
  - A clear view between the street and the entrance to the home, unhindered by the garage or any other structure;
  - An entry statement (porch) highlighting the entrance;
  - Large openings to habitable rooms on the front façade and an upper floor balcony.
- The front façade of the proposed dwelling is broken up with both horizontal and vertical articulation. The upper floor balcony is designed over the garage, reducing the dominance of the parking structure and providing depth of view. The use of contrasting materials and coloured render also provides articulation.
- The proposed home is in keeping with the immediate character of the area. A number of sites in the locality have been subdivided in a similar manner to the subject site and rely on the street for access, so driveways and double width parking structures are common.
- The proposed development is considered to add to the character of the streetscape. The current site is vacant. The proposed home will make use of an urban infill site and seek to improve the streetscape with contemporary family accommodation.

#### Visual Privacy from Upper Floor Balcony

A minor visual privacy variation has been identified from the first floor balcony, affecting the adjoining vacant site. The variation is considered supportable for the following reasons:

- The balcony is located at the front of the proposed development. Due to its location, only the front areas of the adjoining sites will be overlooked, with private rear spaces being protected. As both adjoining properties need to have vehicular access from Athelstan Road, it is likely that any overlooking will be of a driveway or parking structure and not an active outdoor area. The proposed balcony opening increases the natural light and ventilation to the main outdoor area of the site, to create a space of high amenity.
- The visual cone impacts on a small area at the front of the adjoining site. The adjoining site is not yet developed, but is part of the same subdivision as the subject site and is likely to be developed in a similar fashion. As such, boundary walls are likely, which will act as a screen to any overlooking from the balcony.
- The balcony will be a positive design element for the proposed residence. It will enable passive surveillance of the street and entrance to the dwelling, for security.

#### Site Works - Retaining and Fill

Retaining walls of up to 1.2m high are proposed at the rear of the site, along with fill to that level. This variation of 0.7m is considered appropriate for the following reasons:

- The site survey indicates a fall of 1.6m down the site, culminating at a low point on the front boundary.
- Retaining and fill are proposed at the rear of the site to ensure the rear outdoor areas have a spatial relationship to the middle level of the building, which contains the main living areas.
- Because the retaining and fill are located at the rear of the site, the site works will not be visible from Nova Lane and therefore will not impact on the streetscape.
- A standard height fence is envisaged for above the proposed retaining, which will ensure the privacy of adjoining sites is protected.
- The proposed site works affect the rear garden areas of adjoining properties, so will have minimal impacts on neighbouring dwellings and less potential to cause building bulk impacts.

While the development appears to have a number of non-compliances, the proposed design is reasonable when considered in the context of the Nova Lane streetscape. Approval of the dwelling will enable development of a site that is currently vacant, stabilising the sand and providing an aesthetic outcome. It will also enable the addition of a family to the North Perth community, activating and enlivening the area.

I look forward to a favourable response to the application. Please contact Broadway Homes should you have any queries.

Lisa Engelbrecht  
BA (Urban & Regional Planning)  
9 April 2019





<b>BH</b> BROADWAY HOMES	CLIENT <b>MICHAEL &amp; LISA JOYCE</b>	SKETCH NO. <b>B19001 PL3</b>	DATE 24/06/2019	THESE ARE THE PLANS REFERRED TO IN THE BUILDING CONTRACT	
	PROPOSED RESIDENCE <b>LOT 3 (#12) NOVA LANE NORTH PERTH</b>	HOUSE TYPE <b>INDIVIDUAL BESPOKE</b>	DESIGNER ALEX (19002)	DATE	
		SPEC.	CONSULTANT GUY VINCENT	OWNER	
			SHRUBS	BUILDER	
			© 2019		Extra Fee for Artists Interpretation Only

Determination Advice Notes:

1. This is a development approval issued under the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
2. With reference to Condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls.
3. With reference to Condition 2, the City encourages landscaping methods and species selection which do not rely on reticulation.
4. With reference to Condition 4, no further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.
5. With reference to Condition 5, all new crossovers to the development site are subject to a separate application to be approved by the City.
6. In reference to condition 6, visually impermeable refers to screening devices such as obscure glazing, timber screens, external blinds, window hoods and shutters are to be at least 1.6m in height, at least 75 percent obscure, permanently fixed, made of durable material and restrict view in the direction of overlooking to any adjoining property.
7. A Road and Verge security bond for the sum of \$2,000 shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable.
8. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If there is a request to erect scaffolding, site fencing etc. or if building materials are required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate.

**5.2 NO. 12 (LOT: 48; D/P: 1210) BYRON STREET, LEEDERVILLE - PROPOSED TWO GROUPED DWELLINGS**








**TRIM Ref:** D19/113937

**Author:** Natasha Trefry, Urban Planning Advisor

**Authoriser:** Jay Naidoo, Manager Development & Design

**Ward:** North

**Attachments:**

1. Location and Consultation Plan [↓](#) 
2. Development Plans (received 25 January 2019) [↓](#) 
3. Development Plans (received 13 May 2019) [↓](#) 
4. Development Plans (received 29 July 2019) [↓](#) 
5. Applicant Justification and Supporting Imagery [↓](#) 
6. Summary of Submissions - Administration's Response [↓](#) 
7. Determination Advice Notes [↓](#) 

### RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for Two (2) Grouped Dwellings at No. 12 (Lot: 48; D/P: 1210) Byron Street, Leederville, in accordance with the plans shown in Attachment 4, subject to the following conditions, with the associated determination advice notes in Attachment 7:

#### 1. Boundary Walls

The owners of the subject land shall finish and maintain the surface of the boundary wall facing Nos. 10 and 10A Byron Street in a good and clean condition prior to practical completion of the development to the satisfaction of the City. The finish of the boundary walls is to be fully rendered or face brickwork to the satisfaction of the City;

#### 2. Car Parking and Access

- 2.1 The car parking and access areas shall be sealed, drained and paved in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to occupancy or use of the development;
- 2.2 Vehicle access points are required to match into existing right of way levels; and
- 2.3 All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications;

#### 3. External Fixtures

All external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, meter boxes and the like, shall not be visible from the street or are to be integrated with the design of the building, to the satisfaction of the City;

#### 4. Landscaping Plan

- 4.1 Detailed landscape and reticulation plan for the development site and adjoining road verge, to the satisfaction of the City, shall 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:
  - The location and type of existing and proposed trees and plants;



- The provision of a minimum of 13.8 percent of the site area as deep soil zone and 27.2 percent canopy cover at maturity, as defined by the City's Policy No. 7.1.1 – Built Form;
- The Bottlebrush Tree located in the verge is to be removed and replaced with a minimum 100 litre Jacaranda Tree in the location as depicted in the approved plans. All associated costs for the removal and replacement of the tree is to be borne by the applicant; and
- Areas to be irrigated or reticulated; and

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

5. Stormwater

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

6. Visual Privacy

Prior to occupation or use of the development, all privacy screening to the southern boundary of the alfresco of Residence A shall be visually impermeable and is to comply in all respects with the requirements of Clause 5.4.1 of the Residential Design Codes (Visual Privacy) deemed-to-comply standards, to the satisfaction of the City;

7. Colours and Materials Schedule

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

8. Sight Lines

No walls, letterboxes or fences above 0.75 metres in height shall be constructed within 1.5 metres of where:

- 8.1 walls, letterboxes or fences adjoin vehicular access points to the site; or
- 8.2 driveway meets a public street; or
- 8.3 two streets intersect; unless otherwise approved by the City of Vincent.

9. Garage Door Design

The garage door for Residence A shall be perforated. Plans depicting details of the garage door, including materials and colours, shall be submitted to and approved by the City prior to the use or occupation of the development.

**PURPOSE OF REPORT:**

To consider an application for development approval for two grouped dwellings at No. 12 Byron Street, Leederville (subject site).

**PROPOSAL:**

The application proposes two two-storey grouped dwellings in a battle-axe arrangement with vehicle access provided from Byron Street.

**BACKGROUND:**

<b>Landowner:</b>	Gavin and Sue Brackenreg and Peter and Melanie Rowe
<b>Applicant:</b>	Gavin and Sue Brackenreg and Peter and Melanie Rowe
<b>Date of Application:</b>	25 January 2019
<b>Zoning:</b>	MRS: Urban LPS2: Residential R Code: R30
<b>Built Form Area:</b>	Residential
<b>Existing Land Use:</b>	Vacant
<b>Proposed Use Class:</b>	Grouped Dwellings
<b>Lot Area:</b>	607m <sup>2</sup>
<b>Right of Way (ROW):</b>	Not applicable
<b>Heritage List:</b>	Not applicable

The subject site is currently vacant and bound by Byron Street to the west, a single storey house to the north, four two-storey grouped dwellings to the south and three-storey multiple dwellings at No. 185 Loftus Street to the east. The surrounding area is generally characterised by a mix of building types that are single and double storey dwellings. A location plan is included as **Attachment 1**.

The subject site is zoned Residential with a density coding of R30 under the City's Local Planning Scheme No. 2 (LPS2). The subject site and the adjoining properties to the north and south are within the Residential built form area under the City's Policy No. 7.1.1 – Built Form (Built Form Policy). The properties to the rear (east) of the subject site are zoned Residential R60 under LPS2 and are located within the Transit Corridor built form area.

The site slopes down by approximately 3 metres from the street boundary of Byron Street (west) to the rear of the property (east). A sewer line also transects the site in a north-south orientation towards the rear.

The site is capable of being subdivided into two lots. There is no current application that has been lodged for subdivision or previously approved subdivision for the site.

The proposed development plans are included as **Attachment 4**.

**DETAILS:****Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City's LPS2, the Built Form Policy and the State Government's Residential Design Codes (R 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
Street Setback		✓
Building Setbacks/Boundary Wall		✓
Building Height/Storeys		✓
Open Space	✓	
Outdoor Living Areas	✓	
Landscaping (R Codes)	✓	
Privacy		✓
Parking & Access	✓	
Solar Access	✓	
Site Works/Retaining Walls		✓
Essential Facilities		✓
External Fixtures	✓	
Surveillance	✓	

**Detailed Assessment**

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

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Landscaping	
Deemed-to-Comply Standard	Proposal
<b>Clause 5.14 of Built Form Policy</b>	
Canopy – 30 percent Deep Soil – 15 percent	Canopy – 27.2 percent Deep Soil – 13.8 percent
Privacy	
Deemed-to-Comply Standard	Proposal
<b>Clause 5.4.1 of Residential Design Codes</b>	
<i>Residence A</i>	<i>Residence A</i>
Alfresco (South): 7.5 metre cone of vision	Alfresco: 2.7 metre cone of vision in lot
Site Works/Retaining	
Deemed-to-Comply Standard	Proposal
<b>Clause 5.3.7 and 5.3.8 of Residential Design Codes</b>	
Retaining walls greater than 0.5 metres in height set back from lot boundaries in accordance with the setback provisions of Table 1.	<i>Residence A</i>  1.5 metres retaining to rear of dwelling 0.5 metre excavation to front of dwelling 1.0 metre fill to rear boundary
Excavation or filling within a site and behind a street setback line limited by compliance with building height limits and building setback requirements.	<i>Residence B</i>  0.6 metre retaining to rear boundary
Essential Facilities	
Deemed-to-Comply Standard	Proposal
<b>Clause 5.4.4 of Residential Design Codes</b>	
An enclosed lockable storage area, constructed in a design and material matching the dwelling where visible from the street, accessible from outside the dwelling, with a minimum dimension of 1.5m where provided external to the garage and 1m where provided within a garage and an internal area of at least 4 square metres, for each grouped dwelling.	<i>Residence A</i> Store – 0.8 metre internal dimension

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

#### CONSULTATION/ADVERTISING:

Community Consultation was undertaken in accordance with the Planning and Development (Local Planning Scheme) Regulations 2015, for a period of 14 days commencing on 17 May 2019 – 31 May 2019. Community consultation was undertaken by means of written notifications with 22 letters sent to surrounding landowners, as shown in **Attachment 1** and a notice on the City's website. The plans that were advertised are included in **Attachment 3**.

At the conclusion of the community consultation period, eight submissions were received all of which objected to the proposal. The issues raised as part of the consultation relate to the following:

- Setbacks are not consistent with the streetscape;
- Perceived building bulk and scale to adjacent properties;
- Perceived solar access and overshadowing of southern property;
- Lack of landscaping; and
- Site works and retaining not appropriately responding to the site.

The applicant provided written justification to address the above comments, as well as revised plans which sought to address community concerns. The amended plans and written justification are provided as **Attachment 4** and **Attachment 5** respectively.

#### Design Review Panel (DRP):

Referred to DRP: Yes

The application was referred to the City's DRP Chair for comments following the conclusion of the advertising of the proposal. The plans referred for comment are included in **Attachment 3**. Comments were sought from the DRP Chair with respect to the appropriateness of the proposed built form outcome in the streetscape context and any opportunities for the applicant to improve the design of the dwelling. The following comments on the proposal are as follows:

- The site planning is logical and well considered;
- The level change between the street driveway and residences is too abrupt and needs greater integration;
- The front façade can be improved by having the entry door closer to the street and by providing shade elements to the windows, either vertically or horizontally of louvre/perforated elements;
- Garage door addressing the streetscape would benefit if the door was perforated rather than solid; and
- The aesthetics is in line with most recent additions to the street, but to tie in with the older properties the applicant should consider using darker wall materials to bring in the earth tones of the roofs and walls.

In response to the comments received from the DRP Chair and community consultation, the applicant provided amended plans which included the following changes:

- Reduced the setback of the porch and entry of Residence A to the street from 11.5 metres to 10.0 metres;
- Increased the street setback of upper floor of Residence A from 3.3 metres to 3.8 metres;
- Incorporated window treatments and shading features to the façade of Residence A;
- Additional landscaping and tree species to all boundaries of the lot as well as within the street setback area;
- Revised garage door treatment of Residence A from a solid door to a permeable perforated material; and
- Introduced dark materiality of the window treatment to interpret the darker materials of neighbouring dwellings.

These amended plans were referred back to the DRP Chair. The DRP Chair advised that all of the comments and recommendations made have been addressed by the applicant and results in an acceptable built form outcome. A copy of these amended plans is included as **Attachment 4**. This is the development proposal the applicant is seeking approval for.

#### LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Local Planning Scheme No. 2;
- State Planning Policy 7.3 – Residential Design Codes Volume 1;
- Policy No. 4.1.5 – Community Consultation; and
- Policy No. 7.1.1 – Built Form Policy.

#### Delegation to Determine Applications:

The matter being referred to Council as the application received more than five objections during community consultation.

**RISK MANAGEMENT IMPLICATIONS:**

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:**

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

*We are open and accountable to an engaged community.*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**Street Setback

The development proposes a street setback of 4.3 metres to the ground floor and 3.8 metres to the upper floor of Residence A, in lieu of the deemed to comply requirement of 5.0 metres.

The City received submissions which raised concerns with the street setback of the development during community consultation regarding preservation of the streetscape, dominance of the dwelling to the street and interaction of the dwelling with the street.

The applicant's justification for the street setback is summarised as follows:

- The garage of the dwelling (Residence A) is in line with the garage of the neighbouring southern property as well as other properties in the street; and
- The setback of the upper floor has been amended from a 1 metre overhang of the ground floor to a 0.5 metres articulation. The articulation breaks up the materials, adding to the streetscape. The upper floor setback reduces the impact of the garage on the streetscape.

The proposed street setback satisfies the relevant design principles and local housing objectives of the R Codes and Built Form Policy for the following reasons:

- The dwelling is well articulated. The dwelling provides vertical separation between the ground floor and upper floor. The dwelling also provides horizontal articulation with varied setbacks of the dwelling along the ground floor and upper floor. Breaks, indentations and recesses in the building façade would assist in reducing the mass and scale of the development as it presents to the street. The positioning of windows (major openings) on the ground and upper floors of the dwelling, and window projections would ensure that there are minimal areas of blank, solid walls to ameliorate the impacts of building bulk. The articulation and major openings addressing Byron Street would facilitate passive surveillance of the street;
- The dwelling incorporates a mix of materials including face brick, render, cladding and perforated brick treatment (breeze blocks). This provides visual interest to the façade of the dwelling which assists in mitigating the bulk and scale of the development to the street. The materials incorporated are consistent with and reinterpreted from the existing streetscape. This contributes towards preserving and enhancing the streetscape character;
- The two-storey dwelling proposed would extend for a width of 7.9 metres. The lot is 12.0 metres wide. This means that the dwelling would occupy approximately 65 percent of the lot width as viewed from the street and would result in a modest contemporary development that is not a dominant built form in the locality;

- The ground floor of the dwelling is setback 4.3 metres from the street boundary which is in line with the building on the adjacent southern property of No. 10 Byron Street, reducing the dominance of the building when viewed from the street. The first floor of the dwelling being set forward of the ground floor would assist with reducing the dominance of the garage. Landscaping within the front setback and a mix of materials (longline cladding and box window treatments) to the upper floor of the dwelling would also assist to ameliorate the impact of the dwelling being set forward of the street setback requirement;
- The garage door is proposed to be treated in a perforated material which would assist in moderating building bulk. The garage also would occupy less than 50 percent of the lot frontage which ensures the garage is not dominant or imposing on the streetscape;
- Neighbouring properties within the Byron Street streetscape incorporate alterations and additions inclusive of street walls and fences and carports within the street setback area. The proposed dwelling does not propose additions or structures within the street setback or forward of the dwelling, which facilitates an open street setback area which is enhanced by landscaping. The proposal incorporates deep soil and canopy coverage within the street setback including a Magnolia Grandiflora Tree and Pyrus Calleryana (Callery Pear) trees. There are also additional areas of landscaping and vegetation within the front setback that do not qualify as deep soil area, but would also contribute to urban greening. The landscaping, canopy and deep soil would soften the appearance of the dwelling and would contribute to the amenity of the street;
- The proposed setback does not does not inhibit reversing sight lines from the dwelling to Byron Street; and
- The revised development plans submitted by the applicant incorporates changes to address the DRP Chair's comments to result in a development that is appropriate in its setting.

#### Lot Boundary Setbacks/Lot Boundary Walls

The application proposes departures to the deemed-to-comply side and rear lot boundary setbacks for Residence A and Residence B, as well as departures to boundary walls.

The City received submissions raising concern with the impact of perceived adverse and unnecessary building bulk when viewed from the adjoining properties, reduced setback contributing to loss of direct sun and light to major openings, in addition to concerns with the usable open space of the lot.

The applicant's justification for the lot boundary setbacks are summarised below:

- Lot boundary walls and setbacks are consistent with and based upon the neighbouring property; and
- Attached images (as per **Attachment 5**) demonstrate the setbacks and context of adjacent development.

The proposed lot boundary setbacks are considered to satisfy the relevant design principles and local housing objectives of the R Codes and Built Form Policy and considered acceptable for the following reasons:

#### Residence A

##### *Eastern Boundary*

The R Codes set a 2.0 metre deemed-to-comply setback for the ground floor alfresco to the eastern lot boundary. A 1.8 metre setback is proposed.

- The adjacent eastern boundary of the dwelling is adjacent to the car parking area and carport of Residence B. As the alfresco is an open structure this reduces the perceived and actual bulk of the alfresco setback and does not impact on any active habitable spaces of the adjoining dwelling; and
- The proposed setback does not incorporate any major openings and does not result in any overlooking or loss of privacy and would not disrupt or diminish the amenity of the neighbouring property.

##### *Southern Boundary*

The proposal seeks consideration for variations to the lot boundary setback deemed-to-comply setbacks along the southern boundary, to the ground and upper floor. The departures are as follows:

- Alfresco (Ground Floor): 1.2 metre lot boundary setback in lieu of 2.3 metre deemed-to-comply setback;
- Walk In Robe – Ensuite (Upper Floor): 1.2 metre lot boundary setback in lieu of 1.5 metre deemed-to-comply setback; and
- Master – Bed 4 bulk (Upper Floor): 1.2 metre to 1.7 metre lot boundary setback in lieu of 2.8 metre deemed-to-comply setback.

The southern boundary setbacks satisfy the relevant design principles and local housing objectives of the R Codes and Built Form Policy for the following reasons:

- The southern elevation incorporates render, white cladding, facebrick detailing and Colorbond roof to ameliorate the actual and perceived bulk of the boundary setback. The openings on the ground floor and the highlight window openings to the bedrooms and sitting room on the upper floor presents as an interactive elevation void of blank solid walls. The use of various finishes and openings ensure the development does not present solid and blank walls and reduces the actual and perceived building bulk to neighbouring adjoining property;
- There are no major openings to the southern façade of the neighbouring property and the reduced setback and boundary walls do not result in any adverse overlooking and subsequent loss of privacy to the southern adjoining properties. Landscaping along the southern boundary – Ficus Lyrata species - provides natural screening that further obscures the cone of vision to the neighbouring property given it is capable of growing to 10 metres in height and dense foliage at maturity;
- The reduced setbacks along the southern boundary does not detract from access to direct sun and ventilation to the building and open spaces to the subject lot and adjoining properties as required under the R Codes;
- The alfresco area of Residence A does not abut any major openings to the adjoining property at No. 10 Byron Street, and as a result the reduced setback does not impact the amenity of the neighbouring dwelling;
- The reduced southern boundary setback does not impose bulk and scale on usable active spaces of the dwelling given the compliant height of the alfresco; and
- The alfresco is an open structure, and as a result the lack of solid walls or buildings reduces the perceived and actual bulk of the alfresco setback.

#### Residence B

##### *Northern Boundary*

The R Codes set a 1.0 metre deemed-to-comply setback to the alfresco on the northern lot boundary. A 0.5 metre setback is proposed. The proposed northern boundary setbacks satisfy the relevant design principles and local housing objectives of the R Codes and Built Form Policy for the following reasons:

- The alfresco area is an open sided structure that does not impose solid bulk to the neighbouring dwelling and the open nature of the structure allows for adequate separation of the development to the neighbouring lot;
- The alfresco area directly abuts outbuilding structures on the northern property. The reduced setback does not result in bulk and scale to habitable rooms or active habitable spaces; and
- The alfresco satisfies the deemed-to-comply requirements in regards to visual privacy.

##### *Southern Boundary*

The R Codes set a 1.9 metre deemed-to-comply setback to upper floor wall from bed 3 to the ensuite on the southern boundary. A 1.2 metre setback is proposed. The proposed southern boundary setbacks satisfy the relevant design principles and local housing objectives of the R Codes and Built Form Policy for the following reasons:

- The southern façade incorporates a large window to the bathroom and highlight windows for Bed 2 and Bed 3 to reduce the perception of blank solid walls and reduce perceived bulk and scale impacts;
- The wall is adjacent to a two storey development on the southern lot, which does not contain any major openings from habitable rooms. The building setback proposed would not impact the amenity and use of habitable rooms of the neighbouring dwelling;
- The openings along the southern elevation satisfy the deemed-to-comply visual privacy requirements; and
- The setback allows for sufficient access to direct sunlight and ventilation of the dwelling, and complies with the solar access requirements for the southern property.

*Eastern Boundary*

The Built Form Policy sets a 4.5 metre deemed-to-comply rear setback for development adjoining properties R60 and above. A 1.5 metre setback is proposed to the ground floor, and a 1.2 metre setback to the upper floor of the dwelling. The proposed rear boundary setbacks satisfy the relevant design principles and local housing objectives of the R Codes and Built Form Policy, and is acceptable for the following reasons:

- The rear elevation incorporates mixed materials such as cladding, render and louvre window treatments to the ground and upper floors to provide visual interest and reduce the appearance of solid, blank walls;
- The reduced lot boundary setback does not exacerbate impacts of overlooking on the adjacent property as no major openings from habitable rooms are proposed. The proposed setback does not result in an adverse impact on the neighbouring property in terms of visual privacy;
- The development meets the deemed-to-comply requirements in regards to solar access, and the reduced rear boundary setback does not result in unacceptable overshadowing to the adjoining southern property; and
- The rear of the site is affected by a sewer line which horizontally transects the lot, limiting the possible building footprint of the dwellings. The proposed rear boundary setback of Residence B is in response to this constraint.

Lot Boundary Walls

The application proposes boundary walls to two side boundaries of the lot, one of which is an internal lot boundary wall facing the vehicular access leg. The deemed-to-comply provisions permit a boundary wall length of 18.06 metres, with an average height of 3 metres and a maximum height of 3.5 metres. The acceptability of the boundary walls proposed are detailed below.

Residence A*Northern Lot Boundary*

Residence A proposes a 10.0 metre boundary wall from the entry to the dining room. The wall length complies with that permitted, but the two-storey wall proposed is an average wall height of 6.35 metres and a 6.6 metre maximum wall height, in lieu of the deemed-to-comply 3.0 metre average wall height and maximum wall height of 3.5 metres, respectively. The lot boundary wall proposed satisfies the relevant design principles and local housing objectives of the R Codes and Built Form Policy and are acceptable for the following reasons:

- The proposed boundary wall is located behind the street setback line of the dwelling, with the majority of the boundary bulk located to the centre of the lot and not prominently located as viewed from the street. The boundary wall is of a two-storey nature which incorporates a round window and cladding to the upper storey, and is separated from the adjoining property to the north by the 4.0 metre access leg to reduce the perception of bulk and mass;
- The boundary wall meets the deemed-to-comply requirements in regards to the length of the wall. The ground floor boundary wall is 10.0 metres in length which reduces to 8.0 metres on the upper floor. The compliant length of boundary wall assists in mitigating the mass and scale of the boundary wall. This is further mitigated by the inclusion of landscaping along the northern boundary to provide a softened building edge, with the *Ficus Lyrata* species along the boundary which is capable of growing to a height of 10 metres at maturity that would provide screening above the dividing fence between the properties;
- The boundary wall abuts the vehicle access of the property to Residence B, and does not abut any active habitable spaces or rooms. As a result the building bulk does not impact any neighbouring properties;
- The proposed wall is located on the northern boundary and does not compromise access to direct sunlight for the subject dwelling, or adversely impact adjoining properties with respect to overshadowing;
- The boundary wall does not incorporate major openings and would not result in overlooking to the adjoining site; and
- The remainder of the dwelling is articulated and incorporates varying materials such as cladding, render and face brick to reduce the bulk of the development to the adjacent property.

*Southern Lot Boundary*

Residence A proposes an 8.49 metre long boundary wall from the garage to the laundry that meets the permitted wall length. The wall proposes average wall height is 3.35 metres and 3.6 metre maximum wall height in lieu of the deemed-to-comply 3.0 metre average wall height and 3.5 metres maximum wall height, respectively. The lot boundary wall proposed satisfies the relevant design principles and local housing objectives of the R Codes and Built Form Policy and is acceptable for the following reasons:

- The proposed boundary wall directly abuts the boundary wall (garage) of the neighbouring dwelling to the south. The proposed boundary wall is not located forward of the existing boundary wall, providing a consistent street setback presentation and view to the street. The wall being located so that it abuts an existing boundary wall would assist in mitigating perceived bulk associated with an otherwise solid blank boundary wall visible from the street;
- The boundary wall is of a single storey nature and does not generate or exacerbate mass from the street or adjacent properties;
- The remainder of the dwelling to the upper floor is articulated and incorporates varying materials, render and cladding to reduce the bulk of the development to the adjacent property. The materials provided break up the appearance of the walls when viewed from the adjoining properties and the street;
- The boundary wall is proposed to be constructed and finished with facebrick, consistent with built form outcomes of the Byron Street streetscape;
- The proposed wall is located on the southern boundary and does not compromise access to direct sunlight for the subject dwelling, or adversely impact adjoining properties with respect to overshadowing. This is because it is proposed to abut an existing boundary wall on the adjoining southern property of similar dimension; and
- The boundary wall does not incorporate major openings and would not result in overlooking to the adjoining site.

Residence B*Southern Lot Boundary*

Residence B proposes a 10.9 metre boundary wall from the linen to the family room. This meets the permitted wall length. The average wall height is 3.14 metres and 3.4 metre maximum wall height in lieu of the deemed-to-comply requirement of 3.0 metre average wall height and 3.5 metres maximum wall height, respectively. The lot boundary wall proposed satisfies the relevant design principles and local housing objectives of the R Codes and Built Form Policy and are acceptable for the following reasons:

- The proposed boundary wall is located behind the street setback line of the dwelling, which is obscured by the front dwelling (Residence A). The boundary wall is of a single storey nature and does not generate or exacerbate mass as viewed from the street or adjacent properties;
- The remainder of the dwelling to the upper floor is articulated and incorporates varying materials, render and cladding to reduce the bulk of the development to the adjacent property. The materials provided break up the appearance of the walls when viewed from the adjoining property;
- The boundary wall meets the deemed-to-comply requirements in regards to length and maximum wall height. The compliant elements of the boundary wall mitigate the mass and scale of the boundary wall;
- The proposed boundary wall is proposed to be constructed and finished in face brick, consistent with built form outcomes of the Byron Street streetscape;
- The proposed wall is located on the southern boundary and does not compromise access to direct sunlight for the subject dwelling, or adversely impact adjoining properties with respect to solar access compliance; and
- The boundary wall does not incorporate major openings and would not result in overlooking to the adjoining site.

Building Height

Residence A proposes a height of two storeys and a maximum height of 9.2 metres to the top of the pitched roof in lieu of the maximum roof height of 9.0 metres set as a deemed-to-comply standard in the City's Built Form Policy. The wall height of Residence A is also proposed to 7.1 metres in lieu of 7.0 metres permitted under the Built Form Policy.



The City received submissions raising concerns with the building height of the proposed dwellings, in regards to the interaction of the dwellings with the streetscape, the emphasis of the building height on lot boundary setbacks and solar access, as well as concerns the development has not responded to the topography of the lot.

The building height proposed satisfies the relevant design principles and local housing objectives of the R Codes and Built Form Policy and is acceptable for the following reasons:

- The maximum roof height that exceeds the Built Form Policy requirements affect the rear portion of the Residence A dwelling. The remainder of the dwelling satisfies the building height requirements;
- The increase in height is attributed to the natural ground level of the site which slopes down by approximately 3 metres from the street boundary (western boundary) to the rear of the property (eastern boundary), with the lowest portion of the site being located to the north-east portion of the site to the rear. The slope down of the lot from the front to rear means the proposed dwelling to the rear (Residence B) sits lower than the dwelling closest to Byron Street (Residence A) reducing the impact of the dwelling on the established Byron Street streetscape character;
- The development incorporates a range of materials including brickwork, render and cladding which are featured materials in the immediate streetscape. The development also incorporates concealed feature walls to the roof form and provides articulation through varying setbacks when viewed from the street and adjoining properties. The materials and finishes address the character of the site context. The heights proposed are consistent with existing two storey dwellings within the locality. The provided articulation, design and materials provided to the façade relate to the surrounding context and provide design detail that address comments and suggestions made by the City's DRP;
- The upper floor of Residence A incorporates major openings and highlight windows which provide access to sunlight and ventilation, and meets the deemed-to-comply solar access requirements;
- The finished floor levels proposed have been stepped in line with the natural ground levels of the site to ensure a reduced overall height for the building. The development considers and responds to the natural slope with limited fill and excavation required to the street and setback area; and
- The dwelling is located within a two-storey built form area and the proposed dwellings are consistent with this built form outcome intended for the area.

### Landscaping

In addition to the deemed-to-comply standards of the R Codes, the application has also been assessed against the landscaping provisions of the Built Form Policy that sets out additional deemed-to-comply standards. The deemed-to-comply landscaping standards set out in the Built Form Policy have not yet been approved by the WAPC and as such, these provisions are given due regard in the assessment of the application.

The Built Form Policy requires 15 percent of the site to be provided as deep soil zone and 30 percent of the site provided as canopy coverage at maturity. The application proposes 13.8 percent deep soil zone and 27.2 percent canopy coverage at maturity. The landscaping proposed satisfies the relevant design principles and local housing objectives of the R Codes and Built Form Policy and is acceptable for the following reasons:

- The application proposes trees within the rear setback area abutting the eastern lot boundary which would soften the appearance of the development from the adjoining property;
- The application proposes trees within the street setback area which would soften the appearance of the development as viewed from the street;
- The development also proposes 6.5 percent additional landscaping areas which do not meet the minimum 1 metre minimum dimension to qualify as deep soil area, but still contributes to meaningful landscaping on site. This landscaping, located in the front setback area and to the lot boundaries, provides additional landscaping amenity for the site which positively contributes to the presentation of the dwelling to the street and adjacent properties;
- The proposed landscaping would provide increased amenity for the future occupants of the site and the surrounding area;
- The proposal would contribute to canopy cover provision;
- The application proposes ground cover landscaping along the street boundaries in conjunction with the mature canopy coverage within the street setback area; and
- The proposed landscaping does not negatively impact the use and activation of outdoor living areas and open space of the site. The landscaping within the front setback area and from the access leg of the lot



to Residence B provides a softened building edge and does not impede surveillance between the dwellings and the street.

### Privacy

The dwelling proposes departures from the deemed-to-comply requirements in regards to visual privacy from the alfresco of Residence A. The City received submissions raising concerns in regards to visual privacy from the proposed dwellings, in regards to the use and extent of screening elements.

The setback of the alfresco to the southern property boundary is 2.7 metres in lieu of the minimum setback of 7.5 metres set as a deemed-to-comply standard in the R Codes. This is because there is greater than 0.5 metres of fill for the alfresco to address the slope of the site. The visual privacy from the alfresco to the adjacent southern property satisfies the relevant design principles and local housing objectives of the R Codes and Built Form Policy and is acceptable for the following reasons:

- There are no major openings in the adjoining property that face the proposed development that would be impacted by the cone of vision. This is because these windows from the southern property at No. 10 Byron Street that face the subject site and are within the cone of vision are all minor openings (highlight windows or openings from non-habitable rooms). Only one major opening from a bedroom of No.10 Byron Street is located on the ground floor, which is not impacted by the cone of vision;
- Landscaping along the southern boundary provides natural screening that further obscures the cone of vision to the neighbouring property as the species selection, *Ficus Lyrata*, provides natural screening that further obscures the cone of vision to the neighbouring property and above the existing dividing fence given it is capable of reaching a maximum height of 10 metres at maturity; and
- There are no major openings proposed in the southern façade of the dwelling and the reduced setback and boundary walls do not result in any adverse overlooking and subsequent loss of privacy to the southern adjoining properties.

### Site Works/Retaining

The proposal seeks departures to the deemed-to-comply requirements of the R Codes in regards to site works and retaining to the two proposed dwellings.

The City received submissions raising concerns in regards to site works and retaining to the proposed dwellings, in regards to the impact of works to future dividing fence heights, a perceived sense of confinement, as well as contributing towards non-compliant building setbacks and building height.

The applicant's justification for site works and retaining is summarised below:

- The retaining and works are in response to the steep slope of the site from the front to rear of the lot; and
- Retaining wall material has been amended to be built from breezeblocks in lieu of all brickwork to enhance the experience and appearance of the façade from Residence B.

### *Residence A*

To account for the slope of the site, the front portion of Residence A is proposed to be cut from the natural ground level up to approximately 0.5 metres, while the rear half of Residence A is proposed to be filled up to a maximum of approximately 1.0 metre from natural ground level. As a result of the site works, a 1.5 metre high retaining wall is proposed to manage the grade difference on site from the alfresco area of Residence A to the carport area of Residence B.

The retaining walls and site works to Residence A satisfy the relevant design principles and local housing objectives of the R Codes and Built Form Policy and are acceptable for the following reasons:

- The proposal respects the levels of the lot at the street alignment;
- The development considers and responds to the natural features of the site by stepping down the proposed finished floor level of Residence A from the front to the rear;
- The site works within the front setback area provides a more level pedestrian approach to the site and legible access to the entry point of the dwelling; and
- The proposed works would facilitate safe vehicular access to the dwellings on site by managing the slope of the land.

*Residence B*

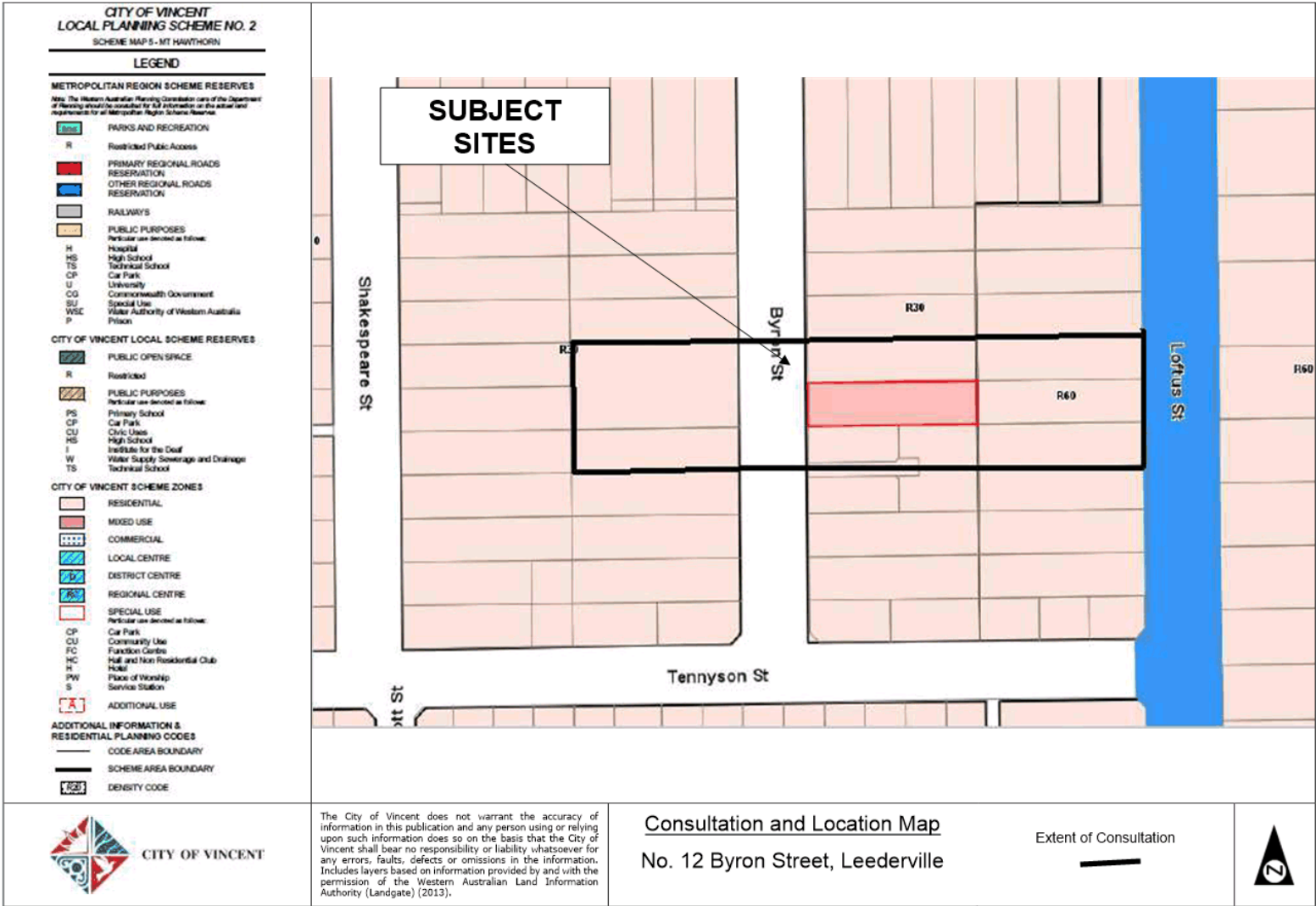
Residence B proposes a maximum of 0.61 metres of retaining above natural ground level to the north eastern corner of the dwelling (to the rear). The portion of retaining above 0.5 metres is proposed to the lot boundary. The retaining wall to Residence B is considered to satisfy the relevant design principles and local housing objectives of the R Codes and Built Form Policy and is acceptable for the following reasons:

- The retaining walls are proposed at a height of 0.61 metres at its maximum height before tapering down to 0.43 metres in the south eastern corner of the lot. The retaining walls are required to provide support of the proposed different ground levels between the subject property and the neighbouring property;
- The retaining is stepped in line with the natural slope of the site and ensures a consistent level of the lot when viewed from the adjacent rear property (facing Loftus Street);
- Retaining and the subsequent dividing fence ensure a suitable screening and fencing between the affected lots. The landscaping to the rear boundary provides a natural buffer for the proposed retaining; and
- The proposed site works and retaining walls are not visible from the street and would not pose an undue impact on the locality.

Essential Facilities

Residence A proposes an internal storeroom area contained within the garage of the dwelling. The internal store meets the minimum 4 square metre requirement. External to the dwelling, contained within the vehicle access area the store is 4.17 square metres, and enclosed. The store area has a minimum dimension of 0.8 metres, less than the 1 metre internal dimension required. The proposed store area satisfies the relevant design principles and local housing objectives of the R Codes and Built Form Policy and is acceptable for the following reasons:

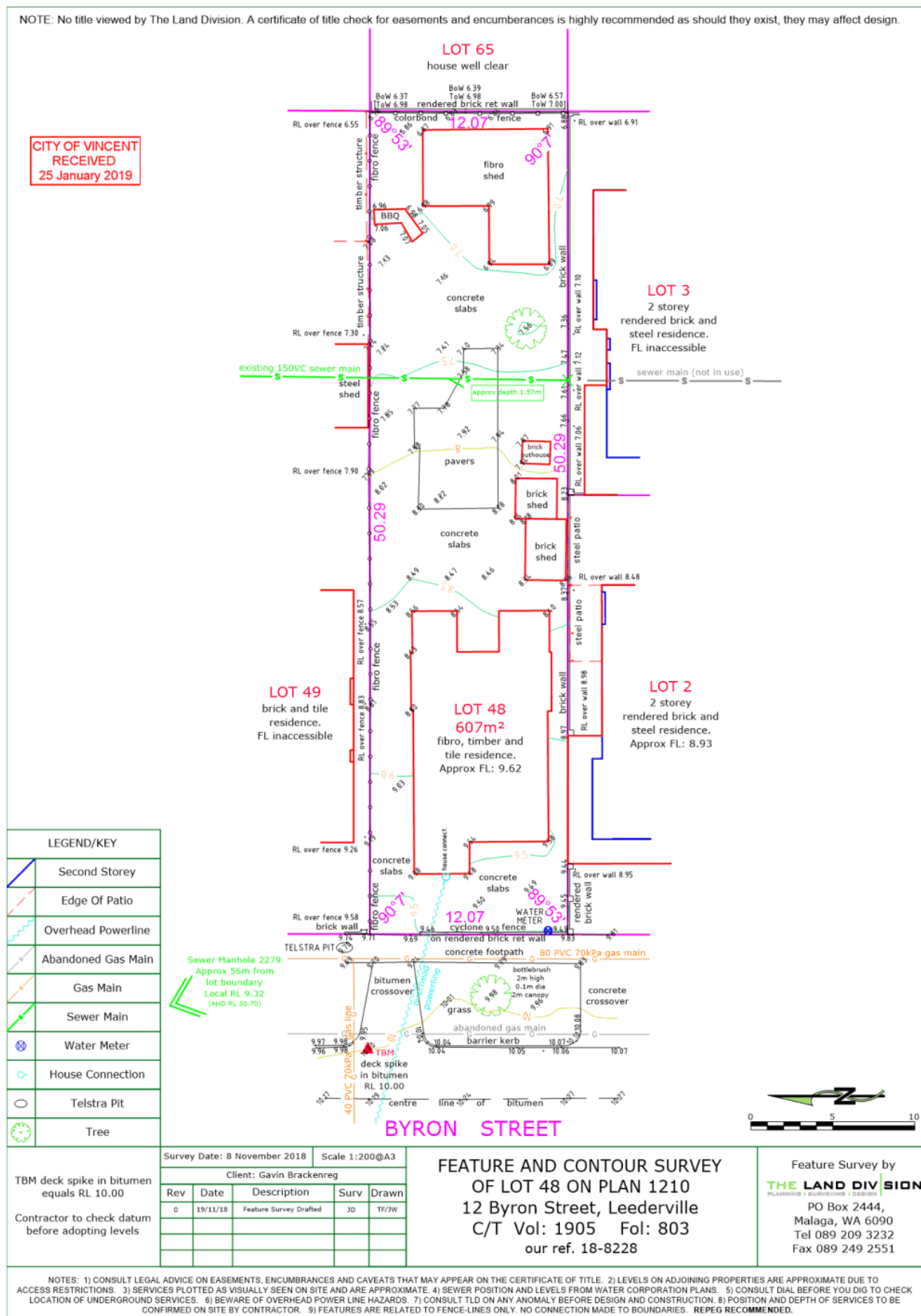
- The storage area is enclosed within the garage, which is secure and lockable as required;
- The store is easily accessible from the garage, as well as the entry of the dwelling and is considered to be in a location that is convenient for the residents; and
- The internal store area is not visible from the street, and does not detract from the dwelling or the built form of the street.

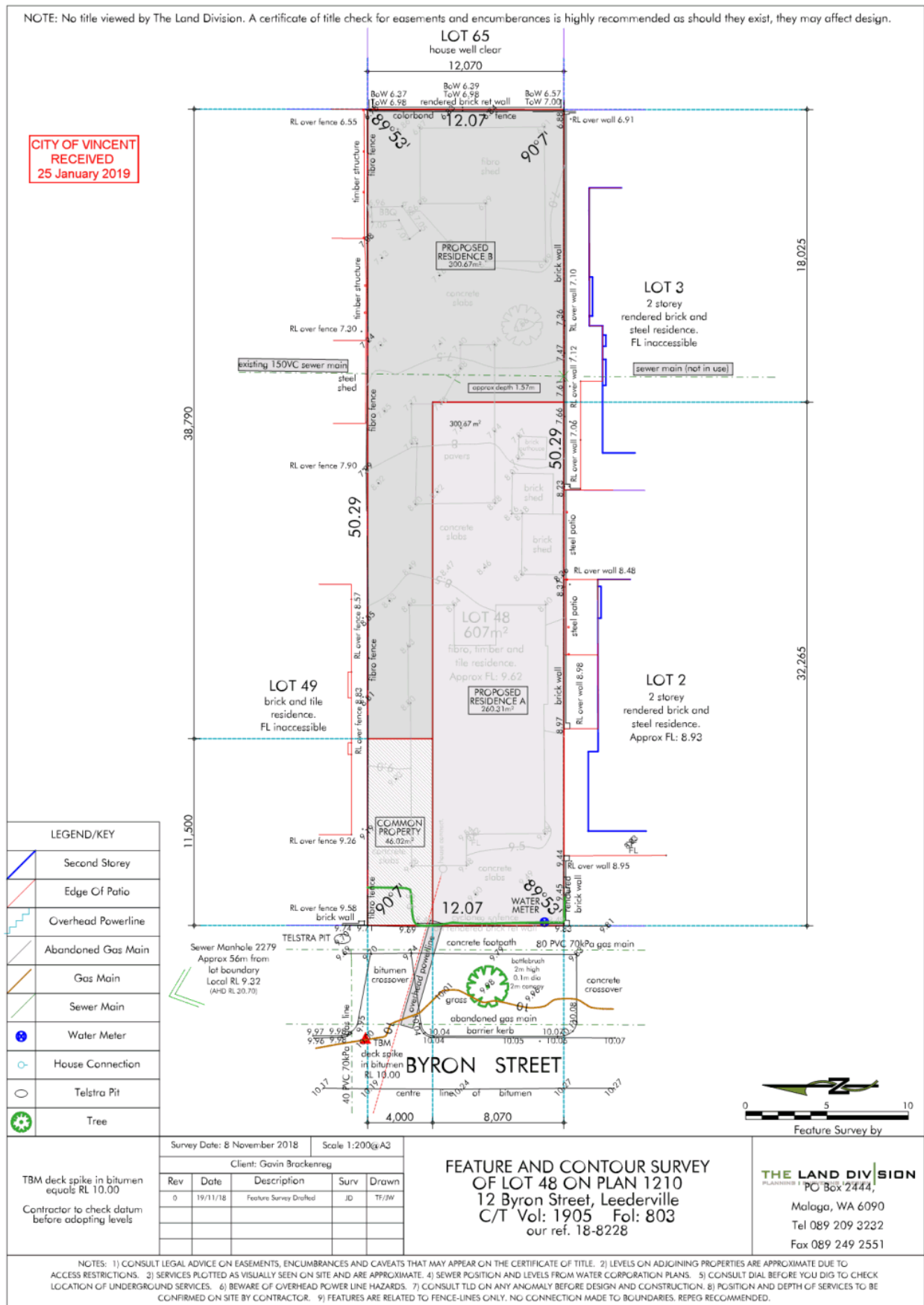




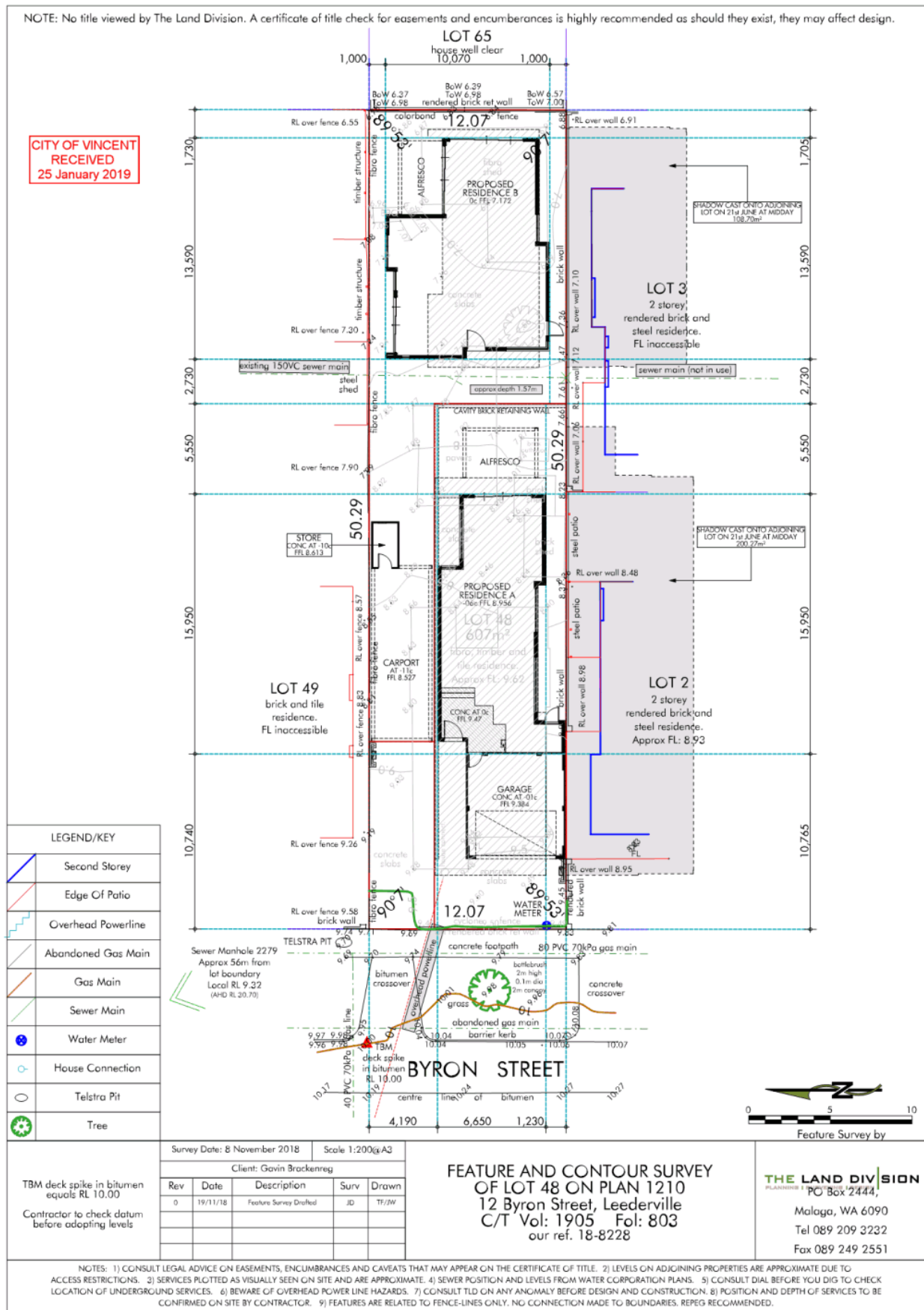


NOTE: No title viewed by The Land Division. A certificate of title check for easements and encumbrances is highly recommended as should they exist, they may affect design.









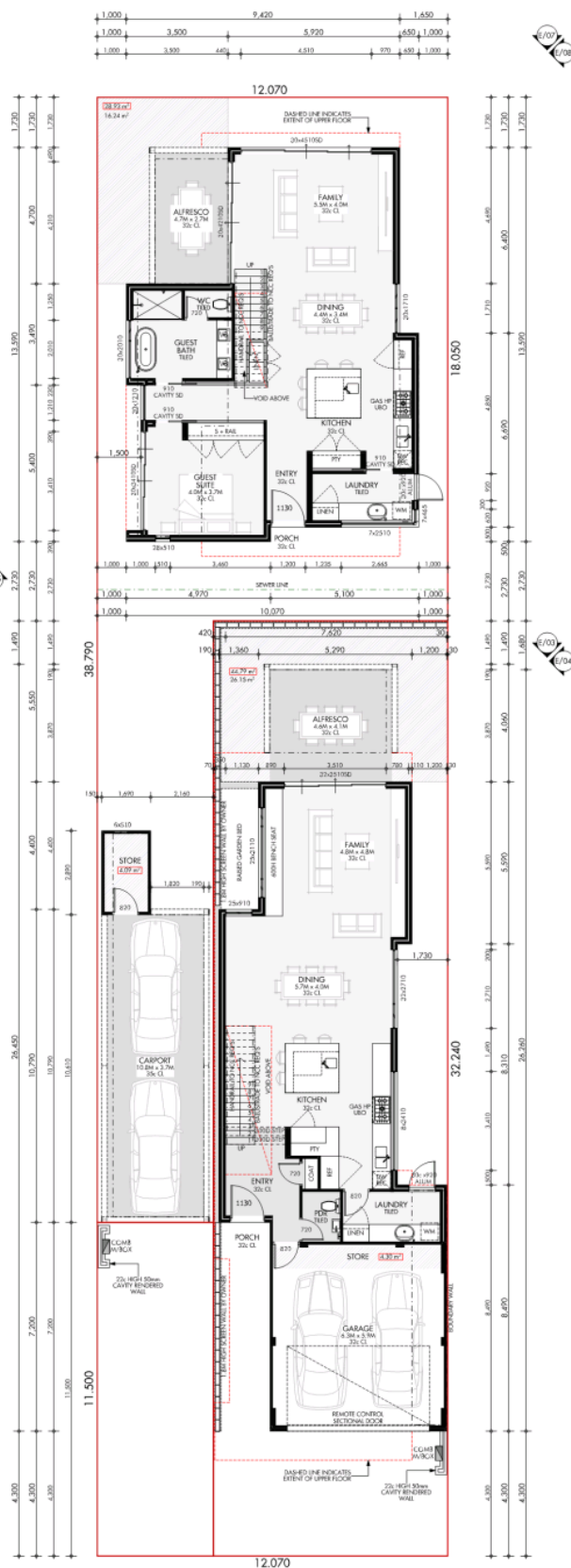
HOUSE B	
GROUND FLOOR	110.99
UPPER FLOOR	90.41
CARPORT	29.64
STORE	4.88
AUFRESO	12.69
TOTAL	258.61 m <sup>2</sup>

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HOUSE A	
GROUND FLOOR	97.05
UPPER FLOOR	156.48
GARAGE	29.22
AUFRESO	18.64
TOTAL	312.29 m <sup>2</sup>



GROUND FLOOR  
1:100

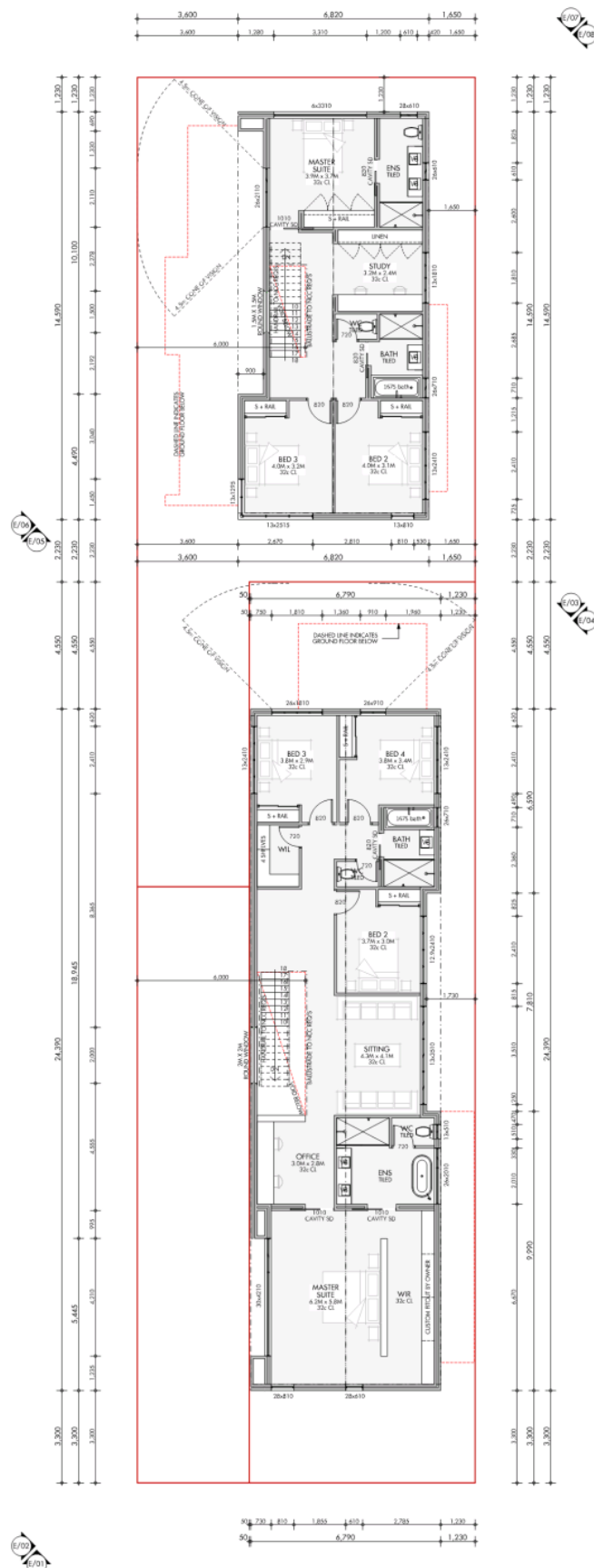


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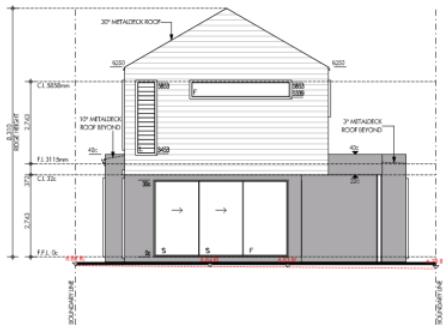
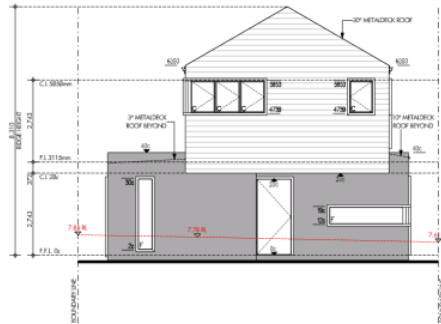
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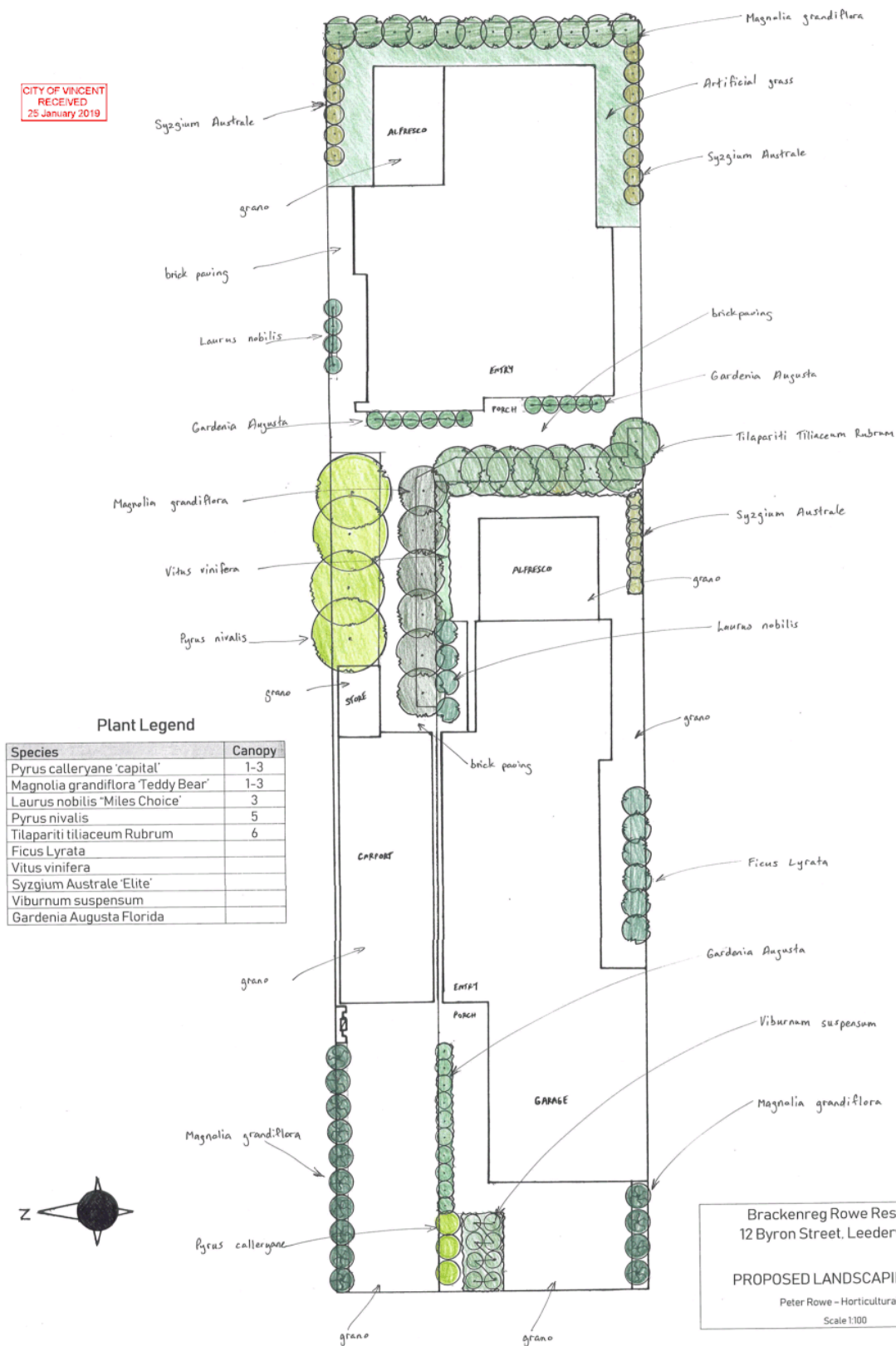
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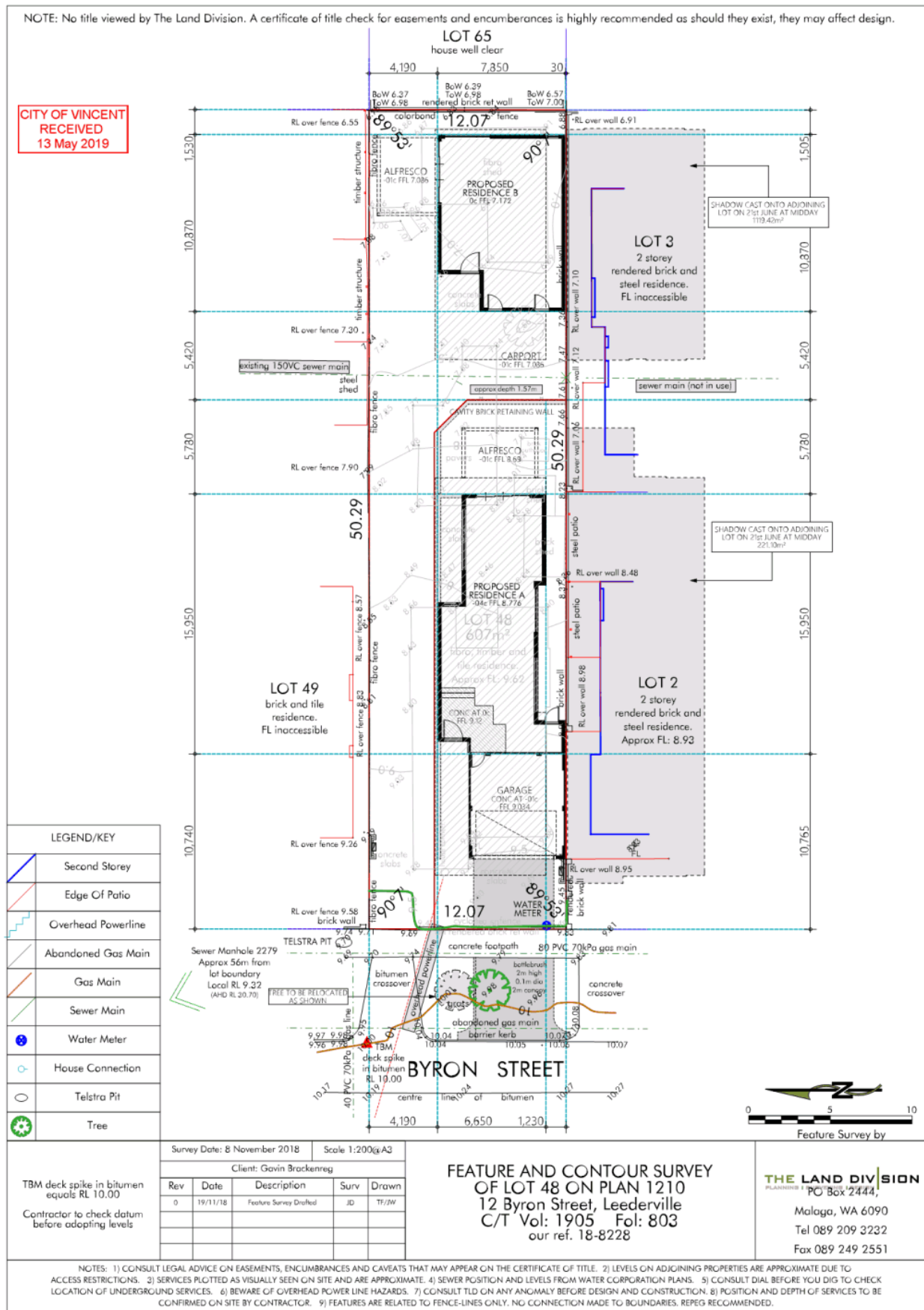
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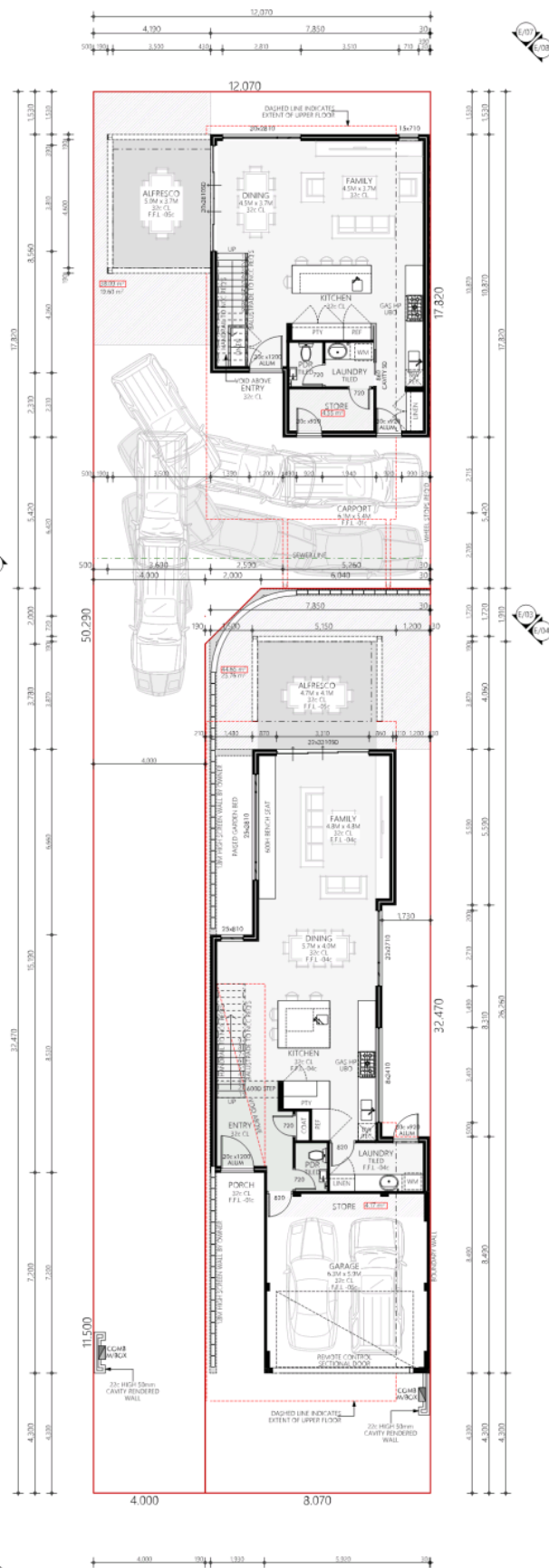
HOUSE B	
GROUND FLOOR	79.61
UPPER FLOOR	92.99
CARPORT	28.67
ALFRESCO	18.28
TOTAL	229.55 m <sup>2</sup>

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GROUND FLOOR  
1:100

HOUSE A	
GROUND FLOOR	92.27
UPPER FLOOR	155.60
GARAGE	26.12
ALFRESCO	18.88
TOTAL	292.87 m <sup>2</sup>



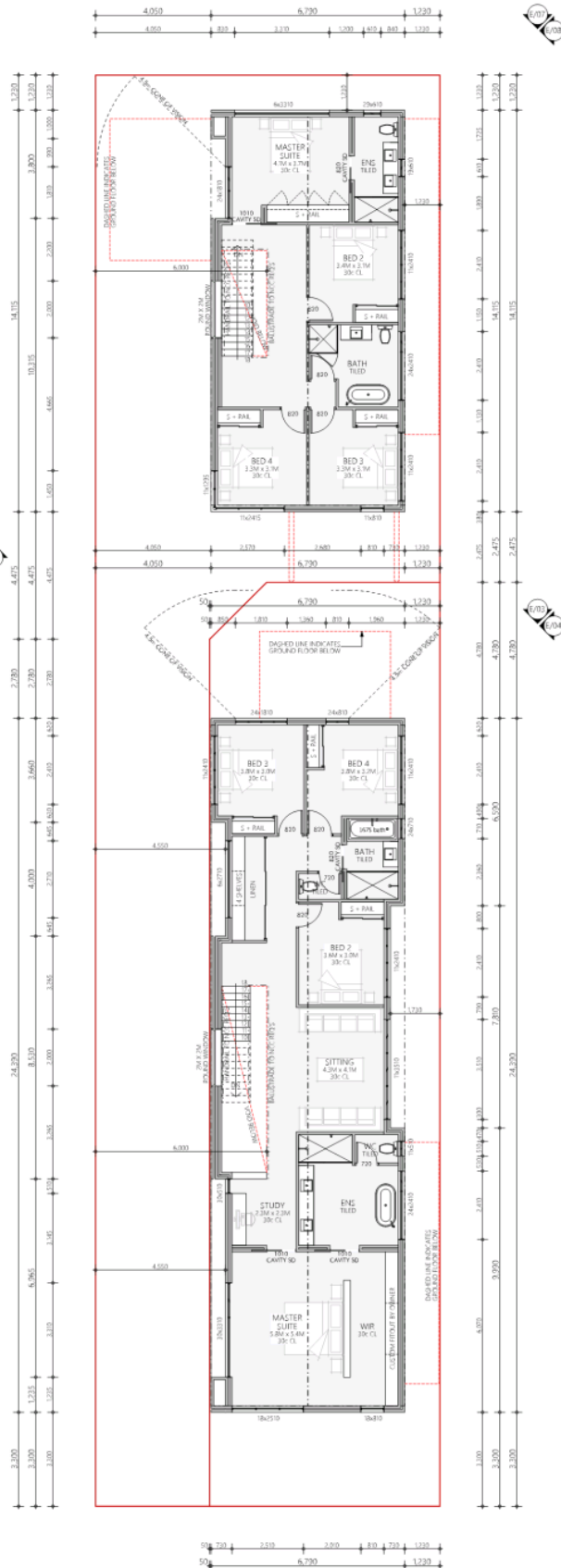
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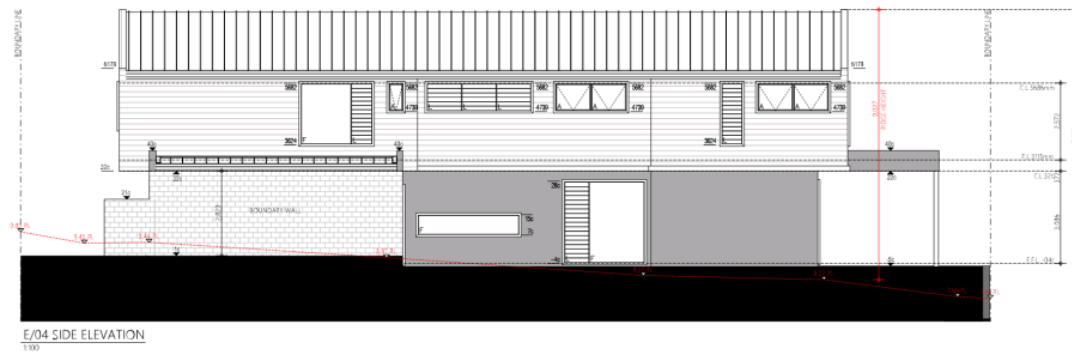
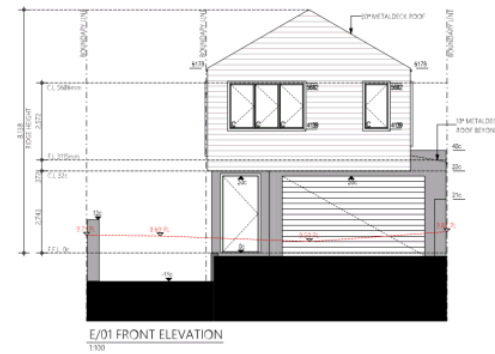
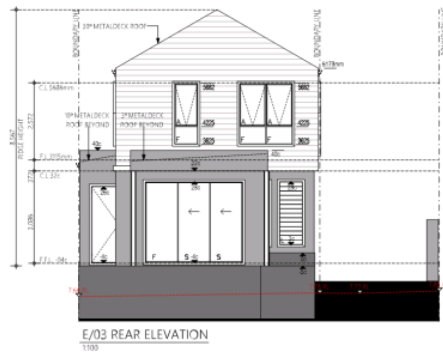
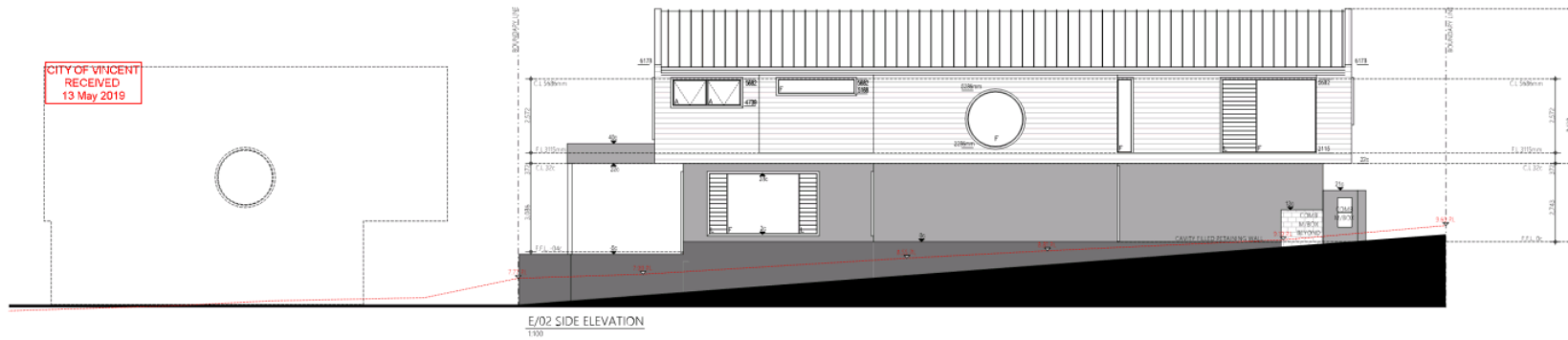


UPPER FLOOR  
1:100



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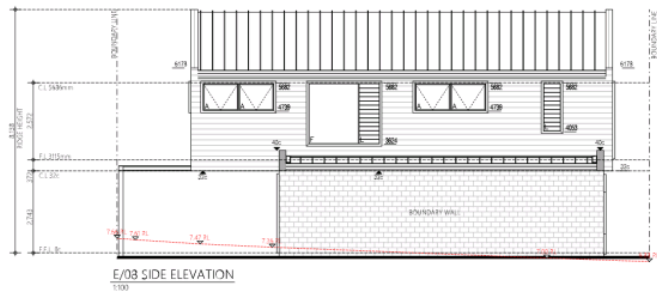
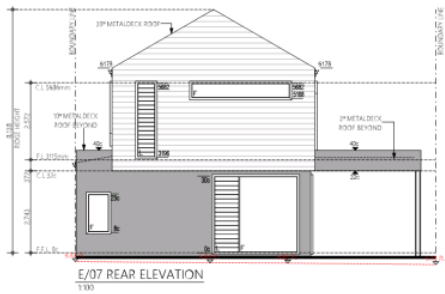
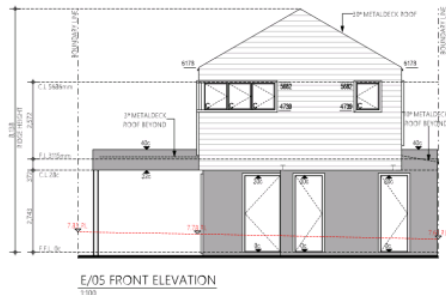
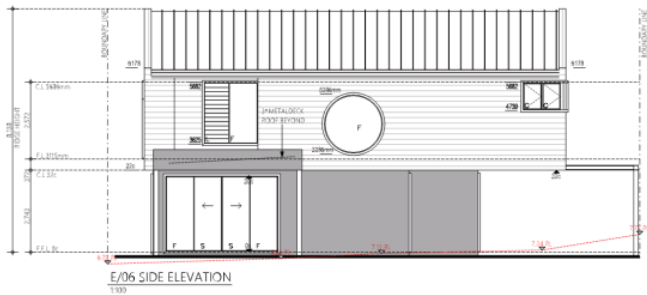
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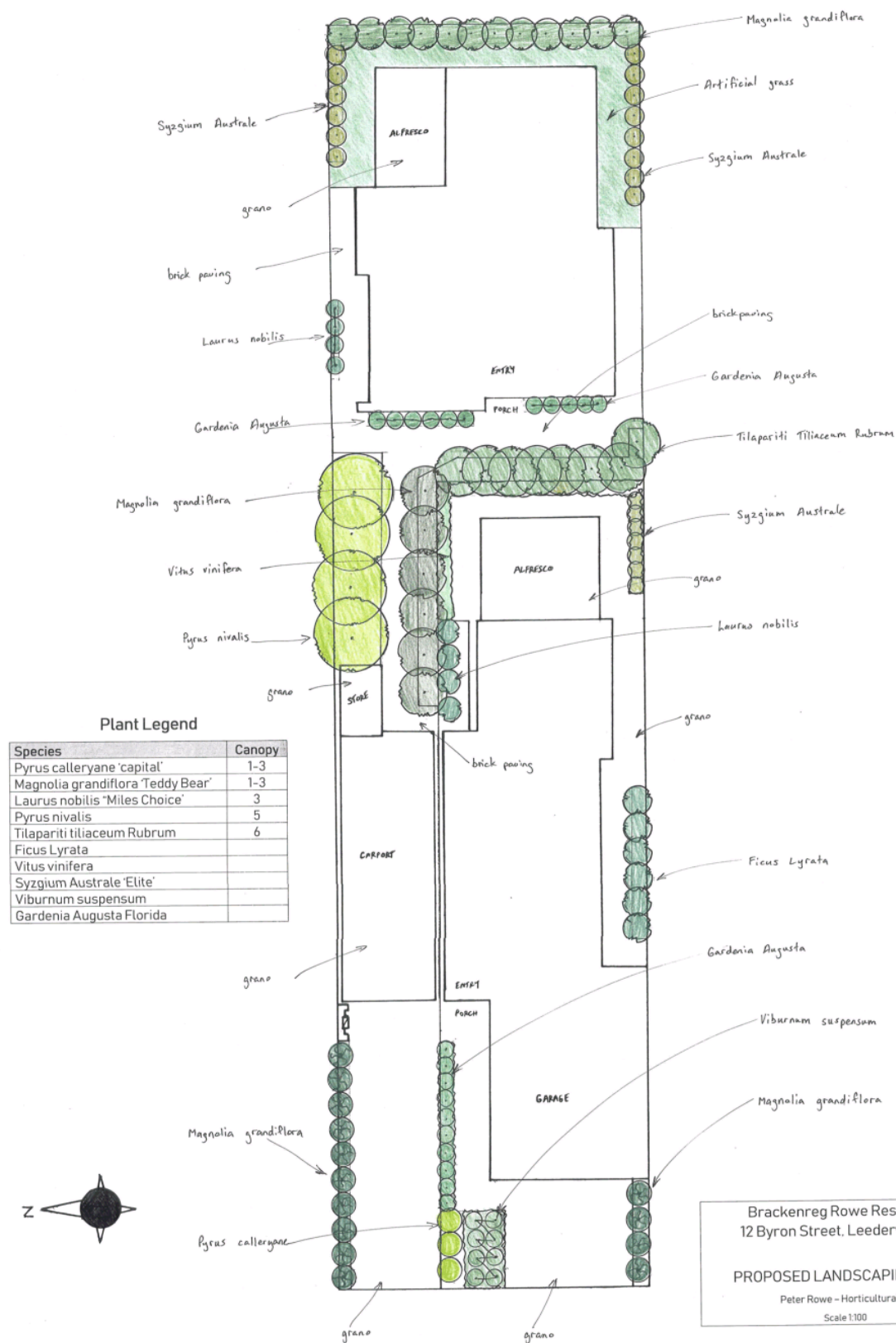
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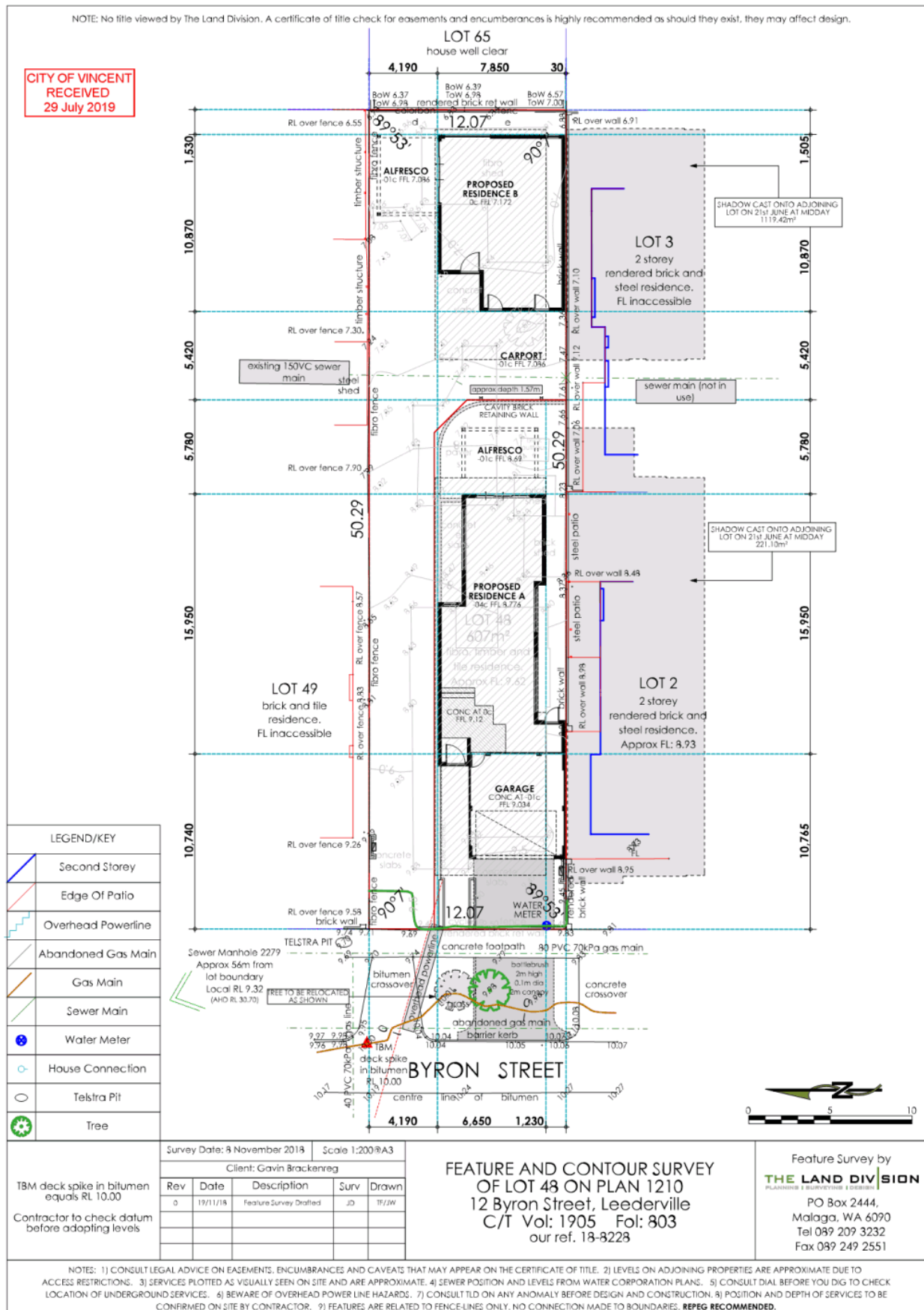


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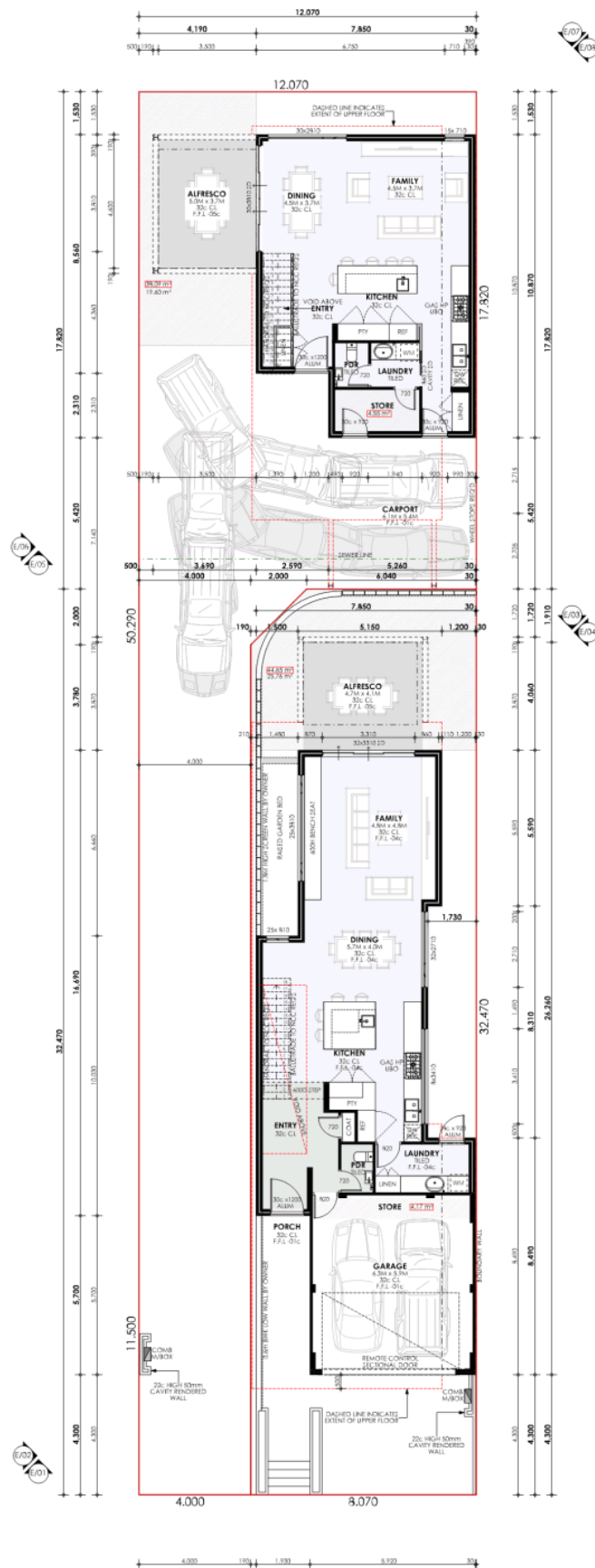
HOUSE B	
GROUND FLOOR	79.61
UPPER FLOOR	93.99
CARPORT	28.67
ALFRESCO	18.34
<b>Total:</b>	<b>220.65 m<sup>2</sup></b>

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GROUND FLOOR  
1:100

HOUSE A	
GROUND FLOOR	95.90
UPPER FLOOR	152.21
GARAGE	38.06
ALFRESCO	18.84
<b>TOTAL:</b>	<b>305.05 m<sup>2</sup></b>



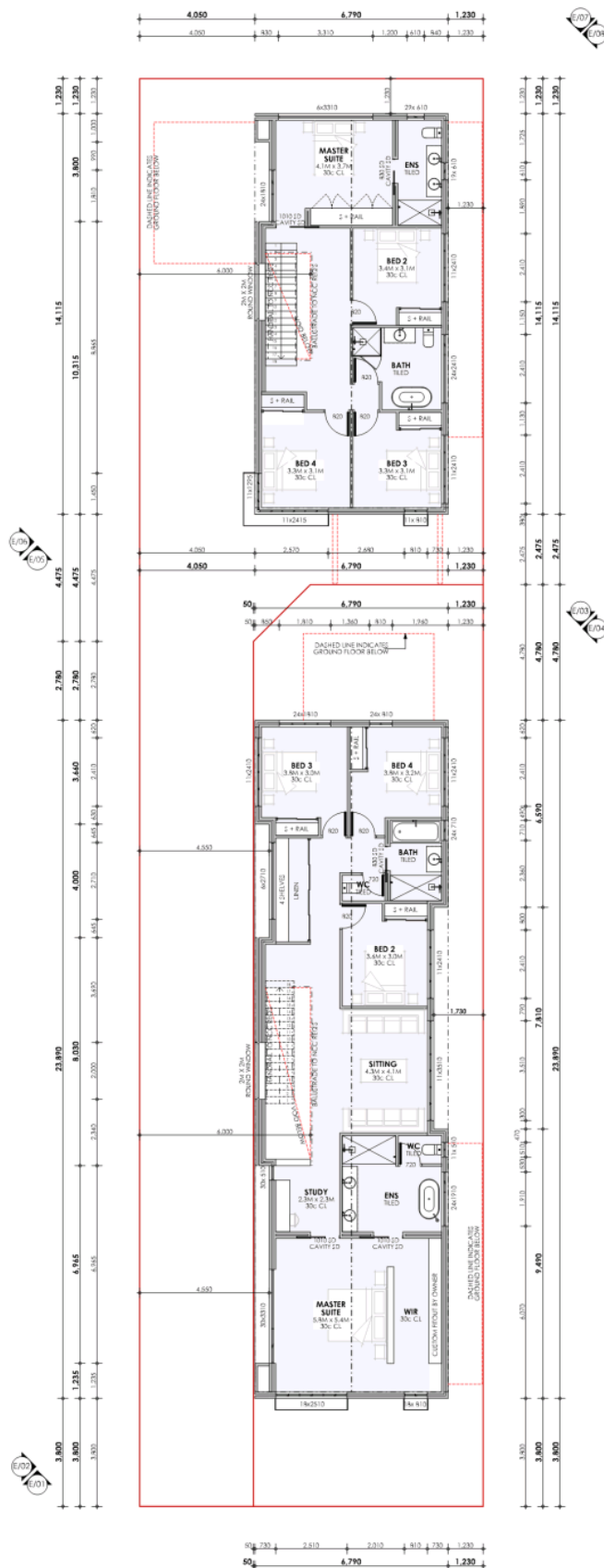
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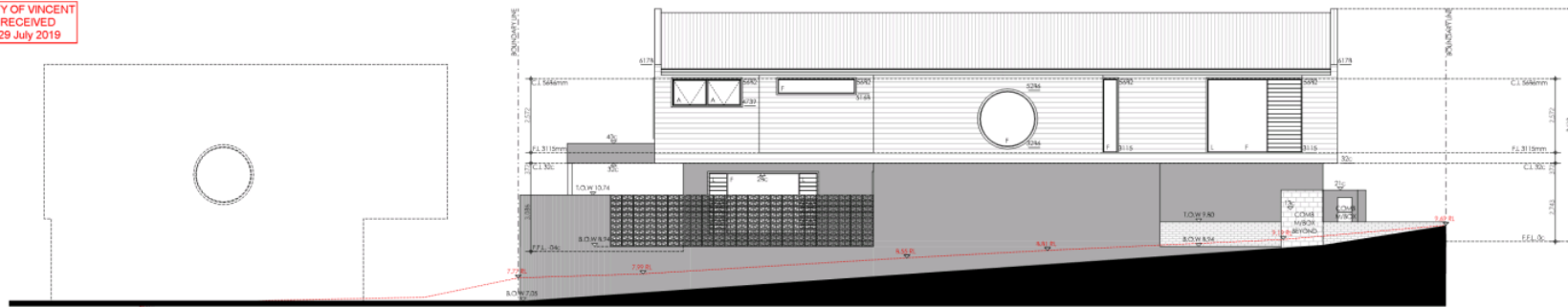
UPPER FLOOR  
1:100



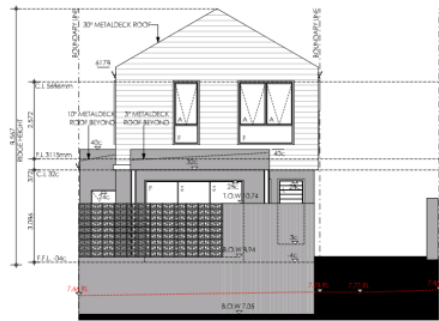
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E/02 SIDE ELEVATION  
1:100



E/03 REAR ELEVATION  
1:100



E/01 FRONT ELEVATION  
1:100

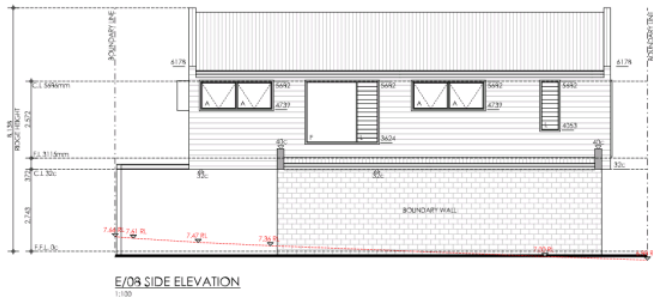
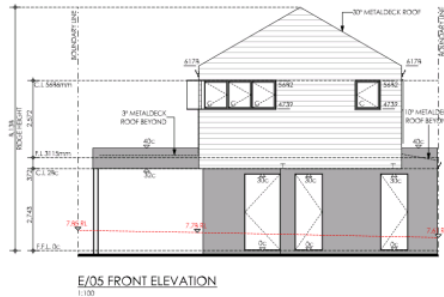
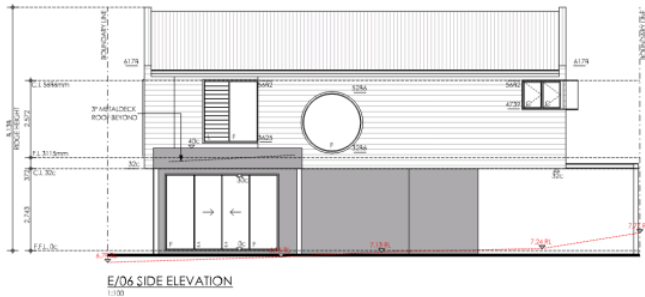


E/04 SIDE ELEVATION  
1:100

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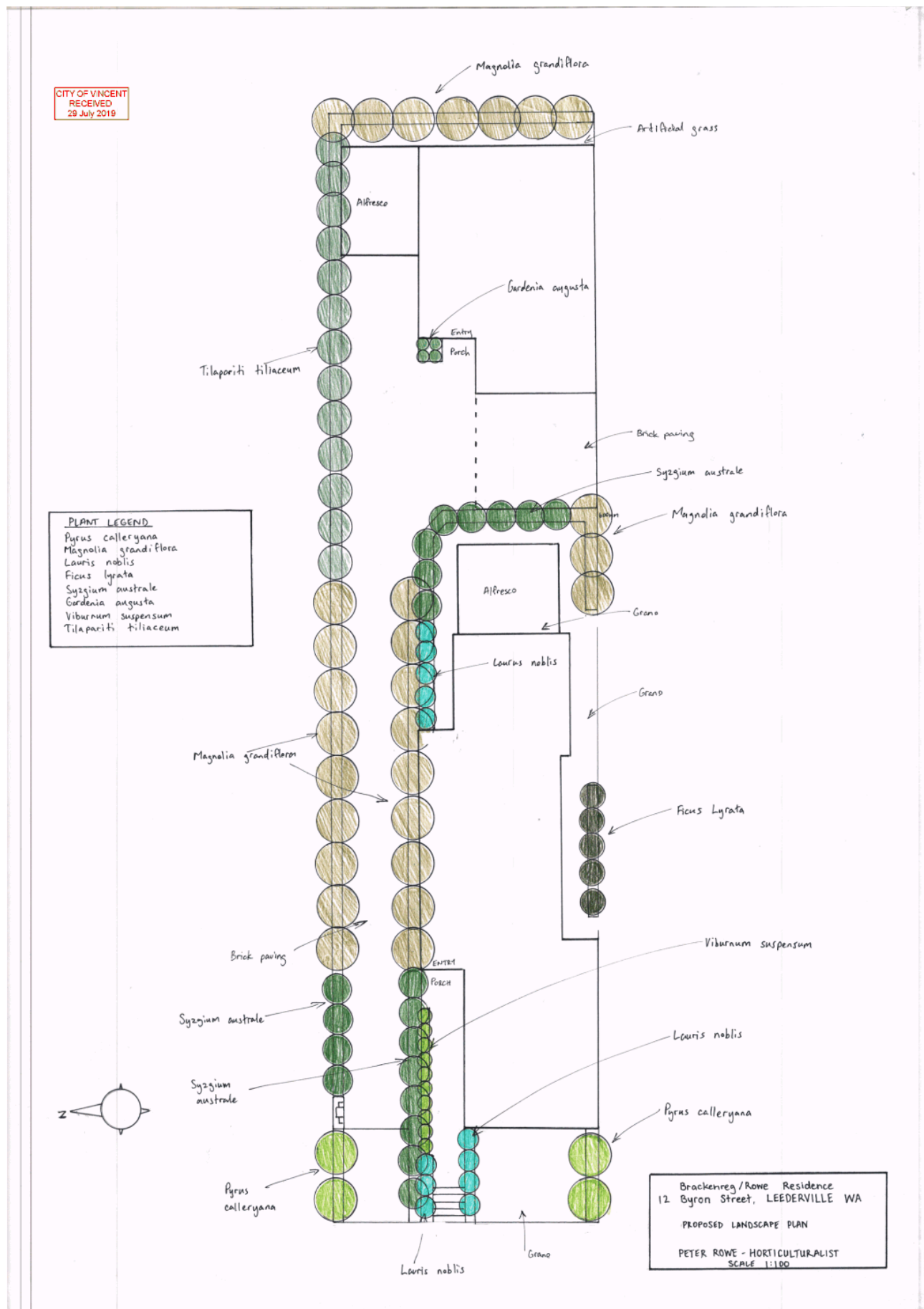












12 Byron Street, Leederville: Applicant Response to Submissions and Justification*Street Setback*

- Garage is in line with neighbouring Garage (and other properties in the street).
- Upper Floor has been amended to show a 500mm overhang in lieu of 1m as discussed within the meeting. The overhang breaks up the materials adding to street appeal, if it was setback further or did not overhang the garage would be a prominent feature of the façade.

*Site Levels*

- The site levels have been amended within the drawing as well as the 3d images and video to accurately portray the gradual driveway gradient

*Lot Boundary Setbacks*

- Photos have been submitted showing setbacks are based on neighbouring property at #10

*Rear Boundary Setback*

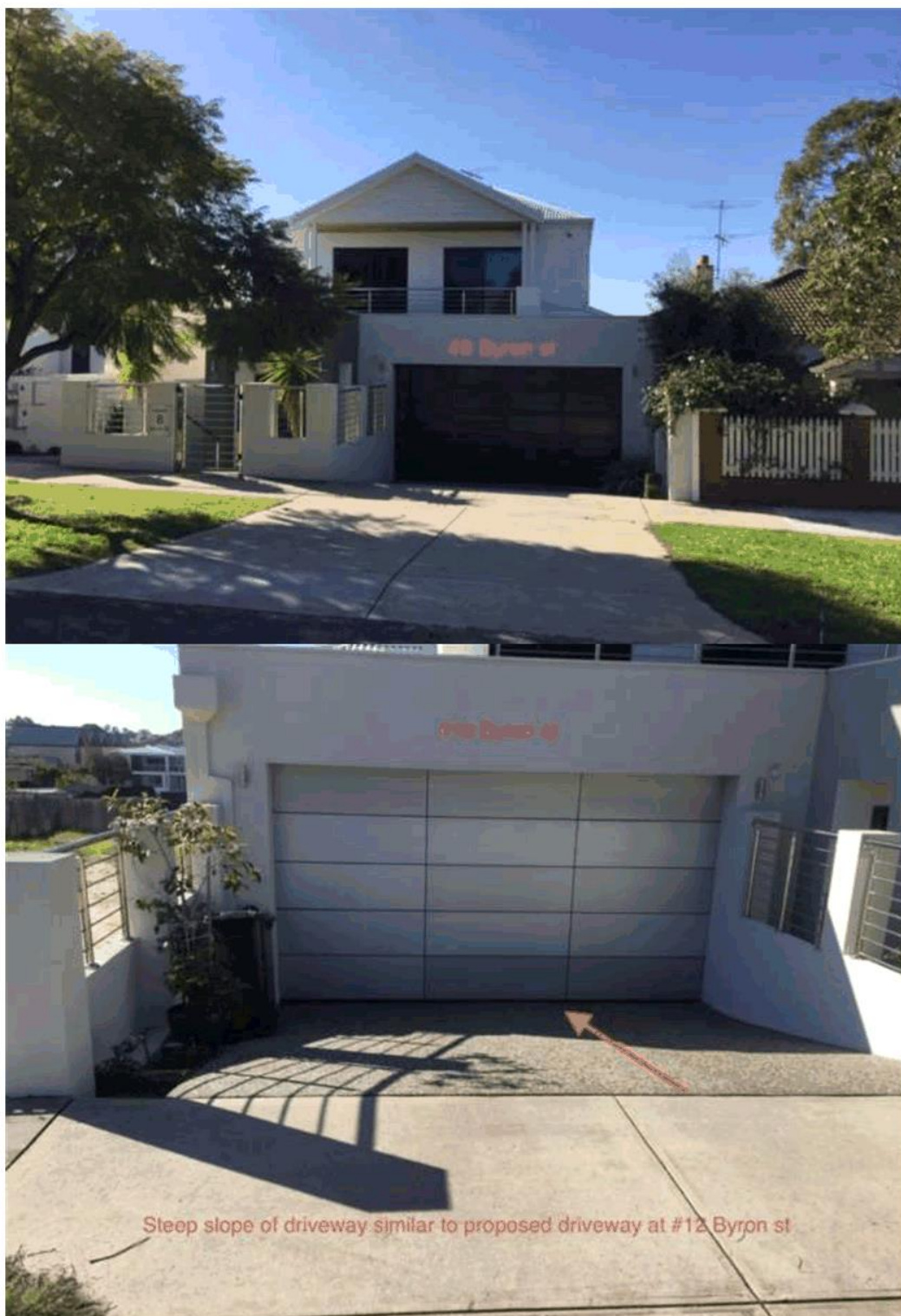
- The adjoining development rear dwelling does not fit within the 4.5m setback as both building and outdoor patio distances seem to be both similar to ours
- We had proposed tandem parking in the access way to lot B and had done considerable work on this but in the end the City said they would not accept and parking needed to be at rear as now shown
- There is a constraint on the minister's sewer running across the land to allow a workable footprint of the ground floor.

*Other Information*

- Provision of two site images/perspectives of the dwellings
- Both homes speak to each other and have both been amended to include contemporary window projections
- No window awnings or eaves have been added to the facade because this will mould the development into a traditional cottage in lieu of a contemporary cottage.
- Entry door and entry have been amended to show a clearer entrance path
- Residence B retaining wall has been amended to be built from breezeblocks in lieu of all brickwork to enhance the experience of being within the carport/ front yard (shown within the 3d video)
- Recycled brickwork has been incorporated to the front lot left hand boundary and garden beds as indicated on floorplans (established plants have obscured this in the 3d image and video)
- Photos of neighbouring properties (attached) demonstrate minimal impact on solar and privacy issues at # 10a & 10b.
- Narrow 12m lot and sewer location both provide constraints in the design, however we have endeavoured to fit in with neighbouring property setbacks at #8 & #10 Byron Street.





















**Summary of Submissions:**

The tables below summarise the comments received during the advertising period of the proposal, together with the City's response to each comment.

Comments Received in Objection:	Officer Technical Comment:
<p><u>Lot Boundary Setbacks</u></p> <ul style="list-style-type: none"> <li>The lesser setback results in a perception of adverse and unnecessary building bulk when viewed from the adjoining properties contributing to a sense of confinement and building bulk to the lot boundaries. The lesser setback also adversely contributes to the loss of direct sun and light generally to major openings.</li> <li>Variations to the rear lot boundary provides unnecessary building bulk to adjoining properties to the rear and does not satisfy the design principles of the R Codes. The design also results in affecting the amount of usable open space on that lot, which would otherwise be obtained by a compliant proposal.</li> </ul>	<ul style="list-style-type: none"> <li>The adjoining southern site includes four grouped dwellings. The boundary wall of the front dwelling proposed (Residence A) abuts the garage boundary wall on the southern adjoining property of a similar height and length, which alleviates adverse impacts of the boundary wall and associated building bulk.</li> <li>The following measures assist in reducing the appearance of building bulk to adjoining properties: <ul style="list-style-type: none"> <li>Setting the upper floors of the dwellings back from the side boundaries to ground floor of the dwelling;</li> <li>Incorporating highlight windows, various materials and major openings to the dwelling to reduce the appearance of solid blank walls which is typically associated with massing; and</li> <li>The setbacks of the dwelling are further softened with the use of landscaping and tree canopy.</li> </ul> </li> <li>Overshadowing to the southern property meets the deemed-to-comply requirements of the R Codes. 28 percent of the southern property parent lot would be overshadowed, with 35 percent overshadowing permitted under the R Codes. Overshadowing to the adjoining southern property would predominantly be cast onto roof space, not open active outdoor areas. Overshadowing generated from the proposed dwellings is considered not to be detrimental to the use and amenity of the outdoor living areas.</li> <li>The abutting development to the rear of the site is three storey multiple dwellings at No. 185 Loftus Street To ameliorate the reduced rear boundary setback Residence B incorporates a mix of materials, cladding, render and louvre window treatments to the ground and upper floors to provide visual interest and reduce the appearance of solid, blank walls. In addition, the reduced lot boundary setback does not exacerbate impacts of visual privacy on the adjacent property as no major openings from habitable rooms are proposed. The proposed setback does not result in an adverse impact on the neighbouring property in terms of privacy.</li> <li>The proposal provide areas of open space which meet the applicable deemed-to-comply requirements under the R Codes, as well as outdoor living areas (both covered and uncovered).</li> </ul>

**Summary of Submissions:**

Comments Received in Objection:	Officer Technical Comment:
<p><u>Street Setback</u></p> <ul style="list-style-type: none"> <li>The proposed setbacks are not consistent with the established character and streetscape and creates a precedent for the streetscape.</li> <li>The proposed development provides a double garage door and paved hard driveway surfaces as the primary feature for the streetscape. These emphasised features do not provide any visual relief for the proposed development and negatively impact the aesthetic of the established streetscape.</li> </ul>	<ul style="list-style-type: none"> <li>The ground floor of the dwelling in line with the adjacent southern property of No. 10 Byron Street. The dwelling is well articulated to reduce the mass and scale of the dwelling as viewed from the street. The use of major openings, minor projections and mix of colours and materials provide elements to assist in ameliorating the imposition of perceived and actual bulk. This is consistent with the objectives of the Built Form Policy, as outlined in the report.</li> </ul> <p>Although the City's policies do not provide prescriptive guidelines in regards to roof and wall colours of dwellings, the render finish, white timber cladding elements and facebrick details are elements from the development style which currently exist in the established streetscape and are reinterpreted in the development. The design is sympathetic to the area, and effectively preserves and enhances the visual character of the existing streetscape. The revised development plans submitted by the applicant incorporates the DRP Chair's comments to reduce the massing and bulk of the dwelling and incorporate colours and materials which are characteristics of the Byron Street established streetscape. The positioning of major openings from the master bedroom on the upper floor of the dwelling ensures minimal areas of blank and solid walls to the facade of the dwelling, and facilitates a greater level of passive surveillance and interaction to the street. The proposed street setback of the development is consistent with the street setback of a number of dwellings within the established streetscape.</p> <ul style="list-style-type: none"> <li>Double garages that address the street is common amongst the more contemporary developments within the established Byron Street streetscape. The width of the garage is less than 50 percent of the lot frontage. To reduce the impact of the garage, the applicants have provided a perforated garage door to reduce solid elements visible from the street, as per recommendations from the Chair of the Design Review Panel (DRP). The upper floor of the dwelling overhangs the ground floor to provide visual relief. Due to the natural slope of the site, the garage is located below the level of the street, reducing the imposition of the garage when viewed directly from the street which is also ameliorated with landscaping on either side of the garage and to the street.</li> </ul>

**Summary of Submissions:**

Comments Received in Objection:	Officer Technical Comment:
<p><u>Building Height</u></p> <ul style="list-style-type: none"> <li>The building height variation is emphasised by the topography of the lot, and the proposed development does not respond to the variation in topography accordingly, using large retaining walls, and proposing variations to site works.</li> <li>The development does not compliment the existing streetscape, and represents a diversion from the established streetscape and residential character.</li> <li>The excess building height emphasises issues with lot boundary setbacks and solar access to adjoining properties and the streetscape.</li> <li>The proposed development maximises the amount of the building façade to the streetscape taken up by building servicing features including vehicle entries.</li> </ul>	<ul style="list-style-type: none"> <li>The roof height of the dwelling that exceeds the deemed-to-comply requirement applies only to the rear portion of Residence A, being 9.2 metres in lieu of the 9.0 metres permitted. The remainder of the dwelling satisfies the building height requirements. The increase in height is attributed to the natural ground level of the site which has slopes down by approximately 3 metres from the western boundary to the eastern boundary. Residence A provides a design response to address the minor building height variations through the incorporation of mixed materials such as brickwork, render and cladding which are consistent with the materials and finishes of the Byron street streetscape in addition to vertical articulation.</li> <li>The built form outcomes of the dwelling incorporate vertical and horizontal articulation, major openings to address the street and landscaping, in addition to colours and materials including brickwork, render and cladding, which are reflective of the established dwellings of Byron Street and the broader locality. The incorporation and interpretation of design, colours and materials in the proposed dwellings are considered to enhance and preserve the established streetscape.</li> <li>The dwelling is articulated on the ground and upper floors to reduce the actual and perceived mass of the dwellings, as well as mix of materials (cladding, render and facebrick) are elements employed to provide a level of built form consistency that integrates with the streetscape to reduce bulk. The portion of the dwelling which does not meet the building height requirements is limited to a portion of the dwelling to the rear of Residence A, being 9.2 metres in lieu of 9.0 metres. The dwelling complies with the solar access provisions of the R Codes.</li> <li>The frontage of Residence A is 7.9 metres in width. The lot is 12.0 metres wide. This means that the dwelling would occupy approximately 65 percent of the lot width which is narrow as viewed from the street and would result in a modest contemporary development that is not a dominant built form in the locality. Additionally, the driveway widths proposed comply with the deemed-to-comply requirements of the R Codes and the development incorporates landscaping either side of the driveways to provide vegetation buffers.</li> </ul>
<ul style="list-style-type: none"> <li>The development proposes a large blank façade on the upper and lower</li> </ul>	<ul style="list-style-type: none"> <li>The development incorporates a range of materials including brickwork,</li> </ul>

Page 3 of 5



**Summary of Submissions:**

Comments Received in Objection:	Officer Technical Comment:
<p>floors to the streetscape. This façade for the upper floor is only broken up by four window panels of similar size, providing limited visual interest and little to contribute to the streetscape.</p> <ul style="list-style-type: none"> <li>The development proposes a gable roof, which emphasises the impact of the building height variation to the streetscape both to the front and to the rear.</li> </ul>	<p>renders and cladding details, which are featured materials in the immediate streetscape. The development also provides articulation through varying setbacks when viewed from the street and adjoining properties. The provided articulation, design and materials provided to the façade relate to the surrounding context and provide design detail to address comments raised from the DRP Chair.</p> <ul style="list-style-type: none"> <li>The City's Built Form Policy does not restrict the use of gable roof forms. The gable details to the dwelling provide a built form feature which interprets existing roof forms within the established streetscape, assisted by the white cladding detail, reflective of design features of the established street.</li> </ul>
<p><u>Retaining Walls &amp; Site Works</u></p> <ul style="list-style-type: none"> <li>Residence B is negatively affected by a large brick retaining wall and associated fill, which includes a dividing fence atop it. This 1.8 metre high fence is the maximum permissible with neighbour consent and a building permit as under the <i>Dividing Fences Act 1961</i>. The result is a 3.3 metre high wall, dominating Residence B – In combination with limited landscaping this create a low-quality low amenity place.</li> <li>Retaining and fill to the southern lot boundary creates a sense of confinement, emphasised by lot boundary setbacks variations, building height, and solar access to adjoining sites.</li> </ul>	<ul style="list-style-type: none"> <li>The retaining wall referred to is proposed to be internally located between Residence A and Residence B and is a result of the approximate 3 metre natural across lot. The retaining and screen wall atop would be approximately 3.3 metres in height and would provide screening to the outdoor living area/alfresco area at the rear of Residence A and abuts a parking area of Residence B. The nearest portion of dwelling for Residence B closest to this retaining wall is a storeroom that is approximately 5.4 metres away. The wall is not considered to detrimentally impact the amenity of the occupants of Residence B on this basis. The impact of the wall is also further reduced with a large portion of this being constructed from breeze block to provide a sense of openness and visual interest.</li> <li>Retaining walls and site works are proposed in response to the natural slope of the site, which slopes down by approximately 3 metres from west to east (front to back). Variations to lot boundary setbacks and building height are considered acceptable against the applicable design principles and local housing objectives, as noted in the report. The development meets the deemed-to-comply requirements in regards to solar access.</li> </ul>
<p><u>Visual Privacy</u></p> <p>The visual privacy cones of vision from the alfresco and family areas have an excessive reliance on permanent screening and adversely impact potential amenity of the proposed development.</p>	<p>The family and dining areas of Residence A are adequately setback from the southern lot boundary so as not to create overlooking issues. The cone of vision from the alfresco of Residence A does not abut any habitable rooms with major openings for the adjoining property to the south.</p>
<p><u>Solar Access</u></p>	

**Summary of Submissions:**





Comments Received in Objection:	Officer Technical Comment:
<p>The proposed maximum extent of overshadow to the adjoining property to the south is approximately 28 percent of the parent lot's site area. The primary outdoor living areas of the adjacent survey strata property are significantly negatively impacted by the proposed two-storey development. It is anticipated the proposal will result in a significant loss of light to several major openings to habitable rooms of these residences.</p>	<p>Overshadowing to the southern property meets the deemed-to-comply requirements of the R Codes. 28 percent of the southern property parent lot would be overshadowed, with 35 percent overshadowing permitted under the R Codes. Overshadowing to the adjoining southern property would predominantly be cast onto roof space, not open active outdoor areas. Overshadowing generated from the proposed dwellings is considered not to be detrimental to the use and amenity of the outdoor living areas.</p>
<p><u>Landscaping</u></p> <p>The impact of minimal landscaping in the proposed development.</p>	<p>The applicant has provided a revised landscaping plan which increases the level of landscaping on the site from 11 percent deep soil to 13.8 percent deep soil, and 21 percent canopy to 27.2 percent canopy coverage. Landscaping is incorporated to the front, rear and side lot boundaries. The type and arrangement of species provided on site would contribute to sufficient canopy and deep soil areas on site, as well as a contribution to the City's urban greening.</p>

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

Determination Advice Notes:

1. This is a development approval issued under the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
2. With reference to Condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls.
3. With reference to Condition 2, the portion of the existing footpath traversing the proposed crossover must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not be deemed to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths.
4. With reference to Condition 2, all new crossovers to the development site are subject to a separate application to be approved by the City.
5. A Road and Verge security bond for the sum of \$2,000 shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;
6. With reference to Condition 4, the City encourages landscaping methods and species selection which do not rely on reticulation.
7. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If there is a request to erect scaffolding, site fencing etc. or if building materials are required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate.
8. With reference to Condition 5, no further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.
9. In reference to Condition 6, visually impermeable refers to screening devices such as obscure glazing, timber screens, external blinds, window hoods and shutters are to be at least 1.6m in height, at least 75 percent obscure, permanently fixed, made of durable material and restrict view in the direction of overlooking to any adjoining property.
10. Any additional property numbering to the abovementioned address which results from this application will be allocated by the City of Vincent. The applicant is requested to liaise with the City in this regard during the building permit process.

**5.3 NO. 434-446 (LOT: 4 D/P: 42026) LORD STREET, MOUNT LAWLEY - CHANGE OF USE FROM WAREHOUSE/SHOWROOM TO EDUCATIONAL ESTABLISHMENT**

TRIM Ref: D19/116479  
Author: Clair Morrison, Urban Planner  
Authoriser: Joslin Colli, Coordinator Planning Services  
Ward: South  
Attachments: 1. Consultation and Location Map [↓](#)   
2. Development Plans [↓](#)   
3. Parking Management Plan [↓](#)   
4. Determination Advice Notes [↓](#) 

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **APPROVES** the application for the proposed Change of Use from Warehouse/Storage to Educational Establishment at Nos. 434-446 (Lot: 4; D/P: 42026) Lord Street, Mount Lawley, in accordance with the plans provided in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4:

**1. Use of Premises**

- 1.1 The area shown as 'Educational Establishment' on the approved plans shall be used in accordance with the definition of 'Educational Establishment' as defined by the City's Local Planning Scheme No. 2;
- 1.2 The maximum number of persons attending the Educational Establishment at any one time shall be limited to 12 persons; and
- 1.3 The hours of operation for the Educational Establishment shall be limited to the following operating hours:
  - Monday to Friday: 8:00am to 4:00pm; and
  - Saturday and Sunday: 8:00am to 4:00pm;

**2. Car Parking and Access**

The Parking Management Plan approved as part of this application shall be implemented to the satisfaction of the City prior to the use or occupation of the development; and

**3. Signage**

Any new signage that does not comply with the City's Policy No. 7.5.2 – Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a Building Permit application, being submitted and approved prior to the erection of the signage.

**PURPOSE OF REPORT:**

To consider an application for development approval for a change of use from Warehouse/Showroom to Educational Establishment at Suite 2, Nos. 434-466 Lord Street, Mount Lawley (the subject site).

**PROPOSAL:**

The application proposes a change of use to an Educational Establishment at the subject site for the purpose of a training room for short courses offered to professionals when they are unable to secure an appropriate training space. The space will accommodate no more than 12 people at any one time. The proposed hours of operation are Monday to Friday, 8:00am to 4:00pm. Occasionally classes will operate within these hours on weekends. The proposal does not involve any external modification to the building.

**BACKGROUND:**

<b>Landowner:</b>	Prefama Pty Ltd
<b>Applicant:</b>	RTO Solutions Pty Ltd
<b>Date of Application:</b>	7 June 2019
<b>Zoning:</b>	MRS: Urban; Other Regional Road LPS2: Zone: Commercial R Code: N/A
<b>Built Form Area:</b>	Transit Corridor
<b>Existing Land Use:</b>	Warehouse/Showroom
<b>Proposed Use Class:</b>	Educational Establishment 'D'
<b>Lot Area:</b>	3018 square metres
<b>Right of Way (ROW):</b>	Yes – City of Vincent, 5.3 metres
<b>Heritage List:</b>	No.

The subject site is Nos. 434-446 Lord Street, Mount Lawley. The site is zoned Commercial under the City's Local Planning Scheme No. 2 (LPS2) and located within the Transit Corridor under Policy No. 7.1.1 – Built Form (Built Form Policy).

The site is bordered by a commercial zoned property to the north, a laneway to the east, residential zoned properties to the south and Lord Street and Guilford Road to the west. The land on the opposite side of the laneway is zoned commercial and the land on the opposite side of Lord Street and Guilford Road is Reserve – Public Purpose in accordance with LPS2, in which the North Metropolitan TAFE and Department of Corrective Services Youth Justice Services and Youth Justice Psychological Services is located. The land on the opposite corner of Walcott Street and Lord Street is zoned Local Centre in accordance with the City of Stirling Local Planning Scheme No. 5 (LPS5). A location map is provided in **Attachment 1**.

The Metropolitan Redevelopment Authority formerly East Perth Redevelopment Authority approved an application for nine Showroom/Warehouses and 23 car parking bays at the subject site in 1984. Council at its meeting 27 August 2002, approved a change of use application from nine Showroom/Warehouses to five Showroom/Warehouses, Shop, Eating House and 41 car parking bays. These car parking bays were spread over Nos. 434-446 Lord Street and the abutting property at No. 139 West Parade, Perth. There was a surplus of 0.36 car parking bays as part of this application. The car parking bays are accessible from Lord Street and the Right of Way (ROW).

The applicant currently utilises Units 3 and 4, Nos. 434-446 Lord Street, Perth as Offices and proposes to expand into Unit 2 of the subject site for use as Educational Establishment. The current development application for Educational Establishment does not propose any changes to the external façade of the building. There is no proposed signage as part of this application. The proposed use has exclusive use of two bays on the subject site, these are secured through the lease agreement for Units No. 2, 3 and 4, access to the remainder of car parking bays on the site for visitor parking is on a first come basis. The Development Plans and additional information are in **Attachment 2**.

**DETAILS:****Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Local Planning Scheme No. 2 (LPS2), the City's Policy No. 7.1.1 – Built Form and Policy No. 7.7.1 – Non-Residential Development Parking Requirements. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

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

### Detailed Assessment

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

Land Use	
Deemed-to-Comply Standard	Proposal
City of Vincent Local Planning Scheme No. 2	
'P' Use	'D' Use
Car and Bicycle Parking	
Deemed-to-Comply Standard	Proposal
Policy No. 7.7.1 – Non-Residential Development Parking Requirements	
No deemed-to-comply standard under Table 1 of the Policy	2 bays located on-site for the exclusive use of the suite, through a lease agreement  16 visitor bays located on-site for the shared use of all suites

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

### CONSULTATION/ADVERTISING:

Community consultation was undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, for a period of 14 days between 10 July 2019 and 24 July 2019. The method of consultation being 13 letters mailed 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.

The City received one submission in support of the application.

### Design Review Panel (DRP):

Referred to DRP: No

### LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Local Planning Scheme No. 2;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.1 – Built Form; and
- Policy No. 7.7.1 – Non-Residential Development Parking Requirements.

### Local Planning Scheme No. 2

LPS2 was gazetted and became operational on 16 May 2018. The subject site is zoned Commercial. LPS2 includes the following objectives for the Commercial zone:



- *To facilitate a wide range of compatible commercial uses that support sustainable economic development within the City.*
- *To ensure development design incorporates sustainability principles, with particular regard to waste management and recycling and including but not limited to solar passive design, energy efficiency and water conservation.*
- *To maintain compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.*
- *To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.*

**Delegation to Determine Applications:**

The proposal is being presented to Council for determination given the use Educational Establishment is not within Table 1 of the Local Planning Policy No. 7.7.1 Non-Residential Development Parking Requirements.

**RISK MANAGEMENT IMPLICATIONS:**

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:**

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

*We are open and accountable to an engaged community.*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**Land Use

The subject site is zoned Commercial and Other Regional Road Reserve. The locality is characterised by a number of commercial uses, including Office, Educational Establishment and Warehouse/Showroom and Single Houses.

The proposed use is consistent with the objectives of the commercial zone for the following reasons:

- The surrounding sites are zoned District Centre under the City of Stirling Local Planning Scheme No. 5 and Reserve – Public Purpose under the LPS2;
- The intensity of the use would not detrimentally impact on the surrounding commercial businesses due to noise, odour or vehicle trips generated;
- The type of use would be compatible with the surrounding commercial and residential land uses, with operations proposed to be contained within normal business hours and would not result in an unreasonable amount of noise;
- The land use would encourage additional patronage to the subject site, resulting in economic growth for surrounding commercial land uses;
- The use is not proposing any glazing or signage that would restrict passive interaction with the public realm; and
- Conditions of approval have been recommended to ensure that the scale of the use remains low to ensure there would be no detrimental impact on the surrounding land uses in relation to vehicle trips generated and noise.

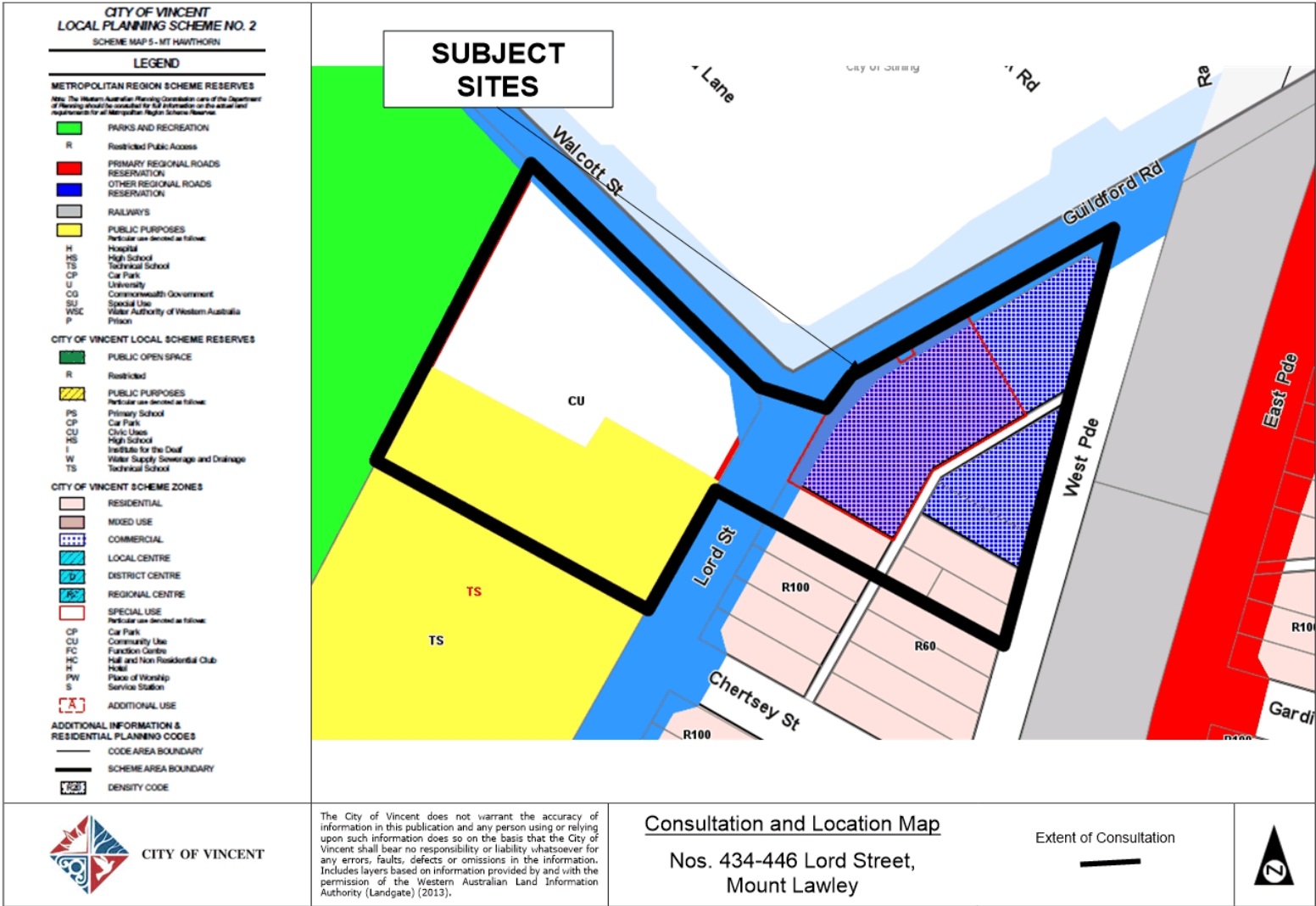
Car and Bicycle Parking

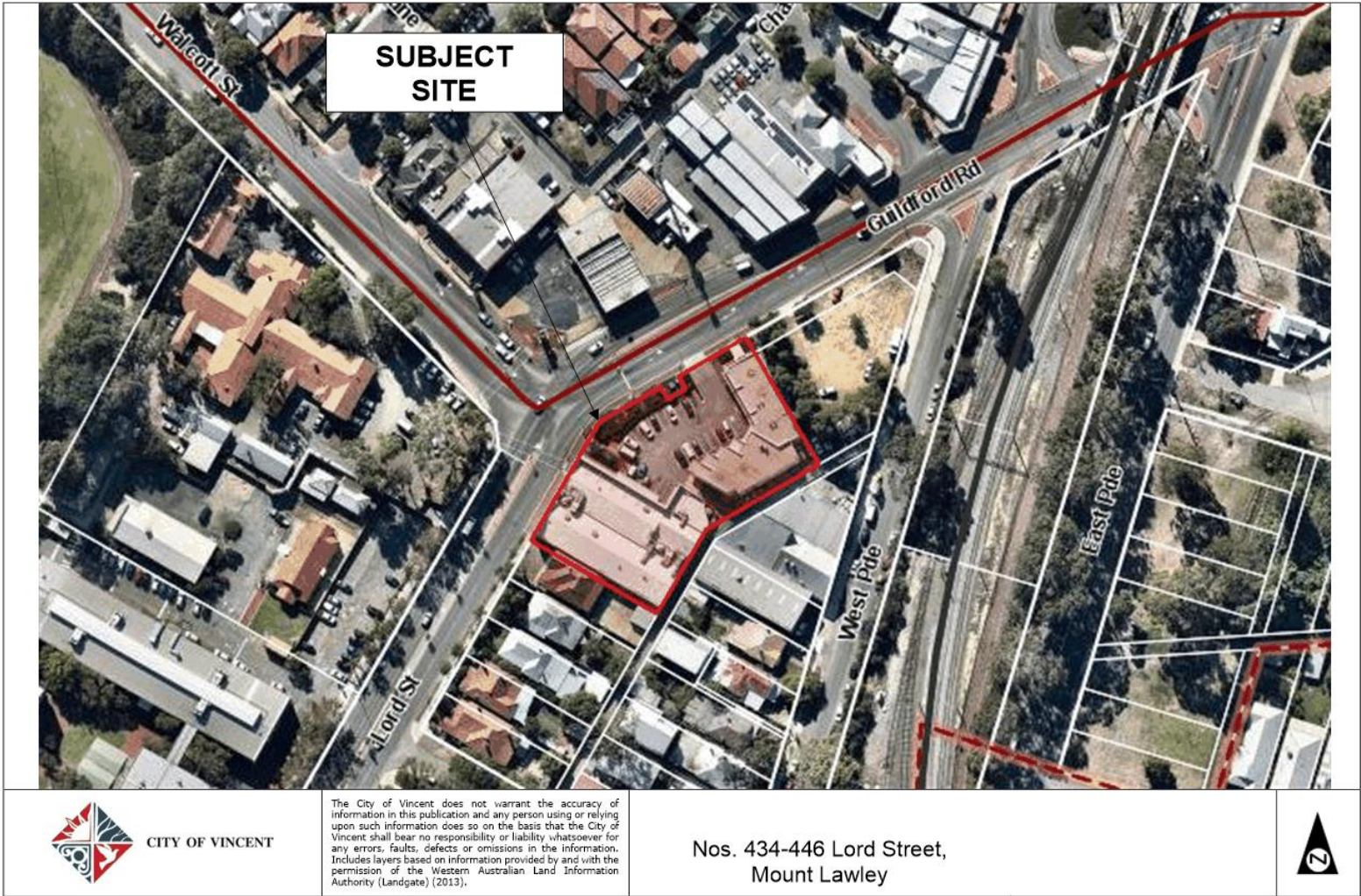
Car parking requirements for an Educational Establishment are determined by the City on a site specific Parking Management Plan in accordance with Policy No. 7.7.1 Non-Residential Development Parking Requirements. The submitted Parking Management Plan is included in **Attachment 3**. The subject site has 23 line marked car parking bays accessible to visitors to the proposed Educational Establishment, two for the exclusive use of Units 2, 3 and 4, and access to 21 car parking bays on-site for use as visitor parking.

The Parking Management Plan proposes to utilise the existing car parking facilities on-site, on-street and off-street public car parking facilities and existing public transport options. The subject site has access to four high frequency bus routes within 75 metres and is 570 metres from Mount Lawley Train Station and 650 metres from East Perth Train Station.

The Parking Management Plan promotes the use of the public transport by including public transport options and advertising end of trip facilities in the confirmation letters and on their website. The transport options and Parking Management Plan are considered appropriate for the use on the subject site, given:

- Educational Establishment use is considered small in scale, with a maximum of 12 students and facilitators on-site at any one time;
- The operating hours are not any more intense than the existing Showroom/Warehouse;
- There are four of high frequency bus routes, and the subject site is located close to Mount Lawley and East Perth Train Station;
- There are a large number of visitor car parking bays on-site, which currently have a low occupancy rate; and
- The organisation promotes alternative modes of transport, including public and active transport modes, and has end of trip facilities available on-site.









**Change of Use Application**  
**Suite 2, 434 Lord Street, Mount Lawley**

**Overview**

RTO Solutions Pty Ltd trading as Illuminate Group is a Registered Training Organisation (RTO) which will have its head office at Suites 3&4, 434 Lord Street, Mount Lawley.

Typically we delivered training at clients premises. However, we do offer some short courses, and will offer our premises as an alternative to clients when they cannot secure their own training room internally.

**Use of the site**

It is proposed that Suite 2 be approved as a Classroom/Theory based training room.

**Hours and days of operation**

The Training Room would typically be open from 8am to 4pm Monday to Friday. Some occasional training may be conducted on weekend days.

**Number of customers**

At any one time, we do not expect any more than 12 people (maximum). Typically a classroom would run with 6-8 participants.

**Type of equipment**

The suite would be set up as a theory based classroom, with tables and chairs, data projector and screen.

**Car parking**

There is currently underutilised parking within 434 Lord Street property, as well as street parking on West Parade.

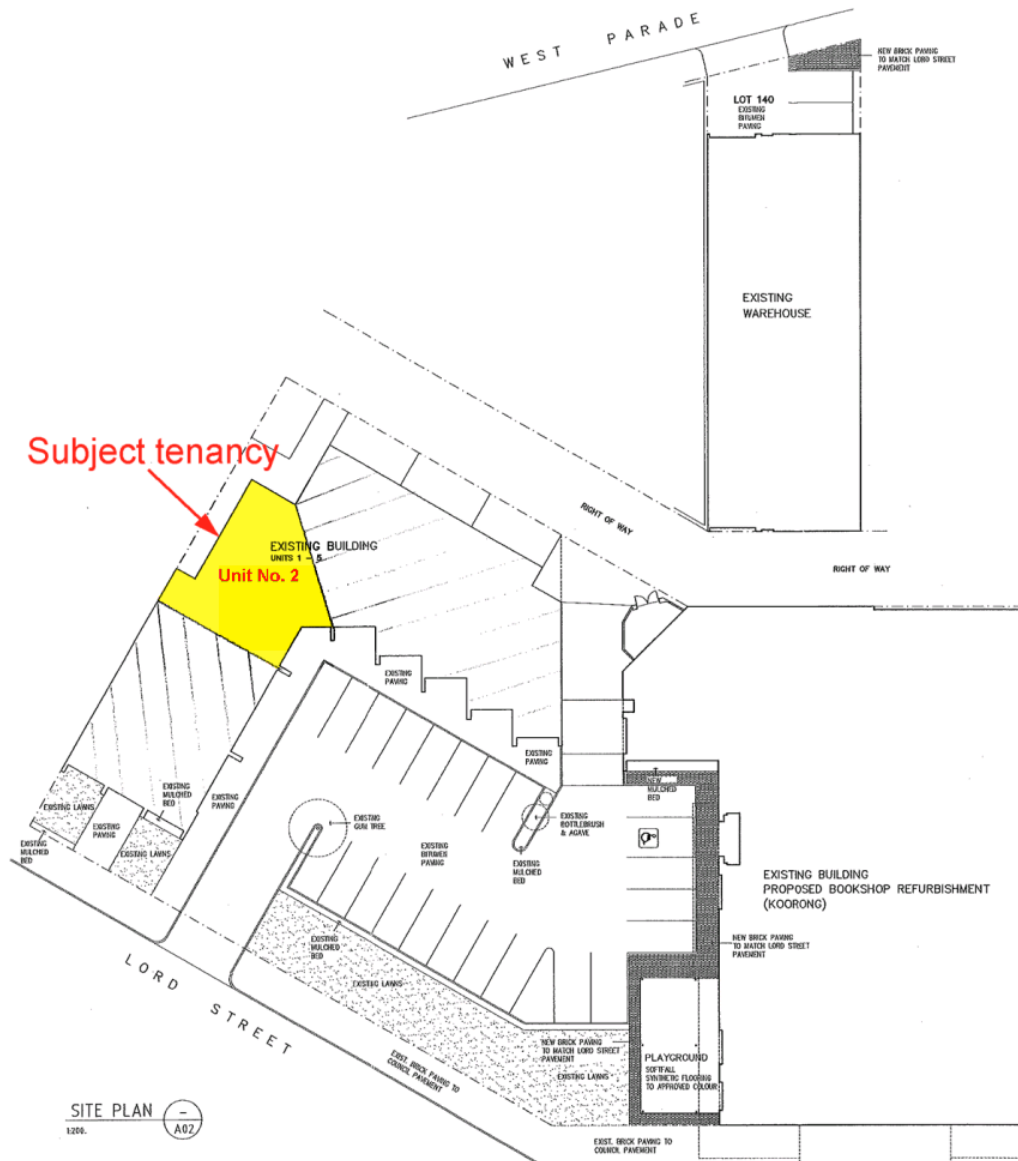
It is also anticipated that some participants will use public transport, being in close location to two train stations and a well serviced bus route (similar to students of Central TAFE).

**Redacted for Privacy**

Illuminate Group  
15 April 2019



**RTO Solutions Pty Ltd** | (ACN 126636780) | (ABN 83126636780) trading as **Illuminate Group**  
Phone: 1300 229 824 | 32 - 40 Sheffield Road, Welshpool WA 6106  
admin@illuminategroup.com.au | www.illuminategroup.com.au



1	BUILDING LICENSE	DLR/AL
2	TENDER ISSUE	DLR/AL
3a	APPROVED	PLAN DATE

**BUILDING LICENCE**

**PROJECT :** **REBURISHMENT AND FITOUT OF KOOORONG**

436-448 WEST STREET  
MR. LAMLEY



**OLDFIELD KNOTT  
ARCHITECTS PTY. LTD.**  
267 HAY STREET, DARTMOUTH GPO BOX 849, SUBURMO, W.A. 6006  
TEL: (08) 9381 8788 FAX: (08) 9381 4411  
E-MAIL: oldfield@netnet.net.au

**EXISTING  
LANDSCAPING PLAN**

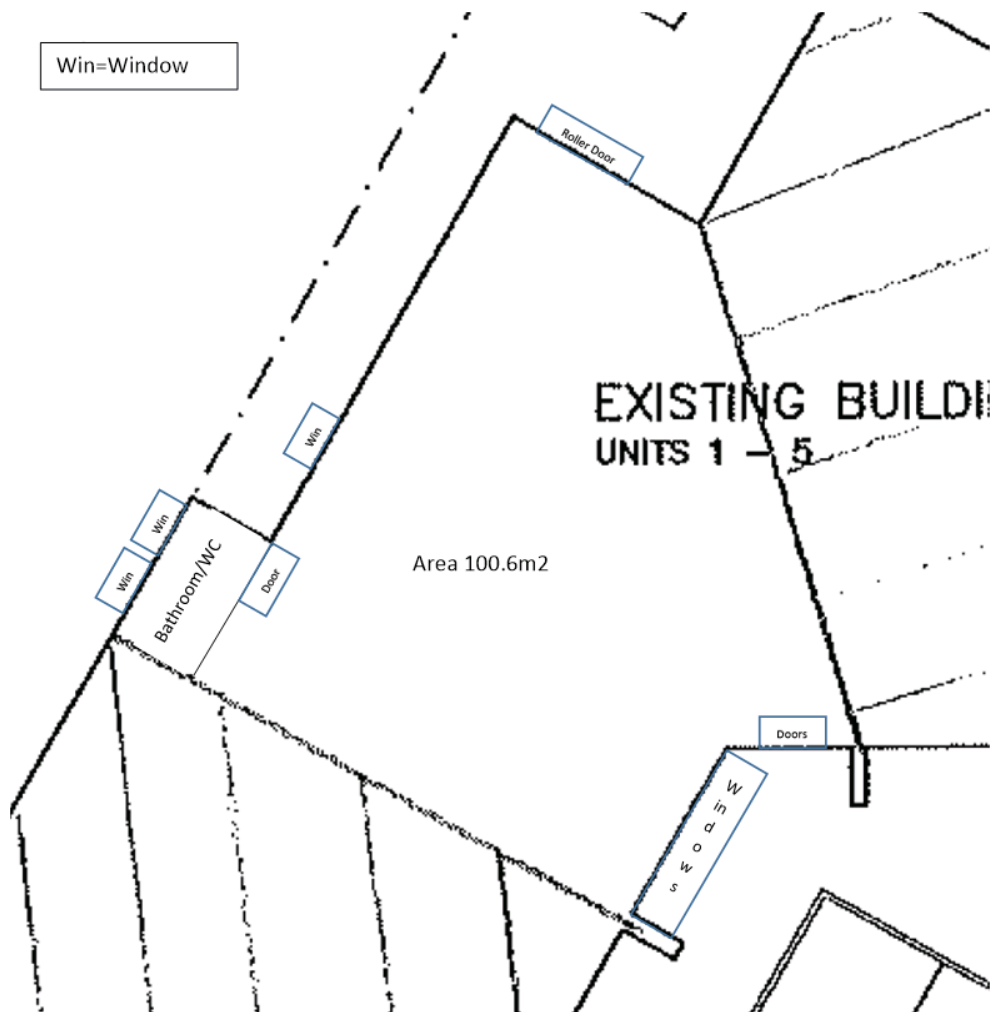
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THIS IS A CAD DRAWING  
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NORTHING



## FLOOR PLAN – SUITE 2, 434-436 Lord Street, Mount Lawley



CITY OF VINCENT PLANNING AND BUILDING POLICY MANUAL  
POLICY NO: 7.7.1  
NON-RESIDENTIAL DEVELOPMENT PARKING REQUIREMENTS

## APPENDIX 2 – PARKING MANAGEMENT PLAN FRAMEWORK

Owner/Applicant Details	
Name:	RTO Solutions Pty Ltd T/AS Illuminate Group
Address:	Suite 3 & 4 / 434 Lord Street Mount Lawley WA 6050
Phone:	
Email:	Redacted for Privacy
Applicant Signature:	

Property Details	
Lot Number:	4
Address:	Suite 2 / 434 Lord Street Mt Lawley WA 6050

### Parking Allocation:

The following table should be prepared for inclusion in this Parking Management Plan to outline the parking available for the different users of this development application.

Parking Allocation	
Total Number Car Parking Spaces:	
Total Number Short Term Bicycle Parking Spaces:	0
Total Number Long Term Bicycle Parking Spaces:	0
Total Number Other Bays:	



CITY OF VINCENT PLANNING AND BUILDING POLICY MANUAL  
POLICY NO: 7.7.1  
NON-RESIDENTIAL DEVELOPMENT PARKING REQUIREMENTS

Development Type	Development Users	Parking Allocation			
		Type / Duration	No. Car spaces	No. Bicycle Spaces	No. Other Spaces
E.g. Private Recreation Town Centre	Staff	Employee (> 3 hours)	2	1	-
	Customers	Visitor (< 3 hours)	7	2	-
	Other	Service (15 minute)	-	-	1
	Other	Disabled	-	-	1
Training Room	Customer	Student's (> 3 hours)	-	-	-

Note: In a mixed use development the parking allocation for residential and non-residential portions must be provided separately in the above table.

#### Alternative Transport:

The following table should be prepared for inclusion in this Parking Management Plan to outline the alternative transport options available to users of this development application.

Transport Option	Type & Level of Service
Public Transport	
Train	Mt Lawley & East Perth Stations 7 minute Walk from Mt Lawley Station Train approx every 10 minutes
Bus	Bus Routes 41, 42, 55 & 48

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CITY OF VINCENT PLANNING AND BUILDING POLICY MANUAL  
POLICY NO: 7.7.1  
NON-RESIDENTIAL DEVELOPMENT PARKING REQUIREMENTS

	Service approx every 15 minutes
Pedestrian	
Paths	Footpaths in area
Facilities	
Cycling	
Paths	Cycle Path along Guildford Road and East Parade.
Facilities	—
Secure Bicycle Parking	—
Lockers	Storage available in Suites 3 & 4.
Showers/Change Room	Shower available in Suites 3 & 4.

**Public Parking:**

Identify the number of on street and off street public parking in the vicinity in the following table.

	No. Marked Spaces	Location	Parking Restrictions
On Street Parking	57	West Parade	Nil
	50	Railway Parade	Paid-All day
Off Street Parking	16	434 Lord St Mt Lawley	Nil

**Parking Management Strategies**

Page 13 of 14



CITY OF VINCENT PLANNING AND BUILDING POLICY MANUAL  
POLICY NO: 7.7.1  
NON-RESIDENTIAL DEVELOPMENT PARKING REQUIREMENTS

Parking management strategies providing implementation details must be provided to ensure that the 'Parking Allocation' is used as demonstrated in this Parking Management Plan.

The allocation of bays as specified in the Parking Management Plan shall be included in the development application and planning approval.

The following information shall be provided, where applicable, within the Parking Management Plan:

1. Details of who will be responsible for management, operation and maintenance of parking (inclusive of car stackers);
2. Management of allocation of parking bays as specified in this Parking Management Plan including signage and enforcement;
3. Management of Tandem Parking for staff/tenants;
4. Way finding measures to ensure efficient use of parking facilities; and
5. Promotion of alternative transport modes such as the provision of well-maintained bicycle and end of trip facilities, use of active transport initiatives or public transport promotion.

Parking Management Plan

Suite 2, 434 Lord Street, Mt Lawley WA 6050

- 1) Responsibility of Management, operation and maintenance: Executive General Manager, Illuminate Group
- 2) Management of allocation of bays: Not applicable
- 3) Management of Tandem parking: Not applicable
- 4) Measures to ensure efficient use of parking facilities: See below
- 5) Promotion of alternative transport modes:
  - a. Confirmation letters will outline public transport routes
  - b. Website will outline public transport routes
  - c. End of Trip Facilities will be provided and outlined in confirmation letters and website information





**Determination Advice Notes:**

1. In reference to Condition 1, the definition of an 'educational establishment' means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution.
2. An Occupancy Permit is required prior to the occupation of the building.
3. The development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
4. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
5. This is a development approval issued under the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.


**5.4 OUTCOMES OF ADVERTISING - MOUNT HAWTHORN TOWN CENTRE PLACE PLAN**

**TRIM Ref:** D19/117458

**Authors:** Georgia Lawrence, Place Manager  
Jordan Korovesi, A/Manager Policy & Place

**Authoriser:** Stephanie Smith, A/Executive Director Planning and Place

**Attachments:**

1. **Advertised Draft Volume 3 - Mount Hawthorn Town Centre Place Plan** [↓](#) 
2. **Summary of Submissions** [↓](#) 
3. **Volume 3 - Mount Hawthorn Town Centre Place Plan** [↓](#) 

**RECOMMENDATION:**

**That Council:**

1. **ADOPTS Volume 3: Mount Hawthorn Town Centre Place Plan; and**
2. **NOTES:**
  - 2.1 **the submissions received in relation to the advertising of the draft Volume 3: Mount Hawthorn Town Centre Place Plan and ENDORSES Administration's responses to those submissions, included as Attachment 2; and**
  - 2.2 **that Administration will publish a notice of the approval of Volume 3: Mount Hawthorn Town Centre Place Plan, included as Attachment 3, on the City's website and social media platforms and will notify the Mt Hawthorn Hub and all those who made submissions on the document.**

**PURPOSE OF REPORT:**

To consider the outcomes of community consultation and to adopt Volume 3: Mount Hawthorn Town Centre Place Plan (MHTCPP).

**BACKGROUND:**

Council endorsed the draft MHTCPP for the purposes of advertising for public comment at its meeting on 25 June 2019 (Item 9.6). The documents were advertised between 17 July 2019 and 21 August 2019. During the advertising period, a notice was published on the City's website, social media and in a local newspaper, postcards were delivered to Mount Hawthorn Town Centre businesses and discussed the draft Place Plan at the Mt Hawthorn Hub executive meeting on 23 July 2019. Copies of the document were displayed at the Administration and Civic Centre and Library and the Mt Hawthorn Hub was contacted and invited to comment. A copy of the advertised draft document is included as **Attachment 1**.

**DETAILS:**

The City received 15 submissions during the advertising period. Submissions were generally supportive of the intent and initiatives of the MHTCPP and made detailed comments relating to the delivery of the specific actions. These comments will be considered when each action is progressed.

As a result of the submissions it is proposed to make five modifications to the document, including to:

1. Modify Item 1.1 to clarify that the City will investigate implementing WiFi in key locations in the town centre, rather than the town centre as a whole;
2. Modify Item 1.7 to clarify that lighting improvements are intended to be made to both laneways between Flinders Street and Oxford Street;
3. Modify Item 2.6 to clarify that the City intends to advocate for the extension of the 40km/h zone along Scarborough Beach Road, both east past Edinboro Street and west to meet the 40km/h school zone;

4. Modify Item 3.1 to clarify that the rationalisation and upgrade of street furniture and street art will be included in the Streetscape Audit; and
5. Update the image on page three.

A summary of all the submissions and Administration's responses are included as **Attachment 2**.

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

If adopted, further consultation would take place as required when completing each of the actions within the MHTCPP.

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

It is considered low risk to adopt a Place Plan.

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

The Integrated Planning and Reporting Framework outlined by the Local Government (Administration) Regulations 1996 requires the City to adopt a Strategic Community Plan and a Corporate Business Plan (CBP) to be supported by the Annual Budget and a range of informing strategies. If approved by Council the MHTCPP will be an informing strategy to the City's CBP and Annual Budget.

Since the decision to finally adopt the MHTCPP will be made during the 'Election Period' as defined within the Council Election Period Policy, the requirements of that policy must be considered. The adoption of the MHTCPP is not considered a 'Major Policy Decision' as it does not depart from the Council's stated strategic direction, as demonstrated below, and it is largely identical to the draft MHTCPP adopted for advertising on 25 June 2019. As such, it is appropriate for the sitting Council to make this decision during the 'Election Period'.

#### **STRATEGIC IMPLICATIONS:**

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

##### Connected Community

*We have enhanced opportunities for our community to build relationships and connections with each other and the City.*

##### Thriving Places

*We are recognised as a City that supports local and small business.*

*Our town centres and gathering spaces are safe, easy to use and attractive places where pedestrians have priority.*

*We encourage innovation in business, social enterprise and imaginative uses of space, both public and private.*

*Our physical assets are efficiently and effectively managed and maintained.*

##### Innovative and Accountable

*Our resources and assets are planned and managed in an efficient and sustainable manner.*

*Our community is aware of what we are doing and how we are meeting our goals.*

**SUSTAINABILITY IMPLICATIONS:**

The MHTCPP enables an integrated, holistic, place-based approach to town centre management. Place planning focuses on integrating good environmental, economic and social outcomes that improve the sustainability and liveability of the City's town centres. This approach focuses on promoting liveability and walkability by improving the pedestrian environment with small and large scale urban design improvements, greening and prioritising active transport modes over private car use.

The City's Sustainable Environment Strategy 2019-2024 (SES) informed the development of the MHTCPP and the MHTCPP responds to key opportunities and strategies outlined in the SES including:

- No. 6. Energy (MHTCPP Item 1.5 & 1.6 – LED Street Lighting & Car Parking Lighting Improvements);
- No. 2. Transport (MHTCPP Item 2.1, 2.5 & 2.6 – Intersection Improvements & Reduces Speeds);
- No. 8. Transport (MHTCPP Item 2.5 & 2.6 – Reduced Speeds); and
- No. 1 Urban Greening & Biodiversity (MHTCPP Item 1.3, 2.4, 3.1 & 3.4 – Town Centre Greening including Axford Park Upgrade to provide additional POS, Oxford Street North Upgrade and Streetscape Audit to increase planting and canopy cover and Underground Power to allow for increased canopy cover).

**FINANCIAL/BUDGET IMPLICATIONS:**

Key initiatives identified for the 2019/20 financial year in the draft MHTCPP have been included in the 2019/20 budget. Other initiatives identified in future financial years will be included as part of future budgets.

**COMMENTS:**

MHTCPP will align the City's activities with a clear future direction for the area that is informed by the community. The ongoing review of the document will ensure that the City's service delivery in the town centre keeps pace with emerging trends and community aspirations and ensures that Mount Hawthorn Town Centre continues to thrive. The City will continue to work closely with the Mt Hawthorn Hub to support the continued improvement of their Action Plan, which will continue to inform the MHTCPP.





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## DISCLAIMER

This document has been prepared for the use of the City of Vincent. The City of Vincent disclaims responsibility to any third party acting upon or using the whole or part of its contents.

DATE	DETAILS	STATUS
19/06/19	Mount Hawthorn Town Centre Place Plan	Draft

MOUNT HAWTHORN TOWN CENTRE PLACE PLAN

# 00 INTRODUCTION

The Mount Hawthorn Town Centre Place Plan (Place Plan) has been developed as a 'place based' strategic plan to guide the direction of funding and resources in the Mount Hawthorn Town Centre.

Mount Hawthorn Town Centre is defined by its unique landscape character and rich history. It extends south to Braithwaite Park and incorporates Axford Park. Traditional fine-grain shops front Scarborough Beach Road with an emerging mix of businesses along the north of Oxford Street.

Mount Hawthorn has evolved from a satellite centre serviced by trams in the late 19th century, to a cosmopolitan migrant settlement, to a community oriented suburban village with a bustling local centre. Mount Hawthorn Town Centre is a highly valued, attractive local destination which presents opportunities to better service the local community and accommodate additional residents.

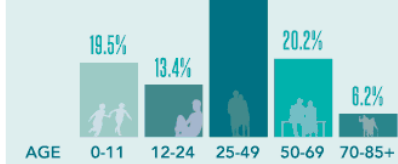
## HISTORIC SNAPSHOT



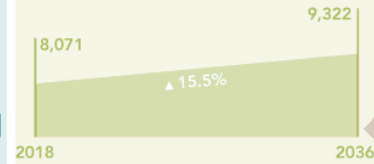


## DEMOGRAPHIC SNAPSHOT

MOUNT HAWTHORN IS MADE UP OF:



POPULATION



COMPARED TO GREATER PERTH, MOUNT HAWTHORN HAS A LOWER PROPORTION OF:



COMPARED TO GREATER PERTH, MOUNT HAWTHORN HAS A HIGHER PROPORTION OF:



## ECONOMIC SNAPSHOT

MOUNT HAWTHORN HOUSEHOLDS HAVE HIGHER INCOMES



MOUNT HAWTHORN HAS A LIMITED RANGE OF HOUSING

78.6% OF MOUNT HAWTHORN HOUSING STOCK WAS COMPRISED OF SEPERATE HOUSES IN 2016

BETWEEN JULY 2017 & JULY 2018, THE FOLLOWING DEVELOPMENT APPLICATIONS WERE DETERMINED:



INTRODUCTION

00



MOUNT HAWTHORN TOWN CENTRE PLACE PLAN

3



## PLACE PLAN PURPOSE & PROCESS

The Place Plan outlines the funds and resources the City has specifically committed to the Mount Hawthorn Town Centre. The boundary of Mount Hawthorn Town Centre (refer **Mount Hawthorn Town Centre Boundary Map**) extends beyond the City of Vincent's Town Planning Scheme No. 2 District Centre Scheme Zone, to incorporate the commercial offering in the immediate vicinity of Oxford Street and Scarborough Beach Road.

The Place Plan lists the implementation schedule for all of the major initiatives being undertaken in the Mount Hawthorn Town Centre by the City of Vincent. Such initiatives include but are not limited to public realm upgrades, marketing initiatives, economic and community development projects and/or policy and procedural improvements. The Place Plans provide a robust, planned and integrated approach to project identification and delivery.



following three sources:

- A. the content and identified actions within the Mount Hawthorn Hub Action Plan;
- B. best practice; and
- C. data collected through the Town Centre Performance Measurement Strategy.

The diagram below identifies the process in which Place Plan actions are prepared.



The Place Plan will be reviewed and updated annually. Anyone who wants to know what the City of Vincent is doing in the Mount Hawthorn Town Centre can read this document and learn about the broad range of projects the City is undertaking, and the direction the City is taking to support and improve the town centre.

The Implementation Framework sets out the actions, time frames and teams who are responsible for the delivery of the actions and projects.

## MOUNT HAWTHORN HUB

Each of the City of Vincent town centres has a 'town team'. The town teams are independently formed incorporated bodies that aim to make their respective town centres the best places they can possibly be. The town teams are not an affiliate of the City but do receive funding for community driven initiatives. The town teams are made up of a diverse range of members that include business owners, land owners and local residents. Each town team member brings a different set of skills and life experiences to the table and these collectively shape the direction, composition and identity of the five town teams.

The town teams and the City enjoy a symbiotic relationship. The City engages directly with each town team on a variety of issues that are specific to their respective town centres and the town teams are able to effectively communicate issues, solutions and ideas to the City through their strategic Action Plans. The City works collaboratively with the town teams to deliver locally based activities/events, physical improvements and economic and community development initiatives.

Mount Hawthorn Hub is the town team operating in the Mount Hawthorn Town Centre. Mount Hawthorn Hub's Action Plan outlines a range of objectives and principles as well as their key focus areas.







## HOW TO READ THIS DOCUMENT!

Mount Hawthorn Town Centre Place Plan is structured around three Key Focus Areas:

**01 ACTIVITY** Sets out the actions and projects which assist the City to enhance activity in the town centre in order for it to reach its activation and economic potential.

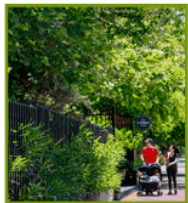


**02 MOVEMENT** Sets out the actions and projects which enhance walkability, improve the use of public transport, deliver parking efficiencies and create a more pedestrian and cycle friendly town centre.



**03 CHARACTER** Sets out the actions and projects which contribute to Mount Hawthorn's unique sense of place.





The City of Vincent is committed to 'Greening Vincent' by increasing overall canopy cover, creating more liveable and walkable neighbourhoods and fostering biodiversity within the City of Vincent. Major greening projects are identified in:

- the City's Greening Plan Implementation Schedule; and
- the actions in the Place Plan that are demarcated with the Vincent Greening Icon below.



**GREENING** Any action that has a greening component is marked with the City of Vincent's Greening Plan Icon.



**IMPLEMENTATION FRAMEWORK** Sets out the actions, time frames and the responsible teams for the delivery of all of the identified projects.

Each project is explained using the following three step process:



# 01 ACTIVITY

MOUNT HAWTHORN TOWN CENTRE WILL CONTINUE TO BE A BEAUTIFUL PLACE WHERE THE COMMUNITY LIVE, WORK AND PLAY AND WHERE A THRIVING LOCAL ECONOMY SUPPORTS PROSPEROUS AND PASSIONATE LOCAL, INDEPENDENT BUSINESSES.



MOUNT HAWTHORN TOWN CENTRE PLACE PLAN

## EVENTS & ACTIVATION

### ITEM 1.1 - FREE WIFI

There is currently no free WiFi in Mount Hawthorn Town Centre

The City has committed to investigating options for enhanced telecommunications infrastructures and services such as free public WiFi as outlined in the City's Strategic Community Plan.

Free public WiFi supports mobility, and attracts workers, students and other potential visitors to commercial places such as town centres. Opportunities to implement Free WiFi in public town centre spaces, such as Axford Park, should be explored to determine potential benefits and priority locations.

The **Mt Hawthorn Hub Action Plan** identifies Free WiFi across the town centre as necessary to support the positive growth of Mount Hawthorn.

Determine options to implement **Free WiFi** in the town centre

## MARKETING & BRANDING

### ITEM 1.2 - BANNER POLES

Town centre banner poles are not installed along Oxford Street North

Oxford Street North is an integral component of the Mount Hawthorn Town Centre and is the southern entry from Leederville into the town centre. The lack of banner poles make it difficult for the City to consistently market and brand the whole town centre and Mount Hawthorn events and initiatives.

The **Mt Hawthorn Hub Action Plan** identifies Place Branding as an area for improvement.

Investigate the installation of **Banner Poles** along Oxford Street North



## PUBLIC OPEN SPACE

## ITEM 1.3 - AXFORD PARK UPGRADE

Axford Park is a significantly underutilised town centre asset

Axford Park is centrally located in the town centre, connecting Oxford Street with the traditional main street along Scarborough Beach Road (refer **Existing Public Open Space Map**)

The City's Public Open Space Strategy identifies the need to establish a high quality civic open space within the town centre and a Concept Design to deliver this at Axford Park was adopted by Council in 2018.

The Concept Design considers Axford Park as the 'Front Yard of Mount Hawthorn' and takes inspiration from the character housing seen throughout the suburb. The design depicts the long term plan for the park and is split into stages to enable the park to be upgraded over time in a sustainable, staged manner.

Although a number of stages are poised to be delivered in the immediate future, other stages are reliant on the redevelopment of adjacent lots and/or modal shift away from private vehicle use.

To ensure the park reaches its potential as a well utilised community gathering space in the short term, the City should invest in the design and delivery of the upgrade stages which aren't reliant on external factors.

Design and deliver the first phase of **Axford Park Upgrade**

**AXFORD PARK UPGRADE** will contribute to the greening of Vincent by making better use of the existing green space and converting underperforming road reserve to additional town centre green space.

## EXISTING PUBLIC OPEN SPACE MAP



ACTIVITY

01

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MOUNT HAWTHORN TOWN CENTRE PLACE PLAN

NIGHT TIME ECONOMY

ITEM 1.4 - NIGHT TIME ECONOMY

Mount Hawthorn Town Centre has a weak night time economy compared with other nearby town centres.

The **After Hours Trading Map** shows the businesses that are open after 6pm.

There is an opportunity to leverage the activity generated after hours by restaurants and bars along Scarborough Beach Road and the Mount Hawthorn Hawkers Market on Friday evenings to encourage after hour's uses in the immediate area.

The **Mt Hawthorn Hub Action Plan** identifies a need to support and encourage activities that strengthen the night-time economy. Prior to supporting the development of the night time economy, the City needs to better understand why more night time activities are not attracted to the town centre and what the barriers inhibiting existing businesses from extending trading hours are.

Identify barriers inhibiting Mount Hawthorn's **Night Time Economy** in consultation with local businesses and determine actions to address these

TOWN CENTRE SAFETY

ITEM 1.5 - LED STREET LIGHTS

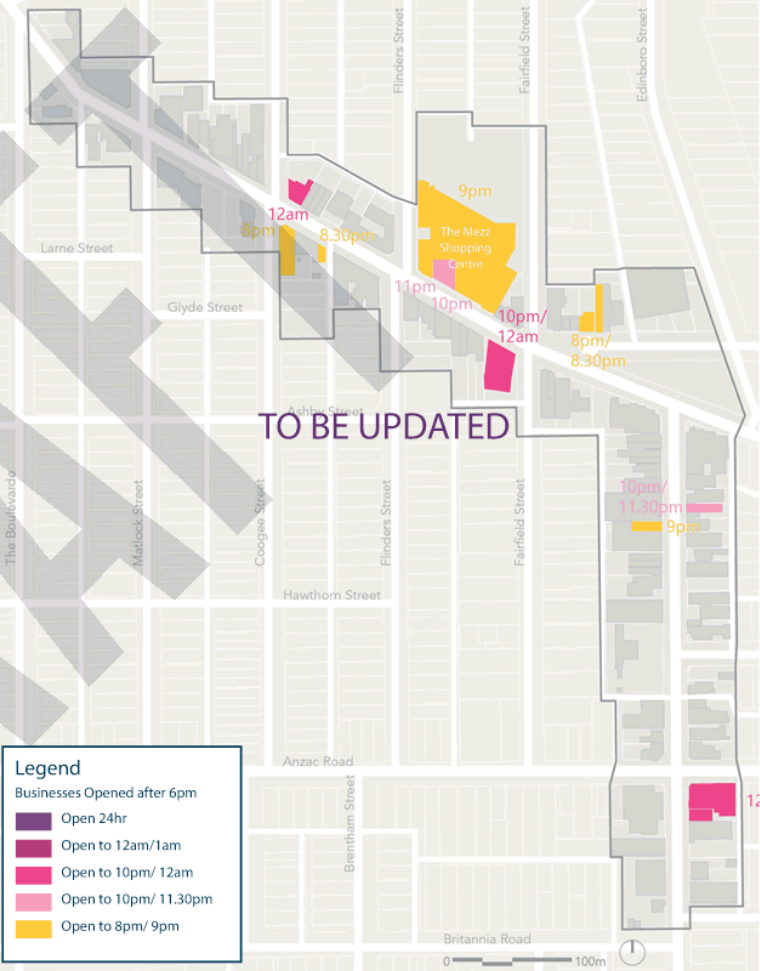
The street lights along Scarborough Beach Road and Oxford Street function poorly at night and are not energy efficient.

The Western Power street lights along Scarborough Beach Road and Oxford Street are high pressure sodium (yellow) lamps which do not efficiently or consistently light the streets at night. The lights are poorly maintained and delays to repair them often leave the town centre main streets in darkness.

Western Power LED high efficiency long life luminaires are now available and the **Mt Hawthorn Hub Action Plan** identifies a need to improve lighting in the town centre.

Install **LED Street Lights** along Scarborough Beach Road and Oxford Street

AFTER HOURS TRADING MAP



## TOWN CENTRE SAFETY

## ITEM 1.6 - CAR PARK LIGHTING IMPROVEMENTS

Flinders Street Car Park is poorly illuminated at night.

There is an opportunity to replace existing luminaries in the City's car park with LED pole mounted or post top luminaries to promote safety and security.

The **Mt Hawthorn Hub Action Plan** identifies a need to improve lighting in the town centre

Investigate **Lighting Improvements** in the Flinders Street Car Park

## TOWN CENTRE SAFETY

## ITEM 1.7 - LANE LIGHTING IMPROVEMENTS

The lane between Oxford Street and Fairfield Street is poorly illuminated at night.

The City currently receives reports of anti-social behaviour occurring in this lane. Through the Australian Government Safer Communities Program, there is an opportunity to install solar lighting to promote safety and security.

Implement **Lighting Improvements** in the lane between Oxford Street and Flinders Street

## DEVELOPMENT OPPORTUNITIES

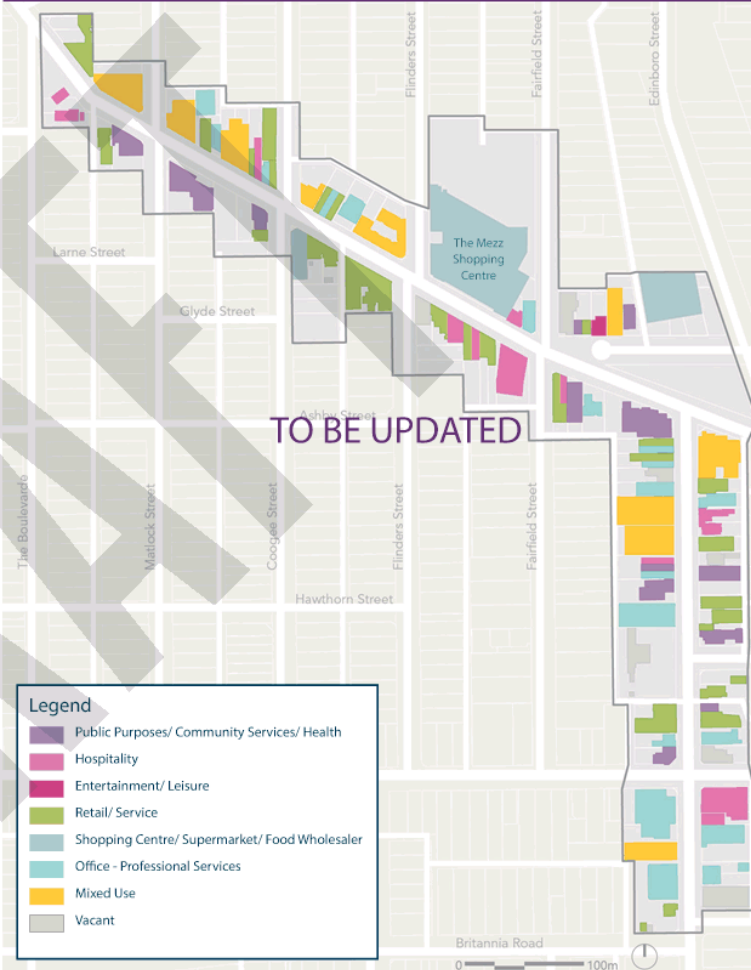
## ITEM 1.8 - FUTURE YOUTH SPACE

There is a significant gap in the provision of infrastructure to service the needs of teenagers and young adults in Mount Hawthorn.

The City's Public Open Space Strategy identifies a significant accessibility gap for youth oriented infrastructure in Mount Hawthorn and the **Mt Hawthorn Hub Action Plan** identifies a need to undertake an engagement strategy to inform the development of a permanent youth space for residents.

Undertake consultation to identify a preferred location for a **Future Youth Space** in the town centre or surrounds

## LAND USE MAP



ACTIVITY

01

11

MOUNT HAWTHORN TOWN CENTRE PLACE PLAN

# 02 MOVEMENT

THE MOUNT HAWTHORN TOWN CENTRE WILL FIND THE RIGHT BALANCE BETWEEN CARS, BUSES, BICYCLES AND PEDESTRIANS, BECOMING A GREAT PLACE FOR PEOPLE AND BUSINESS.



MOUNT HAWTHORN TOWN CENTRE PLACE PLAN

## RETHINKING MOVEMENT IN THE TOWN CENTRE

### ITEM 2.1 - INTERSECTION IMPROVEMENTS

The Scarborough Beach Rd/Oxford St intersection is not pedestrian friendly.

The pedestrian environment at the Scarborough Beach Road and Oxford Street intersection is poor and vehicle dominated. Improvements to the design and management of this intersection should be explored to enhance aesthetics and improve pedestrian and cyclist movement. Private as well as public infrastructure could be upgraded to enhance this key location.

The **Mt Hawthorn Hub Action Plan** identifies an opportunity to incorporate street art to improve the streetscape and to create a point of interest which signals to drivers to slow down.

Plan and facilitate Scarborough Beach Road/Oxford Street **Intersection Improvements**

## RETHINKING MOVEMENT IN THE TOWN CENTRE

### ITEM 2.2 - PARKING MANAGEMENT

The parking restrictions in lots adjoin Flinders Street Car Park are inconsistent and cause confusion.

There are three separately owned car parks adjoin the City's Flinders Street Car Park. The boundaries of these car park areas are unclear and the varied restrictions and signage confusing. The fragmentation of the car parking inevitably means the available parking is not fully utilized.

An opportunity exists to consolidate the management of these car parks to maximise the use of available car parking. With consistent external and internal signage there will be more effective sharing of parking and improved perceptions of the availability of public parking.

Rationalise the **Parking Management** of adjoining car parks between Fairfield Street and Flinders Street



RETHINKING MOVEMENT IN THE TOWN CENTRE

ITEM 2.3 - FORAMLISE EDINBORO STREET PARKING

Verge parking along Edinboro Street is a common occurrence and parking in this area is poorly managed.

Verge parking to accommodate parking overflow to the north of Hobart Street along Edinboro Street has become an increasingly prevalent issue due to the large unrestricted verges, the streets proximity to the town centre and the limited formalised bays.

Formalising parking along the Edinboro Street road reserve, directly north of Hobart Street, may increase parking provision at the eastern end of the town centre and enable the City to better manage the efficient and effective use of parking in this area.

Investigate the potential to **Formalise Parking** along Edinboro Street

MOVEMENT

02

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RETHINKING MOVEMENT IN THE TOWN CENTRE

ITEM 2.4 - OXFORD STREET NORTH UPGRADE

Oxford Street North has no discernible entry from the southern approach.

To improve pedestrian, cyclist and visitor amenity along Oxford Street North and to bring the area in line with its counterpart along Scarborough Beach Road, the City has recently implemented a number of streetscape upgrades.

The upgrades have included street tree planting for enhanced shade and beautification, red asphalt to denote the town centre area, a central median for pedestrian refuge and improved walkability, new motorcycle bays and bike racks as well as speed humps to accommodate a potential 30km/h zone to slow traffic and create a place for people.

The streetscape has never looked better but the southern entry could be better defined. To signify entry into this pedestrian first environment, the installation of decorative lighting at the Anzac Road entry point should be implemented.

Install decorative lighting at the Anzac Road roundabout to denote the southern town centre entry and complete the **Oxford Street North Upgrade**

**OXFORD STREET NORTH UPGRADE** has included significant street tree planting which has contributed to the greening of Vincent.

## IMPROVING TOWN CENTRE ACCESSIBILITY

## ITEM 2.5 - OXFORD STREET NORTH 30KM/H SPEED ZONE

Oxford Street North has a 50km/h speed limit which is not ideal for a people first, town centre environment.

The City recently implemented a number of traffic calming measures including reducing the carriageway width, denoting the town centre with red asphalt, planting median and footpath street trees and installing low profile speed humps and shared space symbols along Oxford Street North.

To prioritise active transport, complement these physical interventions and create a safer environment for pedestrians and cyclists, the City should negotiate the reduction of the 50km/h speed zone to 30km/h.

This speed limit reduction will require approval from the state roads authority, Main Roads Western Australia (MRWA) and will require supporting data such as traffic and speed counts.

Acquire traffic data and advocate for a **30km/h Speed Zone** along Oxford Street North

## IMPROVING TOWN CENTRE ACCESSIBILITY

## ITEM 2.6 - 40KM/H SPEED ZONE EXTENSION

The 40km/h speed zone along Scarborough Beach Road does not start at the eastern extent of the town centre.

The City should negotiate the extension of the 40km/h speed zone further east along Scarborough Beach Road to incorporate Edinboro Street and address the Shakespeare Street Bike Boulevard.

Drivers currently approach the town centre from the east with little awareness they are entering a people first environment. The extension of the 40km/h speed zone will ensure drivers slow down well before entering the town centre which will enhance pedestrian comfort, particularly at the Scarborough Beach Road/Oxford Street intersection and at Axford Park.

Advocate for the extension of the **40km/h Speed Zone** east along Scarborough Beach Road

MOVEMENT

02

15

MOUNT HAWTHORN TOWN CENTRE PLACE PLAN

# 03 CHARACTER

MOUNT HAWTHORN TOWN CENTRE SHOULD EMBRACE WHAT MAKES IT DISTINCTIVE. WHAT ARE THOSE SPECIAL ASPECTS THAT MAKE IT DIFFERENT FROM OTHER PLACES? IS IT THE BUILDINGS, THE BUSINESSES, THE PEOPLE, THE INSTITUTIONS, THE LOCAL STORIES, THE HISTORY? – IT'S ALL OF THOSE THINGS OF COURSE.

THESE SPECIAL THINGS CAN AND WILL BE CELEBRATED THROUGH THE BRANDING & MARKETING OF THE TOWN CENTRE. HOWEVER, THERE ARE SOME SPECIFIC ACTIONS THE CITY CAN TAKE TO IMPROVE OXFORD STREET, AXFORD PARK & CAPITALISE ON THE TRADITIONAL FINE GRAIN TOWN CENTRE DEVELOPMENT.



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MOUNT HAWTHORN TOWN CENTRE PLACE PLAN

## CREATING PLACES FOR PEOPLE

### ITEM 3.1 - STREESCAPE AUDIT

Mount Hawthorn Town Centre incorporates the most greenery of the City's town centres and is well serviced by street furniture but has the potential to accommodate additional planting and furniture.

The City understands the importance of canopy cover and street furniture and the role they play in encouraging people to linger longer. In 2015 the City undertook a streetscape audit in conjunction with the Mt Hawthorn Hub to identify 'gaps' in the street furniture and 'hot spots' for additional planting.

In response to the audit, the City installed 12 new bins, 8 benches, 30 planter boxes, 53 trees, 1 bike repair station and 18 bike racks.

To build on the extensive streetscape upgrades delivered to date, an audit should be undertaken to determine any current deficiencies in the streetscape and identify opportunities to build on the town center's inviting and green character.

Undertake a **Streetscape Audit** to determine opportunities for additional planting, new street furniture and street furniture upgrades

A **STREETSCAPE AUDIT** will contribute to Greening Vincent by identifying opportunities for additional town centre trees, verge and median planting.

## CREATING PLACES FOR PEOPLE

## ITEM 3.2 - STREESCAPE PALETTE

Mount Hawthorn Town Centre has a distinct character and largely consistent streetscape palette.

Unlike other town centres, Mount Hawthorn Town Centre has a unique streetscape palette which contributes to the distinct character of the town centre.

The streetscape palette was developed in collaboration with the Mt Hawthorn Hub and incorporates street furniture such as the benches and bins as well as the street tree and planting species used to green the verges, footpaths, median strips and planter boxes.

To ensure additional planting and street furniture remain consistent and in keeping with the character of the area, the City should create a streetscape palette to guide the future renewal and upgrade of these key town centre components.

Develop a Mount Hawthorn Town Centre **Streetscape Palette**

## CREATING PLACES FOR PEOPLE

## ITEM 3.3 - ICONIC TOWN CENTRE ARTWORK

Mount Hawthorn Town Centre does not have a strong sense of arrival from the western approach.

Iconic elements and entry statements can announce the approach and arrival into a precinct or town centre, creating a welcoming environment. Mount Hawthorn is known for its suburban village atmosphere but lacks physical infrastructure and artwork to celebrate its endearing style and charm.

The **Mt Hawthorn Hub Action Plan** identifies a need to investigate the development of a Welcome Statement to celebrate Mount Hawthorn's identity.

Determine a preferred location and design for an **Iconic Town Centre Artwork** in consultation with the community

## CREATING PLACES FOR PEOPLE

## ITEM 3.4 - UNDERGROUND POWER

The overhead power lines along Oxford Street North and Hobart Street are unattractive, limit the useability of the road reserve and will prevent street trees from reaching full maturity.

Western Power's power poles are located along the footpath, limiting the use and appeal of alfresco areas along Oxford Street North and the potential use of Hobart Street road reserve for additional parking.

Western Power's separation requirements inhibit trees from reaching maturity. It is necessary to investigate the costs and benefits of underground power prior to requiring the pruning of the recently planted Oxford Street North trees.

Investigate the potential to **Underground Power** along Oxford Street North and Hobart Street

**UNDERGROUND POWER** will contribute to Greening Vincent by allowing trees to mature, increasing canopy coverage and improving walkability.

## CREATING PLACES FOR PEOPLE

## ITEM 3.5 - BEAUTIFICATION OF LOT 100

The planting at Lot 100 on the corner of Oxford Street and Scarborough Beach Road is not maintained to a high standard.

The City has received multiple requests to maintain or remove the four palm trees and raised garden bed at Lot 100 Scarborough Beach Road.

Lot 100 is not owned by the City, it is owned by Telstra Corporation Limited. The City is therefore unable to undertake maintenance work or implement upgrades without the permission of Telstra, as owner.

There is an opportunity to improve the maintenance and planting at Lot 100 to bring it in line with the City managed and maintained streetscapes.

Negotiate the **Beautification of Lot 100** Scarborough Beach Road with Telstra Corporation Limited

VOLUME 03 - MOUNT HAWTHORN TOWN CENTRE PLACE PLAN IMPLEMENTATION FRAMEWORK										
KEY ACTION/ PROJECT				RESPONSIBLE TEAM*	SUPPORT TEAM*	TOWN CENTRE WIDE**	TIMING			
							19/20	20/21	21/22	22/23
KEY FOCUS AREA 1: ACTIVITY										
EVENTS & ACTIVATION										
V1.1	Prepare and implement <b>Town Centre Public Space Activation</b> schedules			C&B	P&P	✓	✓	✓	✓	✓
V1.2	Review hire fees and create an improved <b>Online Hire Platform</b> and booking system for town centre public spaces			C&B		✓	✓			
V1.3	Streamline the City's <b>Event Approvals</b> processes			C&B	P&P/I&E	✓	✓	✓	✓	✓
V1.4	Provide ongoing support for <b>Town Team Events &amp; Other Public Events</b>			C&B	P&P/I&E	✓	✓	✓	✓	✓
1.1	Determine options to implement <b>Free WiFi</b> in the town centre			ITC	I&E			✓		
CUSTOMER SERVICE										
V1.5	Improve and monitor the level of <b>Service &amp; Maintenance</b> provided in the town centres			I&E	P&P	✓	✓	✓	✓	✓
V1.6	Manage the <b>Town Team Grant Program</b>			P&P	C&B/I&E	✓	✓	✓	✓	✓
MARKETING & BRANDING										
V1.7	Prepare and implement <b>Town Centre Marketing &amp; Branding Plans</b>			C&B	P&P	✓	✓	✓		
V1.8	Work collaboratively with the Inner Perth Assembly to develop and deliver <b>Destination Marketing</b>			C&B	P&P	✓	✓	✓		
1.2	Investigate the Installation of <b>Banner Poles</b> along Oxford Street North			P&P	I&E		✓			
BUSINESS SUPPORT										
V1.9	Amend the <b>Trading in Public Places Local Law 2008 &amp; Local Government Property Local Law 2008</b>			P&P	CEO	✓	✓			
V1.10	Implement a <b>Business Engagement Program</b>			P&P	C&B	✓	✓	✓	✓	✓
PUBLIC OPEN SPACE										
1.3	Design and deliver the first phase of <b>Axford Park Upgrade</b>			P&P	I&E		✓	✓		
NIGHT TIME ECONOMY										
V1.11	Advocate for <b>Live Music Venue Protection</b>			P&P		✓	✓	✓	✓	✓
1.4	Identify barriers inhibiting Mount Hawthorn's <b>Night Time Economy</b> in consultation with local bussinesses and determine actions to address these			P&P	C&B		✓	✓	✓	✓
TOWN CENTRE SAFETY										
1.5	Install <b>LED Street Lights</b> along Scarborough Beach Road and Oxford Street			C&B	I&E		✓	✓		
1.6	Investigate <b>Lighting Improvements</b> in the Flinders Street Car Park			I&E	P&P		✓			
1.7	Implement <b>Lighting Improvements</b> in the lane between Oxford Street and Flinders Street			C&B	I&E		✓			
DEVELOPMENT OPPORTUNITIES										
V1.12	Prepare a Strategy for <b>City of Vincent Owned Land</b> within the town centres			CEO	P&P	✓		✓	✓	
1.8	Undertake consultation to identify a preferred location for a <b>Future Youth Space</b> in the town centre or surrounds			C&B	P&P		✓	✓		
PLANNING FRAMEWORK										
V1.13	Investigate a <b>Planning Framework</b> for each of the town centres			P&P		✓	✓	✓		

\*Community & Business Services (C&B), Planning & Place (P&P), Infrastructure & Environment (I&E), Information & Communications Technology (ICT), Office of the CEO (CEO)

\*\*Actions and projects which occur in all City of Vincent town centres (V). For additional information refer Volume 01 - Vincent Town Centres Place Plans



## VOLUME 03 - MOUNT HAWTHORN TOWN CENTRE PLACE PLAN IMPLEMENTATION FRAMEWORK

KEY ACTION/ PROJECT		RESPONSIBLE TEAM*	SUPPORT TEAM*	TOWN CENTRE WIDE**	TIMING			
					19/20	20/21	21/22	22/23
KEY FOCUS AREA 2: MOVEMENT								
RETHINKING MOVEMENT IN THE TOWN CENTRES								
V2.1	Prepare a <b>Transport Strategy</b>	P&P	I&E	✓	✓			
V2.2	Advocate to State Transport Authorities for <b>Transport Infrastructure</b> improvements including improved east-west connections	P&P	I&E	✓	✓	✓	✓	✓
V2.3	Implement a <b>Transport Education Program</b>	I&E	P&P/C&B	✓		✓	✓	✓
V2.4	Advocate for <b>After hours Transport Options</b>	P&P	I&E	✓	✓	✓	✓	✓
2.1	Plan and facilitate Scarborough Beach Road/Oxford Street <b>Intersection Improvements</b>	P&P	I&E		✓	✓		
IMPROVING TOWN CENTRE ACCESSIBILITY								
V2.5	Develop a <b>Wayfinding Strategy</b>	C&B	P&P/I&E	✓	✓	✓		
V2.6	Review the naming requirements within the <b>Laneways and Rights of Way Policy 2.2.8</b>	P&P	C&B/I&E	✓	COMPLETE			
V2.7	Advocate to the Public Transport Authority for <b>Bus Noise Emission Improvements</b>	P&P	I&E	✓		✓	✓	
V2.8	Investigate the costs and benefits of <b>Underground Power</b> in Vincent's town centres	I&E	CEO	✓	✓	✓	✓	✓
2.2	Rationalise the <b>Parking Management</b> of adjoining car parks between Fairfield Street and Flinders Street	P&P	I&E			✓		
2.3	Investigate the potential to <b>Formalise Parking</b> along Edinboro Street	I&E	P&P		✓			
2.4	Install decorative lighting at the Anzac Road roundabout to denote the southern town centre entry and complete the <b>Oxford Street North Upgrade</b>	P&P	I&E		✓			
2.5	Acquire traffic data and advocate for a <b>30km/h Speed Zone</b> along Oxford Street North	I&E	C&B		✓			
2.6	Advocate for the extension of the <b>40km/h Speed Zone</b> east along Scarborough Beach Road	I&E			✓			
KEY FOCUS AREA 3: CHARACTER								
CREATING PLACES FOR PEOPLE								
V3.1	Advocate for <b>High Quality Ground Floor Design</b> to the development industry and business community	P&P		✓	✓	✓	✓	✓
3.1	Undertake a <b>Streetscape Audit</b> to determine opportunities for additional planting, new street furniture and street furniture upgrades	P&P	I&E		✓			
3.2	Develop a Mount Hawthorn Town Centre <b>Streetscape Palette</b>	P&P	C&B		✓			
3.3	Determine a preferred location and design for an <b>Iconic Town Centre Artwork</b> in consultation with the community	C&B	P&P		✓			
3.4	Investigate the potential to <b>Underground Power</b> along Oxford Street North and Hobart Street	I&E	CEO		✓	✓		
3.5	Negotiate the Beautification of Lot 100 Scarborough Beach Road with Telstra Corporation Limited	P&P	I&E		✓			

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\*\*Actions and projects which occur in all City of Vincent town centres (V). For additional information refer Volume 01 - Vincent Town Centres Place Plans





## Summary of Submissions by Key Focus Areas

01 ACTIVITY				
No.	Submitter Comment	Submitter	Administration Comment	Recommended Modification
<b>Item V1.7 Town Centre Marketing and Branding Plans</b>				
1.	Submitter proposes the City collate a business directory with accompanying map and prepare/deliver a monthly magazine/mail out promoting new businesses.	Submitter 1	<p>The City supports the development of a business directory and monthly business updates but acknowledges the City is not best placed to deliver the business directory.</p> <p>The City will consider how a business directory and monthly business information could be delivered and/or supported as part of Item V1.10 Business Engagement Program in 2019/20.</p>	No modification required.
2.	Submitter notes further consideration regarding how to attract people to Mount Hawthorn is needed and proposed the City try to attract people with disposable income including those aged 25-49 via simple social media campaign, more use of Facebook, continuing to encourage local sites like 'Support Locally' and the Voice newspaper.	Submitter 6	The City is currently preparing Item V1.1 Town Centre Public Activation Schedules and Item V1.7 Town Centre Marketing & Branding Plans which are being delivered to better market the town centres to a broader demographic.	No modification required.
<b>Item V1.8 Destination Marketing</b>				
3.	Submitter supports the City continuing to work with neighbouring councils to collectively share information about local businesses/parks/activities in other areas.	Submitter 1	Noted.	No modification required.

01 ACTIVITY				
No.	Submitter Comment	Submitter	Administration Comment	Recommended Modification
<b>Item V1.9 Trading in Public Places Local Law 2008 &amp; V1.10 Business Engagement Program</b>				
4.	<p>Submitter highlighted disparity between business capabilities in Mount Hawthorn noting that some businesses demonstrate skills in marketing, customer service and business acumen while others struggle to attract customers, lack atmosphere and don't engage with the street.</p> <p>Suggest more advice be offered to struggling tenants on ideas to generate atmosphere, marketing and promotion of the business and the mutually-beneficial opportunities from interactive street activation.</p>	Submitter 2	<p>The City provides assistance and advice to businesses regarding place activation, engaging with the street through mechanisms such as alfresco dining, display of goods, signage and actively encourages the use of the footpath and town centre public spaces.</p> <p>The City will consider how to better educate and assist businesses with marketing, promotion and customer service as part of Item V1.10 Business Engagement Program.</p> <p>The City is in the process of amending the Trading in Public Places Local Law 2008 specifically to encourage increased activation of the public realm.</p>	No modification required.
5.	Submitter requests the City supports existing successful businesses with ideas to improve and attract new businesses that will relate to and evolve with the suburb's demographic including continuing to support initiatives by private landowners/tenants, such as the Spritz permanent al fresco area.	Submitter 2	Supporting the imaginative use of space is important to the continued improvements and evolution of the town centre and is something the City will continue to do.	No modification required.
<b>Item 1.1 Free WiFi</b>				
6.	Submitter raises concerns regarding the safety of a large public WiFi network and questions demand, speed and cost effectiveness of free WiFi in the town centre given 4G networks and introduction of 5G.	Submitter 3 Submitter 4	Item 1.1 proposes the City determine options to implement free WiFi in the town centre through an examination of the potential benefits and priority locations for free WiFi. It is intended that implementation options be determined for priority locations, not the entire town centre. Demand, speed and cost will be determined through a more detailed business case.	Recommended modification to clarify action/deliverable: <i>Item 1.1 - Determine options to implement Free WiFi in <u>priority town centre locations</u> <del>the town centre</del>.</i>
7.	Submitter supports Item 1.1 and notes the importance of public signage.	Submitter 5	Noted. Will be considered as part of Item V2.5 Wayfinding Strategy.	No modification required.
8.	Submitter supports Item 1.1.	Submitter 10 Submitter 11	Noted.	No modification required.
<b>Item 1.2 Banner Poles</b>				

01 ACTIVITY				
No.	Submitter Comment	Submitter	Administration Comment	Recommended Modification
9.	Submitter supports Item 1.2 and notes opportunities for business names and addresses to be included on the banner poles.	Submitter 1	This will be considered as part of Item V1.7 Town Centre Marketing & Branding Plans and Item V1.5 Wayfinding Strategy.	No modification required.
10.	Submitters supports Item 1.2 and notes opportunities for discrete street numbers, to assist with locating businesses, on display.	Submitter 5	This will be considered as part of Item V1.5 Wayfinding Strategy.	No modification required.
11.	Submitter supports Item 1.2.	Submitter 4 Submitter 10 Submitter 11	Noted.	No modification required.
<b>Item 1.3 Axford Park Upgrade</b>				
12.	Submitter supports Item 1.3.	Submitter 1 Submitter 4 Submitter 10 Submitter 11	Noted.	No modification required.
13.	Submitter requests removal of Platform Art Project works.	Submitter 1	The Platform Project is an experimental project designed to encourage artist and creatives at all levels to develop and share their temporary artwork projects and ideas with the public. The City is committed to supporting artists and creatives.	No modification required.
14.	Submitter supports Item 1.3 and better community meeting spaces within the town centre, including a youth activity space and town square.  Submitter supports locating a town square in the underutilised area at the western end of Axford Park.	Submitter 2	Noted, these opportunities can be considered as part of future Axford Park upgrades.	No modification required.
15.	Submitter suggests quality all-night illumination of memorial & ANF and notes that any development should only enhance the Memorial.  Submitter notes opportunities for quality functional permanent stage/ orchestra shell style for outdoor concerts/events.	Submitter 5	The City has prepared a concept design for the upgrade of Axford Park which includes the enhancement of the memorial area, improved lighting and a centrally located timber deck to be used as a stage for events.	No modification required.
16.	Submitter proposes the City offers paving bricks to be purchased to support/fund upgrade works.	Submitter 5	Noted. Funding sources will be considered during business case stage of project.	No modification required.
17.	Submitter notes the importance of Axford Park in honoring locals who served in the Australian military and confirms that the only flag which should be flying 24/7 is the Australia National Flag.	Submitter 5	The submitter refers to the RSL flag flying protocol which the City does not follow. The City adheres to the Australian flag flying protocol which does not stipulate this requirement.	No modification required.



01 ACTIVITY				
No.	Submitter Comment	Submitter	Administration Comment	Recommended Modification
18.	<p>Submitter supports Item 1.3 and the small area for skaters. Submitter suggests the upgrade cater for activities for all ages and proposes small fenced play area for children.</p> <p>Submitter identifies a lack of activities for adults and suggests chess board tables with inset tiles, permanent table tennis table and a regular, perhaps fortnightly, Saturday morning weekend market in summer.</p>	Submitter 6	The City has prepared a concept design for the upgrade of Axford Park which includes spaces designed to cater for activities for all ages. In response to Item V1.1 Public Space Activation the City is preparing town centre public space activation schedules including a schedule for Axford Park. Opportunities to deliver regular events and increase activities for adults will be explored as part of the development of this schedule.	No modification required.
<b>Item 1.4 Night Time Economy</b>				
19.	Submitter supports Item 1.4 and notes that a collective voice from all businesses is required. Submitter noted that the current establishments open at night are food and beverage or fitness with retail lacking. Submitter notes that the local demographic is couples with children, so greater reach to outside councils to generate the right demographic for these night time activities and opening hours is required. Submitter notes that areas with night time trade are those close to train stations and public transport, making it easy to commute to and from the area.	Submitter 1	The City agrees with these comments and intends to undertake consultation with local businesses to identify additional barriers inhibiting Mount Hawthorn's night time economy in order to determine actions to address these.	No modification required.
20.	Submitter strongly supports Item 1.4 and encouraging more night-time activity.	Submitter 4	Noted.	No modification required.
21.	Submitter suggests Friday night Hawkers Market move to Braithwaite Park because of facilities including parking, eating space and playground/coffee.	Submitter 5	The Hawkers Market is intentionally located in Axford Park to activate this underutilised park and to bring more potential customers into the centre of the Mount Hawthorn Town Centre.	No modification required.
22.	<p>Submitter supports Item 1.4 and notes the Hawkers Market as a good example of night time activity.</p> <p>Submitter supports more small bars and gift shops that open later in the day and stay open in the evening. Submitter supports independent stores, not chain stores and encourages the City to support businesses to try evening trade out through pop up store opportunities.</p>	Submitter 6	Noted.	No modification required.

01 ACTIVITY				
No.	Submitter Comment	Submitter	Administration Comment	Recommended Modification
23.	Submitter supports Item 1.4 but notes that a major barrier to a strong night time economy is the huge vacant property at 381 Oxford Street. The submitter notes that the property creates large gap between retail premises and attracts anti-social behaviour. Submitter proposes the City take action to improve this site to create a welcoming and friendly environment in this section of Oxford Street.	Submitter 12	381-387 Oxford is a private property and the City therefore only has a certain level of influence over its maintenance and development. Part of the influence is in preparing the MHTCPP, which will assist in further discussions with landowners and provide a plan for the future that may improve investment confidence.	No modification required.
24.	Submitter supports Item 1.4.	Submitter 10 Submitter 11	Noted.	No modification required.
25.	Submitter supports Item 1.4 but notes there should be a focus on the day time economy and better linking activity on Scarborough Beach Road to that along Oxford Street North including consideration regarding more diversified retail options, spaces and activities which link Fairfield St to the top of Oxford Street.	Submitter 15	<p>The City agrees that better linking Scarborough Beach Road with Oxford Street North is important and has addressed this as part of the Axford Park Upgrade project which seeks to better link Scarborough Beach Road with both Hobart Street and Oxford Street North through the delivery of improved sightlines, pedestrian connections and flexible activity spaces including a skateable deck area and yoga lawn.</p> <p>The City agrees that the incorporation of retail options is important in any town centre. The City's Town Planning Scheme accommodates retail uses but the City has limited influence on the land use mix of private land holdings. The inactive 60m frontage of Lot 100 Scarborough Beach Road contributes to the fragmented nature of activity between Scarborough Beach Road and Oxford Street and the City has committed to working with the owner of this lot to encourage upgrades and facilitate improvements where possible.</p>	No modification required.

01 ACTIVITY				
No.	Submitter Comment	Submitter	Administration Comment	Recommended Modification
<b>Item 1.5 LED Street Lights</b>				
26.	Submitter requests care be taken with the selection of lights as new lights can be bright and cause excessive glare. Submitter notes a preference for yellowish LEDs and fitting cowls to avoid light spill into dwellings.	Submitter 4	The City will be limited to selecting Western Power approved lighting options as most lighting in Mt Hawthorn Town Centre is owned and managed by Western Power.	No modification required.
27.	Submitter supports Item 1.5.	Submitter 10 Submitter 11	Noted.	No modification required.
<b>Item 1.6 Car Park Lighting Improvements</b>				
28.	Submitter supports Item 1.6.	Submitter 4 Submitter 7 Submitter 10 Submitter 11	Noted.	No modification required.
<b>Item 1.7 Lane Lighting Improvements</b>				
29.	Submitter expresses concern regarding Item 1.7 and asks whether or not consideration has been given regarding how lighting one problematic laneway will impact on neighbouring laneways and whether this initiative will simply push the antisocial behaviour into the next dark laneway.	Submitter 9	<p>The City intends to install lighting in both the lane between Fairfield Street and Oxford Street and the lane between Flinders Street and Fairfield Street. Modification proposed to clarify this.</p> <p>The City has lit lanes in other locations close to town centres such as in Mount Lawley and has seen this result in reduced reports of antisocial behaviour in Mount Lawley lanes more generally.</p>	<p>Modify Item 1.7 to refer to both lanes between Flinders Street and Oxford Street rather than Fairfield Street and Oxford Street.</p> <p>Recommended modification: <i>Item 1.7 – The lanes between Flinders Street and Oxford Street and Fairfield Street is are poorly illuminated at night.</i></p> <p><i>The City currently receives reports of anti-social behaviour occurring in this these lanes.</i></p> <p><i>Implement Lane Lighting Improvements in the lanes between Flinders Street and Oxford Street.</i></p>
30.	Submitter queries whether or not solar energy or alternative renewable energy has been considered to power the proposed lighting.	Submitter 9	The City notes that solar power lighting has been chosen as the preferred option for Item 1.7 Lane Lighting Improvements.	No modification required.

01 ACTIVITY				
No.	Submitter Comment	Submitter	Administration Comment	Recommended Modification
31.	Submitter supports Item 1.7 but notes that the lighting proposal does not extend to accommodate the portion of lane which exits onto Anzac Road. The submitter notes that the lane which runs behind 381 Oxford Street is a major cause of anti-social behavior and it's important the lighting continued along the portion.	Submitter 12	The City does not own the portion of lane/ROW which extends onto Anzac Road and is unable to install lighting on privately owned land.	No modification required.
32.	Submitter suggest consideration be given to installing CCTV in the laneways that have been identified as having issues.	Submitter 12	Noted. The City identified the expansion and management of the City's CCTV network as a key action in the recently adopted Safer Vincent Plan 2019/22. The Safer Vincent Plan commits the City to working with WA Police, residents and businesses to identify priority locations for CCTV within town centres by December 2022.	No modification required
33.	Submitter supports Item 1.7.	Submitter 4 Submitter 10 Submitter 11	Noted.	No modification required.
<b>Item 1.8 Future Youth Space</b>				
34.	Submitter supports Item 1.8.	Submitter 10 Submitter 11		No modification required
35.	Submitter supports Item 1.8 but suggests the future youth space be located on the vacant Taxi Depot at 381-387 Oxford St. The Submitter notes that although this is private land, it's used every day by youth for skateboarding and gatherings and although the cost to purchase the space might be significant, it wouldn't take much to transform this space into a more inviting and user friendly space for everyone. Submitter suggest the City purchase this space and transform it into a mixed use facility for youth, businesses and the wider community.	Submitter 15	The City is not currently seeking to purchase land in the town centre but has committed to better utilising its existing POS assets such as Axford Park in the short term. The City is planning to repurpose City owned land as POS as well as prepare a POS Land Acquisition Strategy to provide POS in strategic locations where gaps have been identified in the network, such as Mount Hawthorn, in the medium term (3-6 years). If 381-387 Oxford were for sale during the preparation of the POS Land Acquisition Strategy it could be a considered site.	No modification required

02 MOVEMENT				
No.	Submitter Comment	Submitter	Administration Comment	Recommended Modification
<b>Item V2.1 Prepare an Integrated Transport Plan</b>				
36.	Submitter proposes the City maximising short term parking to enable people to quickly stop and shop.	Submitter 6	The City understands the importance of available short term parking in town centres. Item V2.1 Integrated Transport Plan (ITP) is currently being delivered to guide how parking can best support the economic viability of activity centres. Once the ITP is finalised, the City will review the parking arrangements for the Mount Hawthorn Precinct which will seek to achieve this priority.	No modification required.
<b>Item V2.3 Transport Education Program</b>				
37.	Submitter states that drivers are required to give way to pedestrians when turning at all intersections.		The requirement to give right of way to pedestrians will be communicated as part of the delivery of Item V2.3 Transport Education Program.	No modification required.
<b>Item V2.5 - Wayfinding Strategy</b>				
38.	Submitter questions whether elements that connect the community with local heritage and local indigenous history could be included in the wayfinding strategy.	Submitter 6	<p>The City notes that the wayfinding strategy is being prepared to:</p> <ul style="list-style-type: none"> <li>• Create a comprehensive, clear and consistent visual communication system with concise messaging; and</li> <li>• Only include the information that is relevant to the space, location and navigable path.</li> </ul> <p>Opportunities to incorporate wayfinding elements that connect the community with local heritage and indigenous history will be considered as part of Item 2.5 as they will assist to define the town centres sense of place as well as contribute to its walkability.</p>	No modification required.
39.	Submitter requests Item 2.5 consider directing traffic to where good parking is.	Submitter 1	The City will address this comment through the delivery of Item V2.5 Wayfinding Strategy.	No modification required.



02 MOVEMENT				
No.	Submitter Comment	Submitter	Administration Comment	Recommended Modification
40.	Submitter proposes the City install road/street signage - indicating where local businesses are like they do for bike paths which could be a paid advertising scheme through the local council for local businesses to apply for.	Submitter 1	The City actively tries to reduce clutter in the town centre streetscapes as road signs, guard rails, and poorly located signage can detract from amenity. This proposal would need to be well consider so as not to detract from town centre amenity and will be explored as part of the delivery of Item V2.5 Wayfinding Strategy.	No modification required.
<b>Item 2.1 Intersection Improvements</b>				
41.	Submitter supports Item 2.1 but notes that more zebra crossings are required at busy intersections and round-a-bouts in the Mount Hawthorn area. Submitter also notes that there are no zebra crossings currently located in the Mount Hawthorn area.	Submitter 1	<p>Zebra crossings have been phased out throughout Australia and overseas over the last decade as they rely on the motorist seeing the pedestrian on the crossing and then slowing down to stop. This has proven to be both dangerous and ineffective in some locations and there are now alternative, more effective, treatments used to improve the pedestrian environment.</p> <p>Our state roads authority, Main Roads Western Australia, supports the replacement of zebra crossings with alternative calming treatments such as raised medians or pedestrian refuge islands. The City has recently installed a central median the length of Oxford Street North and a flush pedestrian crossing on the Fairfield/Scarborough Beach Road intersection to improve the pedestrian environment. The City is currently seeking to reduce two speed zones to further improve the pedestrian environment and is proposing to develop a plan to implement Scarborough Beach Road/Oxford Street intersection improvements.</p> <p>Once these measures have been implemented the City will review the walkability of the town centre and propose any new calming measures in future iterations of the MHTCPP.</p>	No modification required

02 MOVEMENT				
No.	Submitter Comment	Submitter	Administration Comment	Recommended Modification
42.	Submitter requests formal crossing facilities at the other uncontrolled intersections further west along Scarborough Beach Road.	Submitter 4	Noted. There are currently no plans to implement additional formal crossings in this area. The City notes this request and will continue to monitor any reported issues to inform the scheduling and prioritising of any future works.	No modification required.
43.	Submitter queries if Item 2.1 is necessary given the slower speeds which have been achieved recently along Oxford Street North and notes that screeching sounds from cars heading north at the lights are no longer prevalent.	Submitter 14	The City will continue to monitor the area but the intersection improvements are primarily proposed to visually enhance the town centre and improve pedestrian amenity across this intersection as opposed to reduce vehicle speeds.	No modification required.
44.	Submitter supports Item 2.1.	Submitter 4 Submitter 11	Noted.	No modification required.
<b>Item 2.2 Parking Management</b>				
45.	Submitter noted approximately 20-30 cars of Perth City commuters parked over a 3 day period. Concerns that these drivers are taking advantage of free parking. Submitter suggests the City: <ul style="list-style-type: none"> <li>Provide a large car parking facility in Mount Hawthorn at 30% less cost than city car parks to encourage park/ride with commuters getting to know Mount Hawthorn area services and shopping; and</li> <li>Provide rangers with the opportunity to ticket cars with "2 x Free Coffee" instead of fine.</li> </ul>	Submitter 5	Noted. A strategic approach to parking restrictions, incentives and deterrents is required and will be determined through the preparation of the City's Integrated Transport Plan. The suggestion will be considered in reviewing the specific approach taken in the Mount Hawthorn Precinct.	No modification required.
46.	Submitter notes that Mount Hawthorn homes were not built to accommodate motor vehicles and therefore both sides of the street are often parked solid. Submitter suggests the City invite home owners to build car space on front yard property and fund 50%.	Submitter 5	Noted. A strategic approach to parking restrictions, incentives and deterrents is required and will be determined through the preparation of the City's Integrated Transport Plan. The suggestion will be considered in reviewing the specific approach taken in the Mount Hawthorn Precinct.	No modification required.
47.	Submitter supports Item 2.2.	Submitter 4 Submitter 11	Noted.	No modification required.
<b>Item 2.3 Formalise Edinboro Street Parking</b>				
48.	Submitter supports Item 2.3.	Submitter 4 Submitter 11	Noted.	No modification required.

02 MOVEMENT				
No.	Submitter Comment	Submitter	Administration Comment	Recommended Modification
<b>Item 2.4 Oxford Street North Upgrade</b>				
49.	Submitter suggests Oxford Street North be developed as the "Paris end of Oxford Street" as a fashion precinct attracting quality boutiques/ brand names. Submitter notes 'Paris End' means high quality shopping boutiques, refurbish/preserve old buildings, quality restaurants and more sidewalk cafes. Submitter suggests trying to attract banks and State Government offices and health service centres to create a Financial Hub in the heart of major residential area.	Submitter 5	Noted. Suggestion will be considered during preparation of branding/marketing materials.	No modification required.
50.	Will tenants/owners of adjacent premises be consulted on the design of the lighting?	Submitter 12	The City notes the lighting is intended to be either uplighting or budlighting with the final design to be determined in consultation with the Mt Hawthorn Hub Streetscapes Committee. The City intends to notify adjacent businesses regarding installation but not to consult regarding the design.	No modification required.
51.	Submitter supports Item 2.4.	Submitter 4 Submitter 10 Submitter 11 Submitter 12	Noted.	No modification required.
<b>Item 2.5 30KM/H Speed Zone along Oxford Street North</b>				
52.	Submitter does not support Item 2.5 and notes that a 40km/h limit between ANZAC and Scarborough Beach Rd is slow enough to promote pedestrian safety.	Submitter 3	Noted. The City notes that the average speed between Wilberforce Street and Scarborough Beach Road is currently 35.9km/h and the City intends to advocate for the 30km/h Speed Zone to encourage a further reduction in speed to further improve the pedestrian environment.	No modification required.

02 MOVEMENT				
No.	Submitter Comment	Submitter	Administration Comment	Recommended Modification
53.	Submitter highlights need for a formal pedestrian crossing facility in this area.	Submitter 4	<p>The City has recently installed a central median the length of Oxford Street North and a flush pedestrian crossing on the Fairfield/ Scarborough Beach Road intersection to improve the pedestrian environment. The City is currently seeking to reduce speed zones along both Scarborough Beach Road and Oxford Street North to further improve the pedestrian environment and is proposing to develop a plan to implement Scarborough Beach Road /Oxford Street intersection improvements.</p> <p>Once these measures have been implemented the City will review the walkability of the town centre and propose any new calming measures in future iterations of the MHTCPP.</p>	No modification required.
54.	Prefers one single speed zone through the entire area, i.e. 40km/hr.	Submitter 7 Submitter 10	Noted. The City is currently investigating this.	No modification required.
55.	The City should also reduce the speed of vehicles travelling along Anzac Road and entering Oxford Street as the intersection is particularly dangerous.	Submitter 12	Previous studies had demonstrated speeding along Anzac Road. As a result, road treatments were introduced to reduce speed. Follow up surveys will be conducted in November 2019 to determine if the issue is significant enough to warrant additional treatment.	No modification required.
56.	Submitter does not support Item 2.5 and notes the slower speed will aggravate drivers who may become more erratic and therefore dangerous and will also deter traffic from using these main streets and subsequently reduce interest in the town centre.	Submitter 13	Noted.	No modification required.
57.	Submitter supports Item 2.5.	Submitter 4 Submitter 6 Submitter 7 Submitter 10 Submitter 12	Noted.	No modification required.

02 MOVEMENT				
No.	Submitter Comment	Submitter	Administration Comment	Recommended Modification
Item	2.6 40KM/H Speed Zone Extension			
58.	Submitter supports Item 2.6 and proposes the 40km/h zone on Scarborough Beach Road start at Buxton Street in the West to incorporate the school, Braithwaite Park and child care centre and commence at the London/Loftus intersection in the East.	Submitter 10	Noted. It is considered sufficient that the 40km/h School Zone applies during school hours and this specific designation ensures the area is signed appropriately and incorporates the School Zone flashing lights. There is an opportunity to extend the 40km/h further west to meet the School Zone and Item 2.6 has been reviewed and amended to consider this.	<p>Modify Item 2.6 to extend the 40km/h speed zone both west and east.</p> <p>Recommended modification:  <i>Item 2.6 The 40km/h speed along Scarborough Beach Road does not start at the eastern <u>or western</u> end extent of the town centre.</i></p> <p><i>The City should negotiate the extension of the 40km/h speed zone further east along Scarborough Beach Road to incorporate Edinboro Street and address the Shakespeare Street Bike Boulevard <u>and further west along Scarborough Beach Road to meet the 40km/h school zone.</u></i></p> <p><i>Drivers approach the town centre from the east with little awareness they are entering a people first environment <u>and are currently required to change speeds from 40km/h to 50km/h back to 40km/h at the western end of the town centre.</u> The extension of the 40km/h speed zone will ensure drivers slow down well before entering the town centre which will enhance pedestrian comfort, particularly at the Scarborough Beach Road/Oxford Street intersection and at Axford Park.</i></p> <p><i>Advocate for the extension of the 40km/h Speed Zone east and west along Scarborough Beach Road</i></p>



02 MOVEMENT				
No.	Submitter Comment	Submitter	Administration Comment	Recommended Modification
59.	<p>Submitter does not support Item 2.6 and notes the slower speed will aggravate drivers who may become more erratic and therefore dangerous and will deter traffic from using these main streets and subsequently reduce interest in the town centre. Submitter notes that large vehicles are already forced off Scarborough Beach Road onto Anzac and other residential streets due to the calming measures in place.</p> <p>Submitter notes that businesses on the strip need deliveries but it is near impossible for the trucks to actually reach them without causing bigger disruptions to all road users and pedestrians. Submitter comments that buses do not pull into bus stops appropriately and block traffic.</p>	Submitter 13	Noted. The City's Integrated Transport Plan will consider last mile freight and any potential options for improving delivery services.	No modification required.
60.	<p>Submitter believes Scarborough Beach Road splits the town centre and proposes sinking Scarborough Beach Road from Matlock to Flinders Street in order to remove traffic and create a mall type environment where planter boxes, shade trees and alfresco dining can be located.</p> <p>Submitter also proposes multistorey car parks to increase parking capacity for town centre visitors.</p>	Submitter 11	Noted. The City has limited land holdings in the Mount Hawthorn Town Centre with none large enough to accommodate a multistorey car park.	No modification required.
61.	Submitter supports Item 2.6.	Submitter 3 Submitter 4 Submitter 11	Noted.	No modification required.

03 CHARACTER				
No.	Submitter Comment	Submitter	Administration Comment	Recommended Modification
<b>Item</b> <a href="#">V3.1 High Quality Ground Floor Design</a>				
62.	<p>Suggest a 'Primer' on Mt Hawthorn streetscape character.</p> <p>Leederville Connect are preparing a 'primer' on fine grain streetscape character that will assist prospective developers to understand the public space and character traits desired for a new design.</p> <p>The primer will convey an analysis of what's 'good' and accords with civic life and the urban commons, and what's 'bad' and doesn't allow street activation or is an architectural design that devalues and disrespects the fine-grained identity of the suburb.</p> <p>In Mount Hawthorn there are a few large redevelopment sites in the Town Centre. A similar primer on streetscape and direction on good and bad design may be required to illustrate the fundamental characteristics and subtleties of the Mount Hawthorn personality in any consultation with developers and their designers.</p>	Submitter 2	<p>Noted. The City looks forward to seeing the Leederville Primer and would appreciate Leederville Connect sharing this work with the Mt Hawthorn Hub.</p> <p>The City has committed to preparing town centre planning frameworks that investigate elements of design and development within town centres. The framework for Leederville has commenced in the form of Leederville Activity Centre Plan and the appropriate framework for Mount Hawthorn Town Centre is currently being investigated.</p>	No modification required.
<b>Item</b> <a href="#">3.1 Streetscape Audit</a>				
63.	<p>Submitter notes that the Mount Hawthorn Town Centre should continue to focus on elements that strengthen its current appeal, including:</p> <ul style="list-style-type: none"> <li>• enhancements to the soft landscaped and tree-lined street network;</li> <li>• improvements to pedestrian and cyclist priority and amenity to Town Centre 'magnets';</li> <li>• synergies between the assets and different characters of the Main Streets of north Oxford Street and Scarborough Beach Road and The Mezz Shopping Centre.</li> </ul>	Submitter 2	<p>Noted.</p> <p>These comments will be considered as part of the delivery of Item 3.1 Streetscape Audit.</p>	No modification required.

03 CHARACTER				
No.	Submitter Comment	Submitter	Administration Comment	Recommended Modification
64.	Submitter proposes railings next to Tredways be removed to create a more open street, particularly since the bike rack now perform as informal 'barriers'.	Submitter 2 Submitter 4	Noted. The City agrees opportunities to rationalise existing street furniture should be explored. Text to be amended to acknowledge that Item 3.1 Streetscape Audit will explore opportunities to rationalise the location of existing street furniture.	Recommended modification to acknowledge that railing locations will be explored as part of Item 3.1 Streetscape Audit.  Recommended modification: <i>Item 3.1 - Mount Hawthorn Town Centre incorporates the most greenery of the City's town centres and is well serviced by street furniture. <del>but has the potential</del> However, there is an opportunity to rationalise the location of existing street furniture and potential to accommodate additional planting, and furniture and streetscape improvements.</i>
65.	Submitter notes that the quality of the public realm adjacent to Axford Park is unattractive due to the large swathes of carpark, wire fencing, unkempt verges and lack of tree canopy and proposes the City encourage the landowners to upgrade private land to better engage with the town centre.	Submitter 2	Noted. These comments will be considered as part of the delivery of Item 3.1 Streetscape Audit.	No modification required.
66.	Submitter notes the bus stop at the intersection of Fairfield Street and Scarborough Beach Road requires upgrade and shelter.	Submitter 2	Noted. These comments will be considered as part of the delivery of Item 3.1 Streetscape Audit.	No modification required.
67.	Submitter states that motorists ignore rules to prioritise pedestrians at key intersections such as Coogee Street and proposes red brick footpath crossing surface should be raised and continue across the intersection to 'fill the gap'.	Submitter 2	Noted. These comments will be considered as part of the delivery of Item 3.1 Streetscape Audit.	No modification required.
68.	Submitter notes that the Mezz corner at the important and central town centre intersection of Flinders Street and Scarborough Beach Road requires refurbishment.	Submitter 2	Noted. The City has worked with Hawaiian, the owner of the Mezz, regarding a number of façade and streetscape upgrades and will communicate these comments to Hawaiian.	No modification required.
69.	Submitter supports additional street furniture, street art, on-road cafes and bringing food venues out onto the street.	Submitter 6	Noted.	No modification required.
70.	Submitter supports Item 3.1.	Submitter 4 Submitter 12	Noted	No modification required.

03 CHARACTER				
No.	Submitter Comment	Submitter	Administration Comment	Recommended Modification
71.	Submitter notes the area north of Axford Park is not well utilised, uninviting compared to other parts of the town centre and suggests lighting improvements in this area.	Submitter 15	Noted. These comments will be considered as part of the delivery of Item 3.1 Streetscape Audit.	No modification required.
<b>Item 3.2 Streetscape Palette</b>				
72.	The Planting Box program adds much valued colour and vibrancy to the streetscape and tenants should continue to be encouraged to install and maintain boxes, such as at intersections like Flinders and Scarborough Beach Road with no soft landscape.	Submitter 2	The City notes that the planter box style and specifications will be incorporated into the streetscape palette to encourage the ongoing maintenance and installation of planter boxes.	No modification required.
73.	The City of Vincent has developed an existing palette of streetscape materials and colours that includes burnished red brick paving for footpaths.  The use of the existing streetscape palette should continue with the removal of the faux bright red painted paving that looks unattractive and alien in public areas. Eg. Fairfield Street	Submitter 2	Administration notes that the faux brick concrete paving located at the Scarborough Beach Road /Fairfield Street intersection was chosen in preference to brick paving because concrete is more durable and better able to withstand the weight of the trucks, which service the Mezz Shopping Centre, via this intersection.  Administration values the aesthetics of the streetscape and is developing the Streetscape Palette for consistency purposes to ensure continuing with the existing street furniture, planting and materials. However, the City will continue to review material options for larger scale street upgrades based on use, cost, aesthetics and future maintenance requirements.	No modification required.
74.	Submitter notes that street lighting and paving could be unique to Mount Hawthorn/CoV e.g. Street lamps along Main Street in Granada Spain.	Submitter 5	The City agrees that street lights and furniture which are unique to Mount Hawthorn would assist to further define the areas individual character. Opportunities to further define Mount Hawthorns character will be consider as part of the delivery of Item 3. 2 Streetscape Palette but the City notes that the street lights are, and will continue to be, owned by Western Power.	No modification required.
75.	Submitter supports Item 3.2.	Submitter 4 Submitter 12	Noted.	No modification required.
<b>Item 3.3 Iconic Town Centre Artwork</b>				

03 CHARACTER				
No.	Submitter Comment	Submitter	Administration Comment	Recommended Modification
76.	<p>Submitter proposes iconic public artwork in Mt Hawthorn Town Centre is the Pharmacy 777 wall next to the carpark on Scarborough Beach Road.</p> <p>The current street art appears uncoordinated, unrelated to the context and is screened by cars. The two-storey height of wall presents an opportunity to create a highly visible artwork that could cover a large portion of the wall surface above parked cars.</p>	Submitter 2	<p>The City will considered these ideas as part of Item 3.1 Streetscape Audit.</p> <p>The City agrees there is potential to improve this murals visual appeal and connection with the local area but do not have funding available to allocate to the project this financial year. The City will consider upgrading this mural as part of Item 3.1 and will work with the Mt Hawthorn Hub and building owner this financial year to garner support for the project and identify a preferred artist and theme in order for the upgrade of the mural to be considered and potentially delivered in 2020/21.</p>	<p>Recommended modification to acknowledge that murals/street art will be explored as part of Item 3.1 Streetscape Audit.</p> <p>Recommended modification: <i>Item 3.1 - Mount Hawthorn Town Centre incorporates the most greenery of the City's town centres and is well serviced by street furniture. <del>but has the potential</del> However, there is an opportunity to rationalise the location of existing street furniture and potential to accommodate additional planting, and furniture and streetscape improvements.</i></p> <p><i>To build on the extensive streetscape upgrades delivered to date, an audit should be undertake to determine any current deficiencies in the streetscape and identify opportunities to build on the town center's inviting and green character including opportunities for additional planting, beautification, urban design improvements, street art and street furniture rationalisation and upgrades.</i></p> <p><i>Undertake a Streetscape Audit to determine opportunities for streetscape improvements additional planting new street furniture and street furniture upgrades.</i></p>
77.	Submitter supports Item 3.3.	Submitter 4	Noted.	No modification required.



03 CHARACTER				
No.	Submitter Comment	Submitter	Administration Comment	Recommended Modification
<b>Item 3.4 Underground Power</b>				
78.	Submitter does not support underground power because of the disruption it will cause to businesses along Oxford Street North. Submitters considers this a trivial matter and would prefer money spent elsewhere.	Submitter 1	The City notes that Item 3.4 proposes the investigation of underground power and that the investigation will assess the pros and cons of undergrounding power to inform any decision to progress or not progress with implementation.	No modification required.
79.	Submitter supports Item 3.4 and notes that the removal of the unattractive power poles is essential to allow trees in the verge zone to grow to their mature height and growth span.	Submitter 2	Noted.	No modification required.
80.	Submitter notes that underground power would cause months of disruption, potentially hurt businesses and is not a priority.	Submitter 6	The City notes that Item 3.4 proposes the investigation of underground power and that the investigation will assess the pros and cons of undergrounding power to inform any decision to progress or not progress with implementation.	
81.	Submitter supports Item 3.4.	Submitter 4 Submitter 12	Noted.	No modification required.
<b>Item 3.5 Beautification of Lot 100</b>				
82.	Remove Telstra from Oxford Street - Build a performance focused concert hall.	Submitter 5	The City will raise this suggestions with Telstra when negotiating the beautification of this lot.	No modification required.

GENERAL				
No.	Submitter Comment	Submitter	Administration Comment	Recommended Modification
83.	Submitter notes, good work, looking forward to seeing what happens within the next few months.	Submitter 1	Noted.	No modification required.
84.	Submitter proposes a summary of bullet points be included on page 3 to explain the analytical charts and implications for the town centre.	Submitter 2	Key information is summarised using infographics and images on page 2 and 3. The layout is modelled on the same format as Volume 1: Vincent Town Centre Place Plans and Volume 2: North Perth Town Centre Place Plan. Proposed changes to the document format will be considered as part of the four year major review which is scheduled to occur in 2022.	No modification required.
85.	Submitter proposes the City update images to photos showing current 'pulse points' of Lupolab, Mokaffe, Diabolik and Spritz, Lawley's Bakery, Vinnie's Op Shop, Move Health and Fitness and Tsukaya.	Submitter 2	The images are mostly recent and the festival image on page 3 has been updated to include the recently opened business Lupo Lab. The MHTCPP is intended to be a snapshot in time with images included to capture the town centre as it evolves. Images will therefore be updated in future iterations of the MHTCPP.	Festival image of tenancies between Fairfield Street and Flinders Street on page 3 updated to include recent image of tenancies in same location.
86.	Submitter proposed the Place Plan boundary acknowledge the town centre 'off-shoot' street of Flinders Street. Submitter also notes that recent developments in this area have not contributed positively to the streetscape with signage, a pergola and paved landscaping dominating the front setback.	Submitter 2	Noted. The City has already extended the town centre boundary to include areas zoned Commercial, in the City's TPS 2, located adjacent the District Centre Zone and does not support areas currently zoned Residential being included in the MHTCPP boundary area.	No modification required.
87.	Submitter thanked the City for the opportunity to participate in the survey.	Submitter 4	Noted.	No modification required.
88.	Submitter loves living in the City of Vincent, notes the City is responsive to people's needs and the rangers are awesome at following up issues.	Submitter 6	Noted.	No modification required.
89.	Submitter notes it's great to see the City is putting a focus on the Mount Hawthorn precinct.	Submitter 7	Noted.	No modification required.
90.	Submitter notes document is an amazing read and it's evident much thought went into each recommendation.	Submitter 8	Noted.	No modification required.
91.	Submitter thanks City for hard work in preparing document.	Submitter 9	Noted.	No modification required.





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DISCLAIMER

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DATE	DETAILS	STATUS
23/08/19	Mount Hawthorn Town Centre Place Plan	Final

MOUNT HAWTHORN TOWN CENTRE PLACE PLAN

00 INTRODUCTION

The Mount Hawthorn Town Centre Place Plan (Place Plan) has been developed as a ‘place based’ strategic plan to guide the direction of funding and resources in the Mount Hawthorn Town Centre.

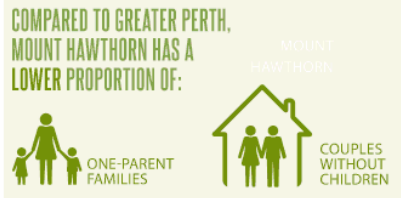
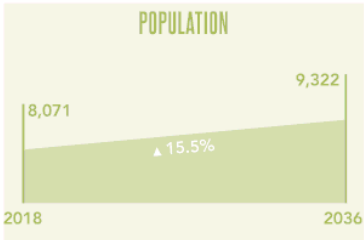
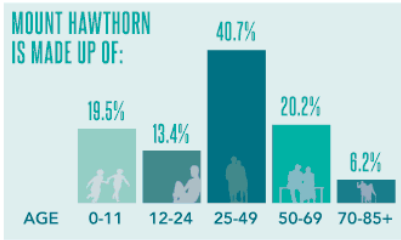
Mount Hawthorn Town Centre is defined by its unique landscape character and rich history. It extends from Braithwaite Park in the west to Britannia Road in the south and incorporates Axford Park. Traditional fine-grain shops front Scarborough Beach Road with an emerging mix of businesses along the north of Oxford Street.

Mount Hawthorn has evolved from a satellite centre serviced by trams in the late 19th century, to a cosmopolitan migrant settlement, to a community oriented suburban village with a bustling local centre. Mount Hawthorn Town Centre is a highly valued, attractive local destination which presents opportunities to better service the local community and accommodate additional residents.

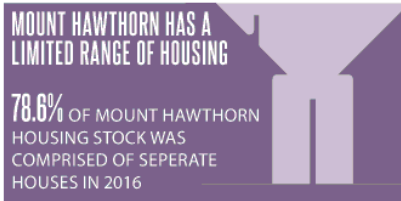
HISTORIC SNAPSHOT



DEMOGRAPHIC SNAPSHOT



ECONOMIC SNAPSHOT



INTRODUCTION

00

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MOUNT HAWTHORN TOWN CENTRE PLACE PLAN





## PLACE PLAN PURPOSE & PROCESS

The Place Plan outlines the funds and resources the City has specifically committed to the Mount Hawthorn Town Centre. The boundary of Mount Hawthorn Town Centre (refer **Mount Hawthorn Town Centre Boundary Map**) extends beyond the City of Vincent's Town Planning Scheme No. 2 District Centre Scheme Zone, to incorporate the commercial offering in the immediate vicinity of Oxford Street and Scarborough Beach Road.

The Place Plan lists the implementation schedule for all of the major initiatives being undertaken in the Mount Hawthorn Town Centre by the City of Vincent. Such initiatives include but are not limited to public realm upgrades, marketing initiatives, economic and community development projects and/or policy and procedural improvements. The Place Plans provide a robust, planned and integrated approach to project identification and delivery.



following three sources:

- A. the content and identified actions within the Mount Hawthorn Hub Action Plan;
- B. best practice; and
- C. data collected through the Town Centre Performance Measurement Strategy.

The diagram below identifies the process in which Place Plan actions are prepared.



The Place Plan will be reviewed and updated annually. Anyone who wants to know what the City of Vincent is doing in the Mount Hawthorn Town Centre can read this document and learn about the broad range of projects the City is undertaking, and the direction the City is taking to support and improve the town centre.

The Implementation Framework sets out the actions, time frames and teams who are responsible for the delivery of the actions and projects.

## MOUNT HAWTHORN HUB

Each of the City of Vincent town centres has a 'town team'. The town teams are independently formed incorporated bodies that aim to make their respective town centres the best places they can possibly be. The town teams are not an affiliate of the City but do receive funding for community driven initiatives. The town teams are made up of a diverse range of members that include business owners, land owners and local residents. Each town team member brings a different set of skills and life experiences to the table and these collectively shape the direction, composition and identity of the five town teams.

The town teams and the City enjoy a symbiotic relationship. The City engages directly with each town team on a variety of issues that are specific to their respective town centres and the town teams are able to effectively communicate issues, solutions and ideas to the City through their strategic Action Plans. The City works collaboratively with the town teams to deliver locally based activities/events, physical improvements and economic and community development initiatives.

Mount Hawthorn Hub is the town team operating in the Mount Hawthorn Town Centre. Mount Hawthorn Hub's Action Plan outlines a range of objectives and principles as well as their key focus areas.



MOUNT HAWTHORN TOWN CENTRE PLACE PLAN



## HOW TO READ THIS DOCUMENT!

Mount Hawthorn Town Centre Place Plan is structured around three Key Focus Areas:

**01 ACTIVITY** Sets out the actions and projects which assist the City to enhance activity in the town centre in order for it to reach its activation and economic potential.



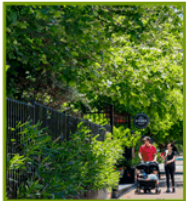
**02 MOVEMENT** Sets out the actions and projects which enhance walkability, improve the use of public transport, deliver parking efficiencies and create a more pedestrian and cycle friendly town centre.



**03 CHARACTER** Sets out the actions and projects which contribute to Mount Hawthorn's unique sense of place.

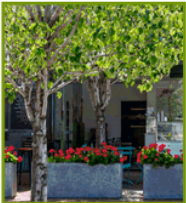






The City of Vincent is committed to 'Greening Vincent' by increasing overall canopy cover, creating more liveable and walkable neighbourhoods and fostering biodiversity within the City of Vincent. Major greening projects are identified in:

- the City's Greening Plan Implementation Schedule; and
- the actions in the Place Plan that are demarcated with the Vincent Greening Icon below.

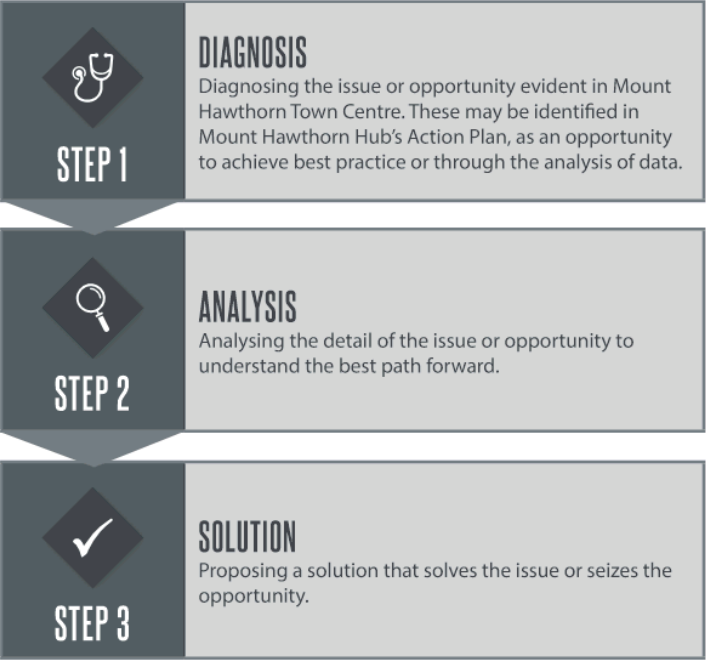


**GREENING** Any action that has a greening component is marked with the City of Vincent's Greening Plan Icon.



**IMPLEMENTATION FRAMEWORK** Sets out the actions, time frames and the responsible teams for the delivery of all of the identified projects.

Each project is explained using the following three step process:



# 01 ACTIVITY

MOUNT HAWTHORN TOWN CENTRE WILL CONTINUE TO BE A BEAUTIFUL PLACE WHERE THE COMMUNITY LIVE, WORK AND PLAY AND WHERE A THRIVING LOCAL ECONOMY SUPPORTS PROSPEROUS AND PASSIONATE LOCAL, INDEPENDENT BUSINESSES.



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MOUNT HAWTHORN TOWN CENTRE PLACE PLAN

## EVENTS & ACTIVATION

### ITEM 1.1 - FREE WIFI

There is currently no free WiFi in Mount Hawthorn Town Centre.

The City has committed to investigating options for enhanced telecommunications infrastructures and services such as free public WiFi as outlined in the City's Strategic Community Plan.

Free public WiFi supports mobility, and attracts workers, students and other potential visitors to commercial places such as town centres. Opportunities to implement Free WiFi in public town centre spaces, such as Axford Park, should be explored to determine potential benefits and priority locations.

The **Mt Hawthorn Hub Action Plan** identifies Free WiFi across the town centre as necessary to support the positive growth of Mount Hawthorn.

Determine options to implement **Free WiFi** in priority town centre locations

## MARKETING & BRANDING

### ITEM 1.2 - BANNER POLES

Town centre banner poles are not installed along Oxford Street North.

Oxford Street North is an integral component of the Mount Hawthorn Town Centre and is the southern entry from Leederville into the town centre. The lack of banner poles make it difficult for the City to consistently market and brand the whole town centre and Mount Hawthorn events and initiatives.

The **Mt Hawthorn Hub Action Plan** identifies Place Branding as an area for improvement.

Investigate the installation of **Banner Poles** along Oxford Street North



## PUBLIC OPEN SPACE

## ITEM 1.3 - AXFORD PARK UPGRADE

Axford Park is a significantly underutilised town centre asset.

Axford Park is centrally located in the town centre, connecting Oxford Street with the traditional main street along Scarborough Beach Road (refer **Existing Public Open Space Map**)

The City's Public Open Space Strategy identifies the need to establish a high quality civic open space within the town centre and a Concept Design to deliver this at Axford Park was adopted by Council in 2018.

The Concept Design considers Axford Park as the 'Front Yard of Mount Hawthorn' and takes inspiration from the character housing seen throughout the suburb. The design depicts the long term plan for the park and is split into stages to enable the park to be upgraded over time in a sustainable, staged manner.

Although a number of stages are poised to be delivered in the immediate future, other stages are reliant on the redevelopment of adjacent lots and/or modal shift away from private vehicle use.

To ensure the park reaches its potential as a well utilised community gathering space in the short term, the City should invest in the design and delivery of the upgrade stages which aren't reliant on external factors.



Design and deliver the first phase of **Axford Park Upgrade**

**AXFORD PARK UPGRADE** will contribute to the greening of Vincent by making better use of the existing green space and converting underperforming road reserve to additional town centre green space.



## EXISTING PUBLIC OPEN SPACE MAP



ACTIVITY

01

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MOUNT HAWTHORN TOWN CENTRE PLACE PLAN

## NIGHT TIME ECONOMY

## ITEM 1.4 - NIGHT TIME ECONOMY

Mount Hawthorn Town Centre has a weak night time economy compared with other nearby town centres.

The **After Hours Trading Map** shows the businesses that are open after 6pm.

There is an opportunity to leverage the activity generated after hours by restaurants and bars along Scarborough Beach Road and the Mount Hawthorn Hawkers Market on Friday evenings to encourage after hour's uses in the immediate area.

The **Mt Hawthorn Hub Action Plan** identifies a need to support and encourage activities that strengthen the night-time economy. Prior to supporting the development of the night time economy, the City needs to better understand why more night time activities are not attracted to the town centre and what the barriers inhibiting existing businesses from extending trading hours are.

Identify barriers inhibiting Mount Hawthorn's **Night Time Economy** in consultation with local businesses and determine actions to address these

## TOWN CENTRE SAFETY

## ITEM 1.5 - LED STREET LIGHTS

The street lights along Scarborough Beach Road and Oxford Street function poorly at night and are not energy efficient.

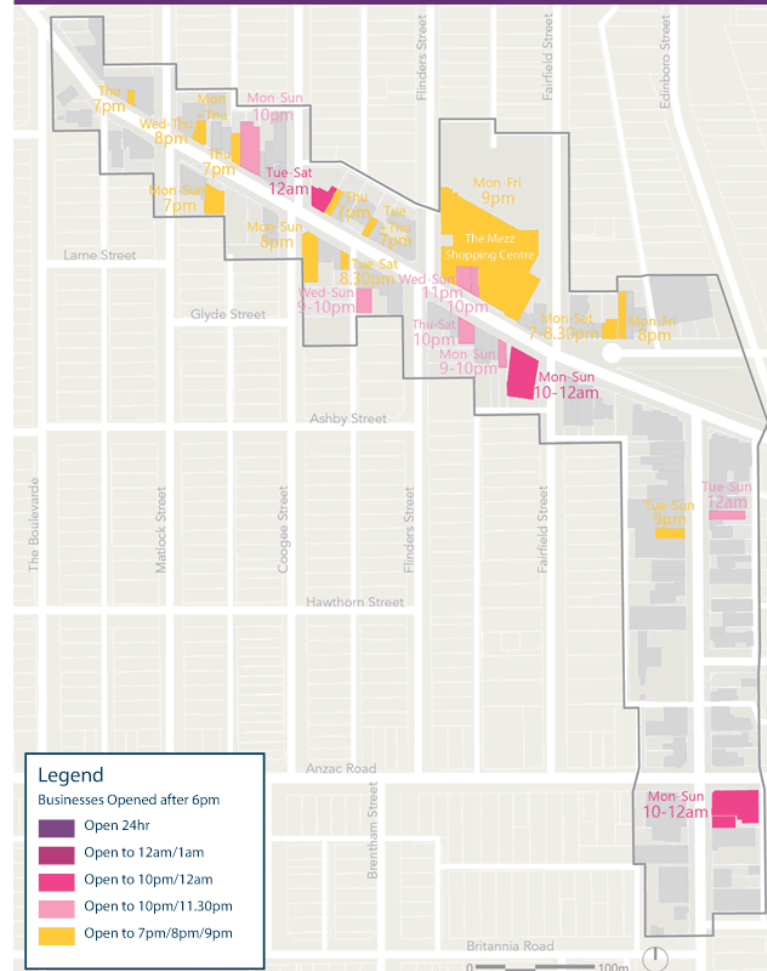
The Western Power street lights along Scarborough Beach Road and Oxford Street are high pressure sodium (yellow) lamps which do not efficiently or consistently light the streets at night. The lights are poorly maintained and delays to repair them often leave the town centre main streets in darkness.

Western Power LED high efficiency long life luminaires are now available and the **Mt Hawthorn Hub Action Plan** identifies a need to improve lighting in the town centre.

Install **LED Street Lights** along Scarborough Beach Road and Oxford Street

MOUNT HAWTHORN TOWN CENTRE PLACE PLAN

## AFTER HOURS TRADING MAP



## TOWN CENTRE SAFETY

## ITEM 1.6 - CAR PARK LIGHTING IMPROVEMENTS

Flinders Street Car Park is poorly illuminated at night.

There is an opportunity to replace existing luminaires in the City's car park with LED pole mounted or post top luminaires to promote safety and security.

The **Mt Hawthorn Hub Action Plan** identifies a need to improve lighting in the town centre.

Investigate **Lighting Improvements** in the Flinders Street Car Park

## TOWN CENTRE SAFETY

## ITEM 1.7 - LANE LIGHTING IMPROVEMENTS

The lanes between Flinders Street and Oxford Street are poorly illuminated at night.

The City currently receives reports of anti-social behaviour occurring in these lanes. Through the Australian Government Safer Communities Program, there is an opportunity to install solar lighting to promote safety and security.

Implement **Lane Lighting Improvements** in the lanes between Flinders Street and Oxford Street

## DEVELOPMENT OPPORTUNITIES

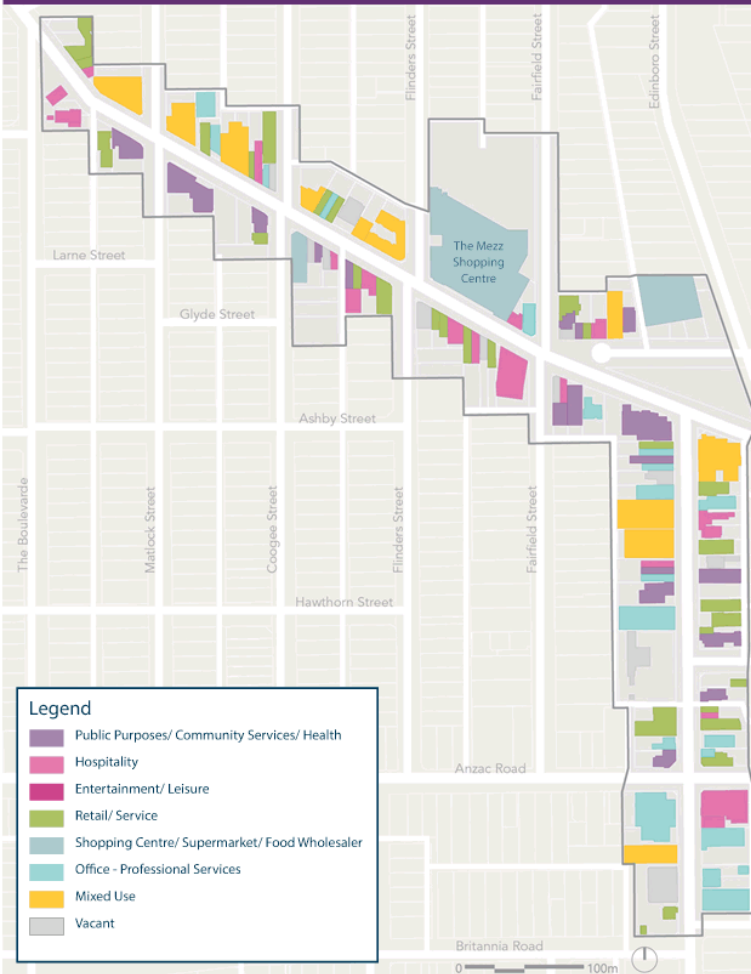
## ITEM 1.8 - FUTURE YOUTH SPACE

There is a significant gap in the provision of infrastructure to service the needs of teenagers and young adults in Mount Hawthorn.

The City's Public Open Space Strategy identifies a significant accessibility gap for youth oriented infrastructure in Mount Hawthorn and the **Mt Hawthorn Hub Action Plan** identifies a need to undertake an engagement strategy to inform the development of a permanent youth space for residents.

Undertake consultation to identify a preferred location for a **Future Youth Space** in the town centre or surrounds

## LAND USE MAP



MOUNT HAWTHORN TOWN CENTRE PLACE PLAN

ACTIVITY

01

11

# 02 MOVEMENT

THE MOUNT HAWTHORN TOWN CENTRE WILL FIND THE RIGHT BALANCE BETWEEN CARS, BUSES, BICYCLES AND PEDESTRIANS, BECOMING A GREAT PLACE FOR PEOPLE AND BUSINESS.



MOUNT HAWTHORN TOWN CENTRE PLACE PLAN

## RETHINKING MOVEMENT IN THE TOWN CENTRE

### ITEM 2.1 - INTERSECTION IMPROVEMENTS

The Scarborough Beach Rd/Oxford St intersection is not pedestrian friendly.

The pedestrian environment at the Scarborough Beach Road and Oxford Street intersection is poor and vehicle dominated. Improvements to the design and management of this intersection should be explored to enhance aesthetics and improve pedestrian and cyclist movement. Private as well as public infrastructure could be upgraded to enhance this key location.

The **Mt Hawthorn Hub Action Plan** identifies an opportunity to incorporate street art to improve the streetscape and to create a point of interest which signals to drivers to slow down.

Plan and facilitate Scarborough Beach Road/Oxford Street **Intersection Improvements**

## RETHINKING MOVEMENT IN THE TOWN CENTRE

### ITEM 2.2 - PARKING MANAGEMENT

The parking restrictions in lots adjoin Flinders Street Car Park are inconsistent and cause confusion.

There are three separately owned car parks adjoin the City's Flinders Street Car Park. The boundaries of these car park areas are unclear and the varied restrictions and signage confusing. The fragmentation of the car parking inevitably means the available parking is not fully utilized.

An opportunity exists to consolidate the management of these car parks to maximise the use of available car parking. With consistent external and internal signage there will be more effective sharing of parking and improved perceptions of the availability of public parking.

Rationalise the **Parking Management** of adjoining car parks between Fairfield Street and Flinders Street



RETHINKING MOVEMENT IN THE TOWN CENTRE

ITEM 2.3 - FORMALISE EDINBORO STREET PARKING

Verge parking along Edinboro Street is a common occurrence and parking in this area is poorly managed.

Verge parking to accommodate parking overflow to the north of Hobart Street along Edinboro Street has become an increasingly prevalent issue due to the large unrestricted verges, the streets proximity to the town centre and the limited formalised bays.

Formalising parking along the Edinboro Street road reserve, directly north of Hobart Street, may increase parking provision at the eastern end of the town centre and enable the City to better manage the efficient and effective use of parking in this area.

Investigate the potential to **Formalise Parking** along Edinboro Street

MOVEMENT

02

13





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MOUNT HAWTHORN TOWN CENTRE PLACE PLAN

## RETHINKING MOVEMENT IN THE TOWN CENTRE

### ITEM 2.4 - OXFORD STREET NORTH UPGRADE

Oxford Street North has no discernible entry from the southern approach.

To improve pedestrian, cyclist and visitor amenity along Oxford Street North and to bring the area in line with its counterpart along Scarborough Beach Road, the City has recently implemented a number of streetscape upgrades.

The upgrades have included street tree planting for enhanced shade and beautification, red asphalt to denote the town centre area, a central median for pedestrian refuge and improved walkability, new motorcycle bays and bike racks as well as speed humps to accommodate a potential 30km/h zone to slow traffic and create a place for people.

The streetscape has never looked better but the southern entry could be better defined. To signify entry into this pedestrian first environment, the installation of decorative lighting at the Anzac Road entry point should be implemented.

Install decorative lighting at the Anzac Road roundabout to denote the southern town centre entry and complete the **Oxford Street North Upgrade**

**OXFORD STREET NORTH UPGRADE** has included significant street tree planting which has contributed to the greening of Vincent.

## IMPROVING TOWN CENTRE ACCESSIBILITY

## ITEM 2.5 - OXFORD STREET NORTH 30KM/H SPEED ZONE



Oxford Street North has a 50km/h speed limit which is not ideal for a people first, town centre environment.

The City recently implemented a number of traffic calming measures including reducing the carriageway width, denoting the town centre with red asphalt, planting median and footpath street trees and installing low profile speed humps and shared space symbols along Oxford Street North.



To prioritise active transport, complement these physical interventions and create a safer environment for pedestrians and cyclists, the City should negotiate the reduction of the 50km/h speed zone to 30km/h.

This speed limit reduction will require approval from the state roads authority, Main Roads Western Australia (MRWA) and will require supporting data such as traffic and speed counts.



Acquire traffic data and advocate for a **30km/h Speed Zone** along Oxford Street North

## IMPROVING TOWN CENTRE ACCESSIBILITY

## ITEM 2.6 - 40KM/H SPEED ZONE EXTENSION



The 40km/h speed along Scarborough Beach Road does not start at the eastern or western extent of the town centre.

The City should negotiate the extension of the 40km/h speed zone further east along Scarborough Beach Road to incorporate Edinboro Street and address the Shakespeare Street Bike Boulevard and further west along Scarborough Beach Road to meet the 40km/h school zone.



Drivers approach the town centre from the east with little awareness they are entering a people first environment and are currently required to change speeds from 40km/h to 50km/h back to 40km/h at the western end of the town centre. The extension of the 40km/h speed zone will ensure drivers slow down well before entering the town centre which will enhance pedestrian comfort, particularly at the Scarborough Beach Road/Oxford Street intersection and at Axford Park.



Advocate for the extension of the **40km/h Speed Zone** east and west along Scarborough Beach Road

MOVEMENT

02

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MOUNT HAWTHORN TOWN CENTRE PLACE PLAN

# 03 CHARACTER

MOUNT HAWTHORN TOWN CENTRE SHOULD EMBRACE WHAT MAKES IT DISTINCTIVE. WHAT ARE THOSE SPECIAL ASPECTS THAT MAKE IT DIFFERENT FROM OTHER PLACES? IS IT THE BUILDINGS, THE BUSINESSES, THE PEOPLE, THE INSTITUTIONS, THE LOCAL STORIES, THE HISTORY? – IT'S ALL OF THOSE THINGS OF COURSE.

THESE SPECIAL THINGS CAN AND WILL BE CELEBRATED THROUGH THE BRANDING & MARKETING OF THE TOWN CENTRE. HOWEVER, THERE ARE SOME SPECIFIC ACTIONS THE CITY CAN TAKE TO IMPROVE OXFORD STREET, AXFORD PARK & CAPITALISE ON THE TRADITIONAL FINE GRAIN TOWN CENTRE DEVELOPMENT.



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MOUNT HAWTHORN TOWN CENTRE PLACE PLAN

## CREATING PLACES FOR PEOPLE

### ITEM 3.1 - STREETScape AUDIT

Mount Hawthorn Town Centre incorporates the most greenery of the City's town centres and is well served by street furniture. However, there is an opportunity to rationalise the location of existing street furniture and potential to accommodate additional planting, furniture and streetscape improvements.

The City understands the importance of canopy cover and street furniture and the role they play in encouraging people to linger longer. In 2015 the City undertook a streetscape audit in conjunction with the Mt Hawthorn Hub to identify 'gaps' in the street furniture and 'hot spots' for additional planting.

In response to the audit, the City installed 12 new bins, 8 benches, 30 planter boxes, 53 trees, 1 bike repair station and 18 bike racks.

To build on the extensive streetscape upgrades delivered to date, an audit should be undertaken to determine any current deficiencies in the streetscape and identify opportunities to build on the town center's inviting and green character including opportunities for additional planting, beautification, urban design improvements, street art and street furniture rationalisation and upgrades.

Undertake a **Streetscape Audit** to determine opportunities for streetscape improvements.

A **STREETScape AUDIT** will contribute to Greening Vincent by identifying opportunities for additional town centre trees, verge and median planting.

## CREATING PLACES FOR PEOPLE

## ITEM 3.2 - STREETSCAPE PALETTE

Mount Hawthorn Town Centre has a distinct character and largely consistent streetscape palette.

Unlike other town centres, Mount Hawthorn Town Centre has a unique streetscape palette which contributes to the distinct character of the town centre.

The streetscape palette was developed in collaboration with the Mt Hawthorn Hub and incorporates street furniture such as the benches and bins as well as the street tree and planting species used to green the verges, footpaths, median strips and planter boxes.

To ensure additional planting and street furniture remain consistent and in keeping with the character of the area, the City should create a streetscape palette to guide the future renewal and upgrade of these key town centre components.

Develop a Mount Hawthorn Town Centre **Streetscape Palette**

## CREATING PLACES FOR PEOPLE

## ITEM 3.3 - ICONIC TOWN CENTRE ARTWORK

Mount Hawthorn Town Centre does not have a strong sense of arrival from the western approach.

Iconic elements and entry statements can announce the approach and arrival into a precinct or town centre, creating a welcoming environment. Mount Hawthorn is known for its suburban village atmosphere but lacks physical infrastructure and artwork to celebrate its endearing style and charm.

The **Mt Hawthorn Hub Action Plan** identifies a need to investigate the development of a Welcome Statement to celebrate Mount Hawthorn's identity.

Determine a preferred location and design for an **Iconic Town Centre Artwork** in consultation with the community

## CREATING PLACES FOR PEOPLE

## ITEM 3.4 - UNDERGROUND POWER

The overhead power lines along Oxford Street North and Hobart Street are unattractive, limit the useability of the road reserve and will prevent street trees from reaching full maturity.

Western Power's power poles are located along the footpath, limiting the use and appeal of alfresco areas along Oxford Street North and the potential use of Hobart Street road reserve for additional parking.

Western Power's separation requirements inhibit trees from reaching maturity. It is necessary to investigate the costs and benefits of underground power prior to requiring the pruning of the recently planted Oxford Street North trees.

Investigate the potential to **Underground Power** along Oxford Street North and Hobart Street

**UNDERGROUND POWER** will contribute to Greening Vincent by allowing trees to mature, increasing canopy coverage and improving walkability.

## CREATING PLACES FOR PEOPLE

## ITEM 3.5 - BEAUTIFICATION OF LOT 100

The planting at Lot 100 on the corner of Oxford Street and Scarborough Beach Road is not maintained to a high standard.

The City has received multiple requests to maintain or remove the four palm trees and raised garden bed at Lot 100 Scarborough Beach Road.

Lot 100 is not owned by the City, it is owned by Telstra Corporation Limited. The City is therefore unable to undertake maintenance work or implement upgrades without the permission of Telstra, as owner.

There is an opportunity to improve the maintenance and planting at Lot 100 to bring it in line with the City managed and maintained streetscapes.

Negotiate the **Beautification of Lot 100** Scarborough Beach Road with Telstra Corporation Limited

VOLUME 03 - MOUNT HAWTHORN TOWN CENTRE PLACE PLAN IMPLEMENTATION FRAMEWORK										
KEY ACTION/ PROJECT				RESPONSIBLE TEAM*	SUPPORT TEAM*	TOWN CENTRE WIDE**	TIMING			
							19/20	20/21	21/22	22/23
KEY FOCUS AREA 1: ACTIVITY										
EVENTS & ACTIVATION										
V1.1	Prepare and implement <b>Town Centre Public Space Activation</b> schedules			C&B	S&D	✓	✓	✓	✓	✓
V1.2	Review hire fees and create an improved <b>Online Hire Platform</b> and booking system for town centre public spaces			C&B		✓	✓			
V1.3	Streamline the City's <b>Event Approvals</b> processes			C&B	S&D/I&E	✓	✓	✓	✓	✓
V1.4	Provide ongoing support for <b>Town Team Events &amp; Other Public Events</b>			C&B	S&D/I&E	✓	✓	✓	✓	✓
1.1	Determine options to implement <b>Free WiFi</b> in priority town centre locations			ITC	I&E		✓			
CUSTOMER SERVICE										
V1.5	Improve and monitor the level of <b>Service &amp; Maintenance</b> provided in the town centres			I&E	S&D	✓	✓	✓	✓	✓
V1.6	Manage the <b>Town Team Grant Program</b>			S&D	C&B/I&E	✓	✓	✓	✓	✓
MARKETING & BRANDING										
V1.7	Prepare and implement <b>Town Centre Marketing &amp; Branding Plans</b>			C&B	S&D	✓	✓	✓		
V1.8	Work collaboratively with the Inner Perth Assembly to develop and deliver <b>Destination Marketing</b>			C&B	S&D	✓	✓	✓		
1.2	Investigate the Installation of <b>Banner Poles</b> along Oxford Street North			S&D	I&E		✓			
BUSINESS SUPPORT										
V1.9	Amend the <b>Trading in Public Places Local Law 2008 &amp; Local Government Property Local Law 2008</b>			S&D	CEO	✓	✓			
V1.10	Implement a <b>Business Engagement Program</b>			S&D	C&B	✓	✓	✓	✓	✓
PUBLIC OPEN SPACE										
1.3	Design and deliver the first phase of <b>Axford Park Upgrade</b>			S&D	I&E		✓	✓		
NIGHT TIME ECONOMY										
V1.11	Advocate for <b>Live Music Venue Protection</b>			S&D		✓	✓	✓	✓	✓
1.4	Identify barriers inhibiting Mount Hawthorn's <b>Night Time Economy</b> in consultation with local businesses and determine actions to address these			S&D	C&B		✓	✓	✓	✓
TOWN CENTRE SAFETY										
1.5	Install <b>LED Street Lights</b> along Scarborough Beach Road and Oxford Street			C&B	I&E		✓	✓		
1.6	Investigate <b>Lighting Improvements</b> in the Flinders Street Car Park			I&E	S&D		✓			
1.7	Implement <b>Lane Lighting Improvements</b> in the lanes between Flinders Street and Oxford Street			C&B	I&E		✓			
DEVELOPMENT OPPORTUNITIES										
V1.12	Prepare a Strategy for <b>City of Vincent Owned Land</b> within the town centres			CEO	S&D	✓		✓	✓	
1.8	Undertake consultation to identify a preferred location for a <b>Future Youth Space</b> in the town centre or surrounds			C&B	S&D		✓	✓		
PLANNING FRAMEWORK										
V1.13	Investigate a <b>Planning Framework</b> for each of the town centres			S&D		✓	✓	✓		

\*Community & Business Services (C&B), Strategy & Development (S&D), Infrastructure & Environment (I&E), Information & Communications Technology (ICT), Office of the CEO (CEO)

\*\*Actions and projects which occur in all City of Vincent town centres (V). For additional information refer Volume 01 - Vincent Town Centres Place Plans



## VOLUME 03 - MOUNT HAWTHORN TOWN CENTRE PLACE PLAN IMPLEMENTATION FRAMEWORK

KEY ACTION/ PROJECT		RESPONSIBLE TEAM*	SUPPORT TEAM*	TOWN CENTRE WIDE**	TIMING			
					19/20	20/21	21/22	22/23
KEY FOCUS AREA 2: MOVEMENT								
RETHINKING MOVEMENT IN THE TOWN CENTRES								
V2.1	Prepare an <b>Integrated Transport Plan</b>	S&D	I&E	✓	✓			
V2.2	Advocate to State Transport Authorities for <b>Transport Infrastructure</b> improvements including improved east-west connections	S&D	I&E	✓	✓	✓	✓	✓
V2.3	Implement a <b>Transport Education Program</b>	I&E	S&D/C&B	✓		✓	✓	✓
V2.4	Advocate for <b>After hours Transport Options</b>	S&D	I&E	✓	✓	✓	✓	✓
2.1	Plan and facilitate Scarborough Beach Road/Oxford Street <b>Intersection Improvements</b>	S&D	I&E		✓	✓		
IMPROVING TOWN CENTRE ACCESSIBILITY								
V2.5	Develop a <b>Wayfinding Strategy</b>	C&B	S&D/I&E	✓	✓	✓		
V2.6	Review the naming requirements within the <b>Laneways and Rights of Way Policy 2.2.8</b>	S&D	C&B/I&E	✓	COMPLETE			
V2.7	Advocate to the Public Transport Authority for <b>Bus Noise Emission Improvements</b>	S&D	I&E	✓		✓	✓	
V2.8	Investigate the costs and benefits of <b>Underground Power</b> in Vincent's town centres	I&E	CEO	✓	✓	✓	✓	✓
2.2	Rationalise the <b>Parking Management</b> of adjoining car parks between Fairfield Street and Flinders Street	S&D	I&E			✓		
2.3	Investigate the potential to <b>Formalise Parking</b> along Edinboro Street	I&E	S&D		✓			
2.4	Install decorative lighting at the Anzac Road roundabout to denote the southern town centre entry and complete the <b>Oxford Street North Upgrade</b>	S&D	I&E		✓			
2.5	Acquire traffic data and advocate for a <b>30km/h Speed Zone</b> along Oxford Street North	I&E	C&B		✓			
2.6	Advocate for the extension of the <b>40km/h Speed Zone</b> east and west along Scarborough Beach Road	I&E			✓			
KEY FOCUS AREA 3: CHARACTER								
CREATING PLACES FOR PEOPLE								
V3.1	Advocate for <b>High Quality Ground Floor Design</b> to the development industry and business community	S&D		✓	✓	✓	✓	✓
3.1	Undertake a <b>Streetscape Audit</b> to determine opportunities for streetscape improvements.	S&D	I&E		✓			
3.2	Develop a Mount Hawthorn Town Centre <b>Streetscape Palette</b>	S&D	C&B		✓			
3.3	Determine a preferred location and design for an <b>Iconic Town Centre Artwork</b> in consultation with the community	C&B	S&D		✓			
3.4	Investigate the potential to <b>Underground Power</b> along Oxford Street North and Hobart Street	I&E	CEO		✓	✓		
3.5	Negotiate the <b>Beautification of Lot 100</b> Scarborough Beach Road with Telstra Corporation Limited	S&D	I&E		✓			

\*Community & Business Services (C&B), Strategy & Development (S&D), Infrastructure & Environment (I&E), Information & Communications Technology (ICT), Office of the CEO (CEO)

\*\*Actions and projects which occur in all City of Vincent town centres (V). For additional information refer Volume 01 - Vincent Town Centres Place Plans





**5.5 NO. 42 (LOT: 2; D/P: 2136) WOODVILLE STREET, NORTH PERTH - PROPOSED SIX MULTIPLE DWELLINGS (AMENDMENT TO APPROVED - UNAUTHORISED EXISTING DEVELOPMENT)**

**TRIM Ref:** D19/122288

**Author:** Karsen Reynolds, Urban Planner

**Authoriser:** Joslin Colli, Coordinator Planning Services

**Ward:** North

**Attachments:**

1. Consultation and Location Map [!\[\]\(003082e50e3009141f59bd5df831749f\_img.jpg\)](#) 
2. Minutes of 26 June 2018 Council Meeting [!\[\]\(f5c165e0bd35116675db6686a30b1fea\_img.jpg\)](#) 
3. Previously Approved Development Application Plans and Perspectives [!\[\]\(d339191bc3bc55555af8e02f21021073\_img.jpg\)](#) 
4. Proposed Development Plans [!\[\]\(f8b32c2cf165c98e2285e4ab26fe3e2c\_img.jpg\)](#) 

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **APPROVES** the development application for Six Multiple Dwellings (amendment to approval) at No. 42 (Lot: 2; D/P: 2136) Woodville Street, North Perth subject to the following conditions:

1. All conditions, requirements and advice notes detailed on development approval 5.2018.81.1 granted on 26 June 2018 continue to apply to this approval, except as follows:

- 1.1 Condition 11 of the development approval is deleted and replaced with the following condition:

11. Screening

Prior to occupancy or use of the development, privacy screening to first floor balconies shall be upward facing aluminium louvres to height of 1.7 metres above the balcony finished floor levels, and shall comply in all respects with the requirements of Clause 5.4.1 of the Residential Design Codes (Visual Privacy) deemed to comply provisions, to the satisfaction of the City.

**PURPOSE OF REPORT:**

To consider an application for development approval for an amendment to approval for six Multiple Dwellings at No. 42 Woodville Street, North Perth (subject site).

**PROPOSAL:**

The subject site is located at No. 42 Woodville Street, Leederville, as shown on the Location Plan included as **Attachment 1**.

At its Ordinary Council Meeting held on 26 June 2018, Council approved a development application for Six Multiple Dwellings subject to conditions at the subject site. The Minutes of the 26 June 2018 Ordinary Council Meeting are included as **Attachment 2**, and the previously approved development plans and perspectives are included as **Attachment 3**.

Condition 11 of the development approval required the first floor balcony privacy screens to be provided as timber screens or opaque glass screens, at a height of 1.7 metres above the balcony finished floor levels.

Following a compliance investigation, the City received a development application on 19 June 2019 seeking the amendment to the material of the first floor privacy screens.

The proposal seeks to amend the approved material of the privacy screens to aluminium louvres in a charcoal colour. The location and height of the privacy screens are not proposed to change from the previous approval. The height and location of the privacy screens comply with the previous development approval, as confirmed on-site by Administration.

The development plans of the proposal are included as **Attachment 4**.

#### BACKGROUND:

<b>Landowner:</b>	Italiano Property Group Pty Ltd
<b>Applicant:</b>	Urbanista Town Planning
<b>Date of Application:</b>	19 June 2019
<b>Zoning:</b>	MRS: Urban LPS2: Zone: Residential R Code: R40
<b>Built Form Area:</b>	Residential
<b>Existing Land Use:</b>	Single House
<b>Proposed Use Class:</b>	Dwelling (Multiple)
<b>Lot Area:</b>	770m <sup>2</sup>
<b>Right of Way (ROW):</b>	Not applicable
<b>Heritage List:</b>	Not applicable

The subject site is bound by Woodville Street to the west and residential dwellings to the north, south and east. The development has replaced a single storey single house on the subject site. The site adjoins double storey single houses to the rear; single storey and double storey dwellings to the north; and a single storey dwelling to the south. There are a number of single storey dwellings located on the opposite side of Woodville Street.

The subject site and the immediate adjoining properties are zoned Residential with a density code of R40 under Local Planning Scheme No. 2 (LPS2). The site is within a Residential Built Form Area, subject to the City's Local Planning Policy No. 7.1.1 – Built Form.

The construction of the six multiple dwellings was completed in May 2019. The applicant has satisfied all other conditions of approval, and the occupancy permit was approved in May 2019. Approval for a strata subdivision has been granted and new lots 1-6 on strata plan 80602 has been created.

#### DETAILS:

Not applicable.

#### CONSULTATION/ADVERTISING:

The application has been reviewed against the City's Policy No. 4.1.5 – Community Consultation (Community Consultation Policy) and it was determined that the proposal did not require advertising for the following reasons:

- As part of the application submission, the applicant provided letters from all landowners directly north of the subject site. The letters submitted support the change in privacy screen material to aluminium louvers that face upwards. The adjoining northern properties are the only properties directly impacted by the change in material. The City has confirmed that screens shown on the proposed development plans, match the description of screens within the letters of support;
- The amended proposal does not propose any additional departures to the deemed-to-comply requirements of the City's LPS2, the Built Form Policy or the R Codes to those previously approved; and
- The proposed amendment would not have a significant impact on the community, or the economy, lifestyle, amenity and/or environment of any member of the community or community group.

**Design Review Panel (DRP):**

Referred to DRP: Yes

The application was referred to the Chairperson of the City's DRP on 8 August 2019 for comment. Comments received from the Chairperson advised that the aluminium louvers are a better screening solution for the balconies as they would provide for greater ventilation and would allow for greater sunlight into the balconies. For these reasons, the Chairperson advised the change in material from obscure glass to louvres should be supported.

**LEGAL/POLICY:**

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *City of Vincent Local Planning Scheme No. 2;*
- *State Planning Policy 3.1 – Residential Design Codes;*
- *Policy No. 4.1.5 – Community Consultation; and*
- *Policy No. 7.1.1 – Built Form Policy.*

**Delegation to Determine Applications:**

This matter has been referred to Council in accordance with the City's Delegated Authority Register as the original development application was determined by Council.

**RISK MANAGEMENT IMPLICATIONS:**

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:**

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

*We are open and accountable to an engaged community.*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

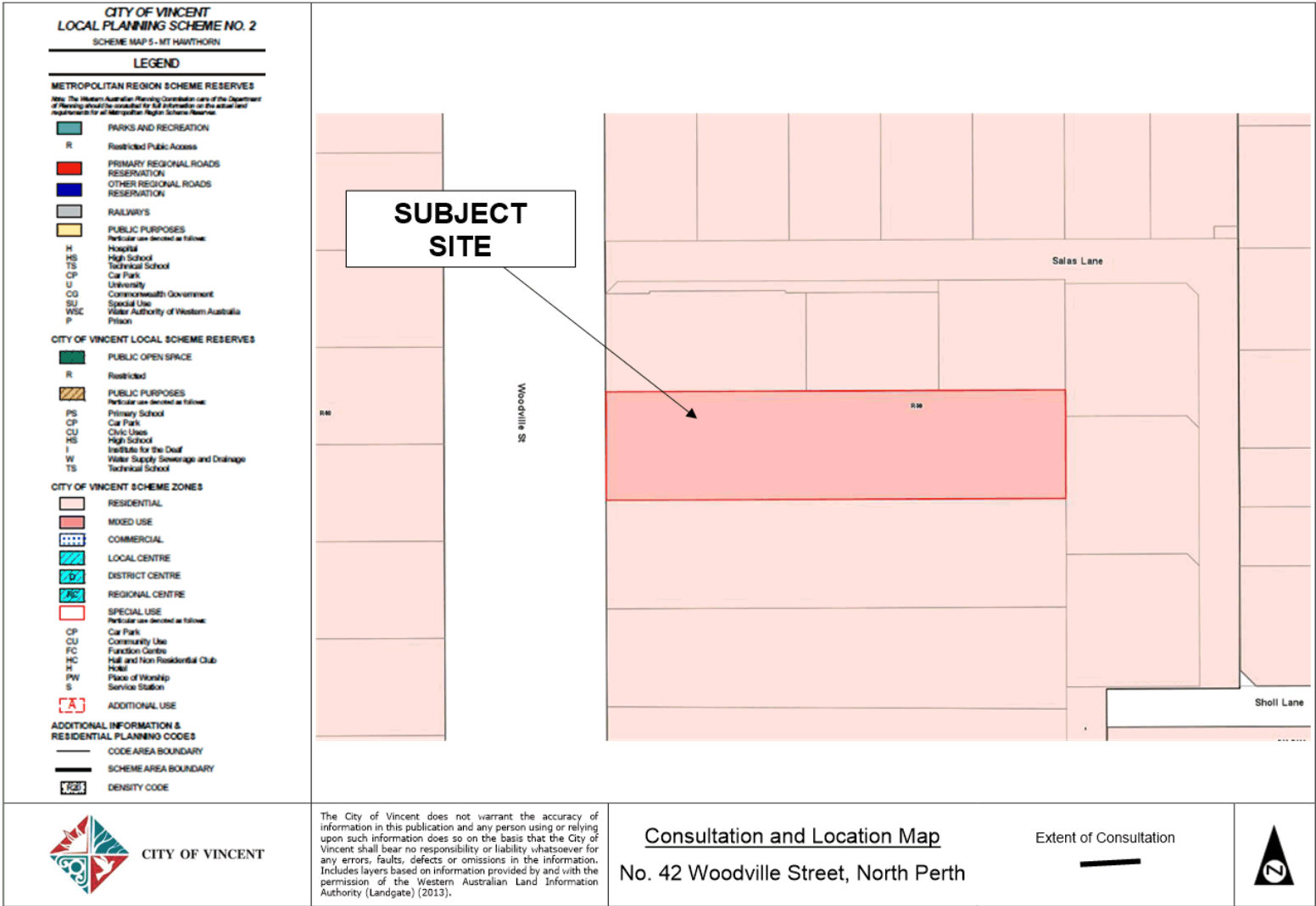
Nil.

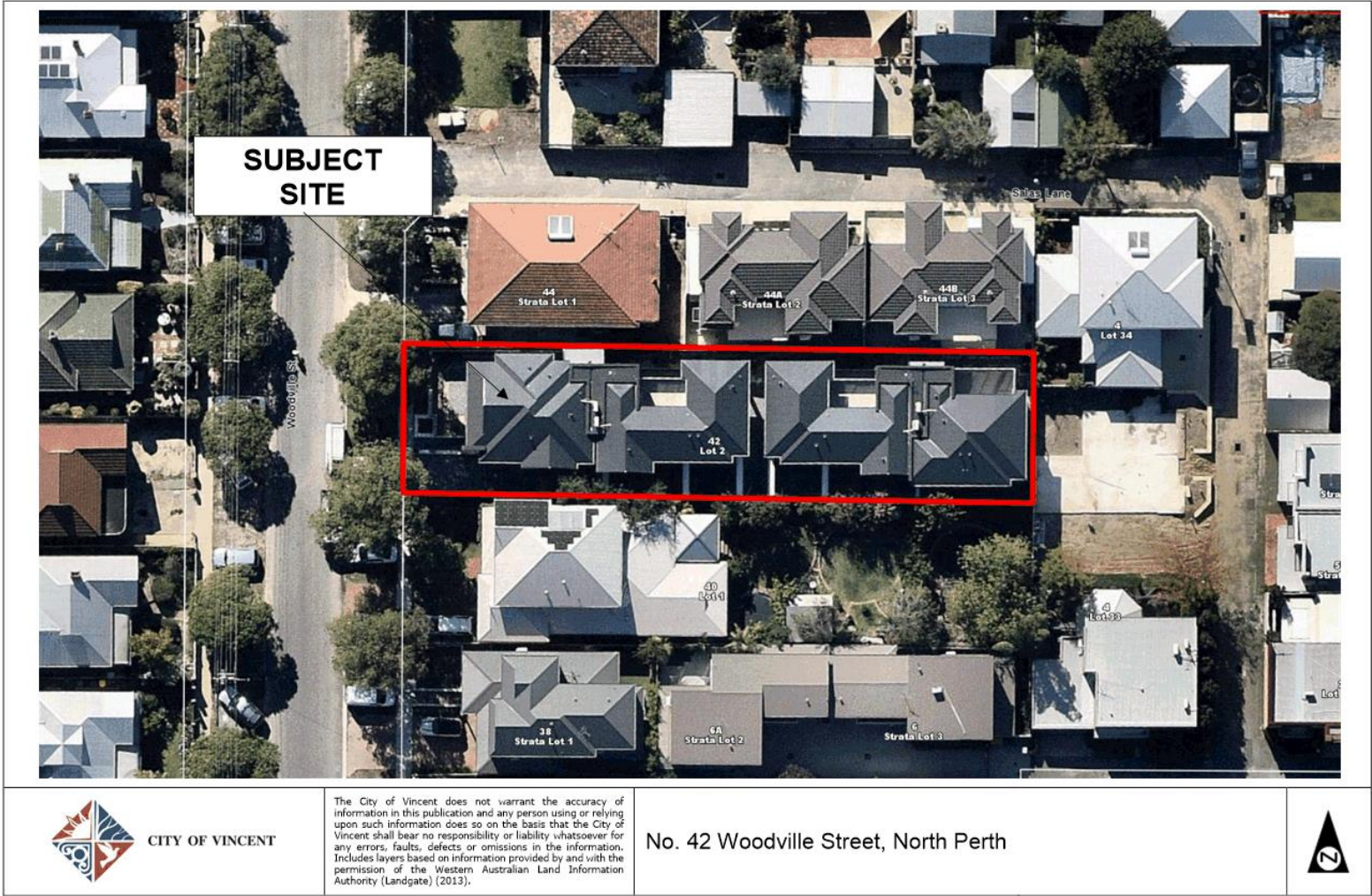
**COMMENTS:**Visual Privacy Screens

The proposal to amend the first floor balcony privacy screens meets the deemed-to-comply standards of the R Codes Clause 5.4.1 Visual Privacy. The change in material provides better amenity to the apartments than previously approved by providing for greater sunlight and ventilation into the first floor balconies. The colour of the screens are consistent with the approved colours and materials schedule for the development and provide a greater contribution to the overall built form outcome of the development. The amended screens are also consistent with colours and materials that exist within the Woodville Street streetscape. The City received neighbour consent from properties directly affected by the change in material.

For these reasons, the amended material would not have any adverse impact on the amenity of the subject site and surrounding area. It is recommended that Council approves amendment to condition 11 of the approval to reflect the amended material.













## ORDINARY COUNCIL MEETING MINUTES

26 JUNE 2018

**9.3 NO. 42 (LOT: 2, D/P: 2136) WOODVILLE STREET, NORTH PERTH - PROPOSED SIX DWELLINGS (MULTIPLE)****TRIM Ref:** D18/54280**Author:** Emily Andrews, Urban Planner**Authoriser:** Luke Gibson, A/Director Development Services**Ward:** North**Precinct:** North Perth

**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, Plans and Applicant Response 
5. Attachment 5 - Applicant Justification 
6. Attachment 6 - Determination Advice Notes 

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for the proposed Six Dwellings (Multiple) at No. 42 (Lot: 2, D/P: 2136) Woodville Street, North Perth, in accordance with plans provided in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 6:

**1. Boundary Walls**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall in a good and clean condition prior to occupation or use of the development. The finish of the wall 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. Stormwater**

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

**4. Landscape and Reticulation Plan**

**4.1** A detailed landscape and reticulation plan for the development site and adjoining road verge, to the satisfaction of the City, shall 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:

- The location and type of existing and proposed trees and plants;
- Areas to be irrigated or reticulated; and
- The provision of 18.4% percent canopy cover within the lot boundary and 22 percent overall, at maturity; and
- An arbour is to be provided over the driveway columns.

**4.2** All works shown in the plans as identified in condition 4.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

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## ORDINARY COUNCIL MEETING MINUTES

26 JUNE 2018

## 5. Car Parking and Access

- 5.1 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 occupancy or use of the development;
- 5.2 The turning bay is to be hard stand material;
- 5.3 The driveway is to incorporate a paved 2.2 metres x 1.2 metres truncation in front of the bin store to assist the passing of vehicles;
- 5.4 Vehicle and pedestrian access points are required to match into existing footpath levels; and
- 5.5 A Parking Management Plan that details the management of visitor parking on site, including the provision of directional signage;

## 6. Bicycle Parking

A minimum of three bicycle bays are to be provided in accordance with AS2890.3;

## 7. 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;

## 8. Verge Trees

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

## 9. Schedule of External Finishes

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

## 10. Environmentally Sustainable Design Report

An Environmentally Sustainable Design Report shall be submitted to and approved by the City prior to the issuing of a building permit.

Moved: Cr Loden, Seconded: Cr Gontaszewski

That the recommendation be adopted.

PROPOSED AMENDMENT

Moved: Cr Loden, Seconded: Cr Fotakis

That a new Condition 11 be inserted as follows:

“11. Screening

The approved plans are to be modified to the City’s satisfaction, to provide that the proposed privacy screens to first floor balconies have a height of 1.7m and are in the form of either timber screens or opaque glass screens.”

## ORDINARY COUNCIL MEETING MINUTES

26 JUNE 2018

AMENDMENT CARRIED (8-1)

**For:** Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden and Cr Murphy

**Against:** Cr Topelberg

COUNCIL DECISION ITEM 9.3

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for the proposed Six Dwellings (Multiple) at No. 42 (Lot: 2, D/P: 2136) Woodville Street, North Perth, in accordance with plans provided in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 6:

**1. Boundary Walls**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall in a good and clean condition prior to occupation or use of the development. The finish of the wall 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. Stormwater**

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

**4. Landscape and Reticulation Plan**

**4.1** A detailed landscape and reticulation plan for the development site and adjoining road verge, to the satisfaction of the City, shall 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:

- The location and type of existing and proposed trees and plants;
- Areas to be irrigated or reticulated; and
- The provision of 18.4% percent canopy cover within the lot boundary and 22 percent overall, at maturity; and
- An arbour is to be provided over the driveway columns.

**4.2** All works shown in the plans as identified in condition 4.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

**5. Car Parking and Access**

**5.1** 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 occupancy or use of the development;

**5.2** The turning bay is to be hard stand material;

**5.3** The driveway is to incorporate a paved 2.2 metres x 1.2 metres truncation in front of the

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Page 27



## ORDINARY COUNCIL MEETING MINUTES

26 JUNE 2018

bin store to assist the passing of vehicles;

- 5.4 Vehicle and pedestrian access points are required to match into existing footpath levels; and

- 5.5 A Parking Management Plan that details the management of visitor parking on site, including the provision of directional signage;

6. Bicycle Parking

A minimum of three bicycle bays are to be provided in accordance with AS2890.3;

7. 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;

8. Verge Trees

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

9. Schedule of External Finishes

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

10. Environmentally Sustainable Design Report

An Environmentally Sustainable Design Report shall be submitted to and approved by the City prior to the issuing of a building permit.

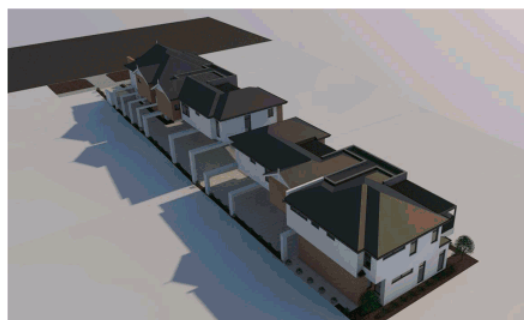
11. Screening

The approved plans are to be modified to the City's satisfaction, to provide that the proposed privacy screens to first floor balconies have a height of 1.7m and are in the form of either timber screens or opaque glass screens

**CARRIED (8-1)**

**For:** Presiding Member Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden and Cr Murphy

**Against:** Cr Topelberg



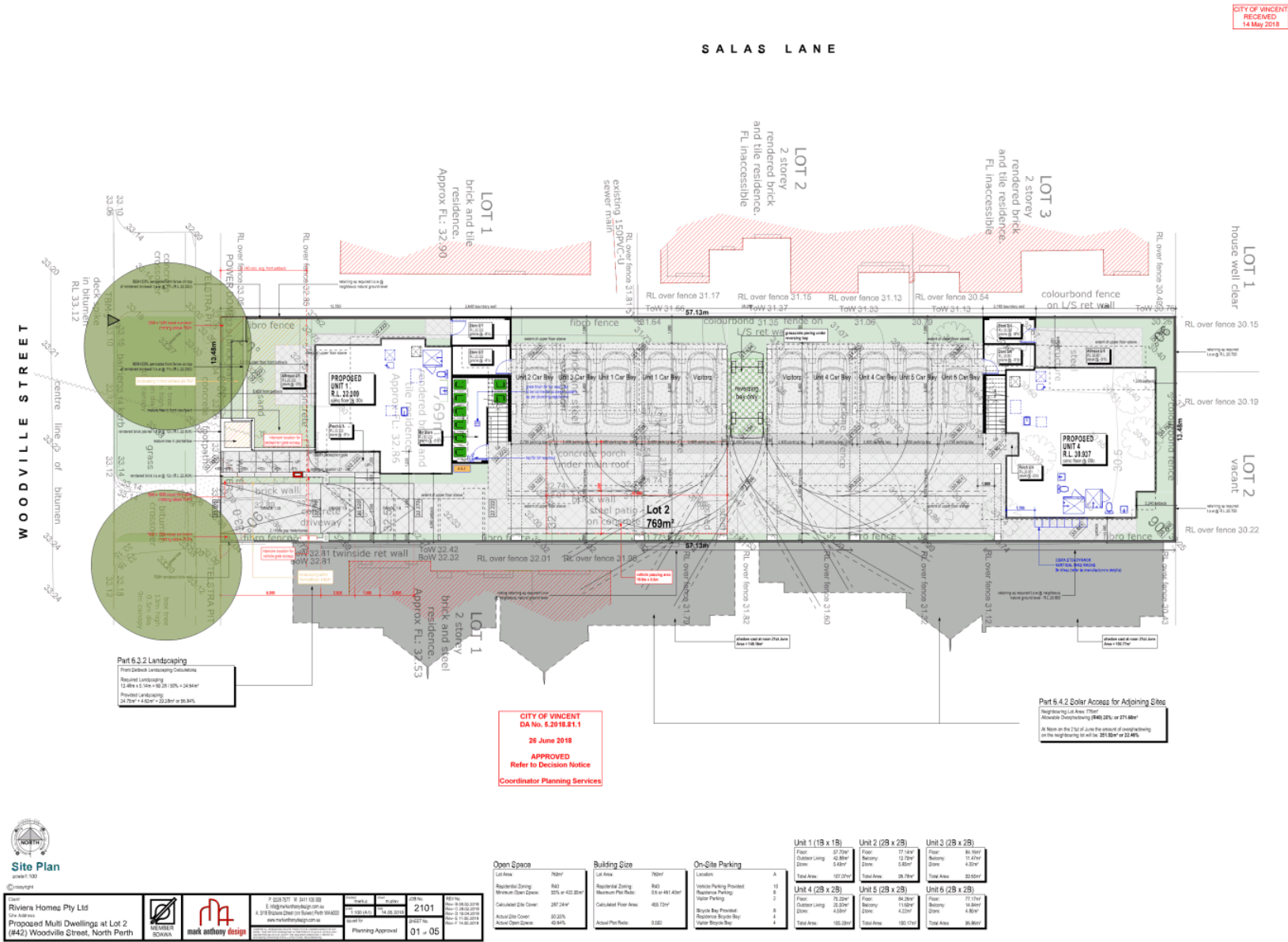
Riviera Homes Pty Ltd

Proposed Multi Dwellings at Lot 2 (#42) Woodville Street, North Perth

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14 May 2018

mark anthony design

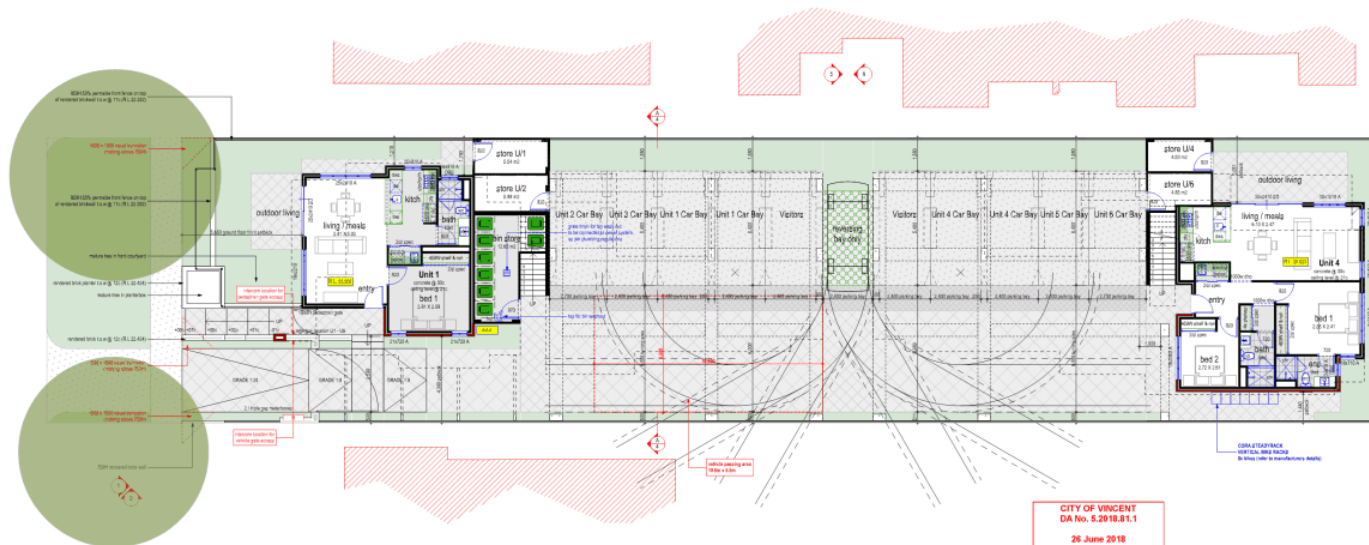
P: 8328 7271 M: 9411 158 053  
E: info@markanthonydesign.com.au  
A: 5/18 Boscawen Street, North Perth, WA 6006  
www.markanthonydesign.com.au



**Drawing Notes Legend**

1	Refer to DA No. 5.2018.01.1
2	Refer to DA No. 5.2018.01.1
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4	Refer to DA No. 5.2018.01.1
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**Ground Floor Plan**

scale: 1:100

Riviera Homes Pty Ltd  
Site Address:  
Proposed Multi Dwellings at Lot 2  
(#42) Woodville Street, North Perth



2101  
14.06.2019

2101  
14.06.2019

2101  
14.06.2019

Open Space  
Lot Area: 760m<sup>2</sup>  
Reservable Land: 662  
Minimum Open Space: 35% or 432.25m<sup>2</sup>  
Calculated Open Space: 287.24m<sup>2</sup>  
Actual Open Space: 40.88%

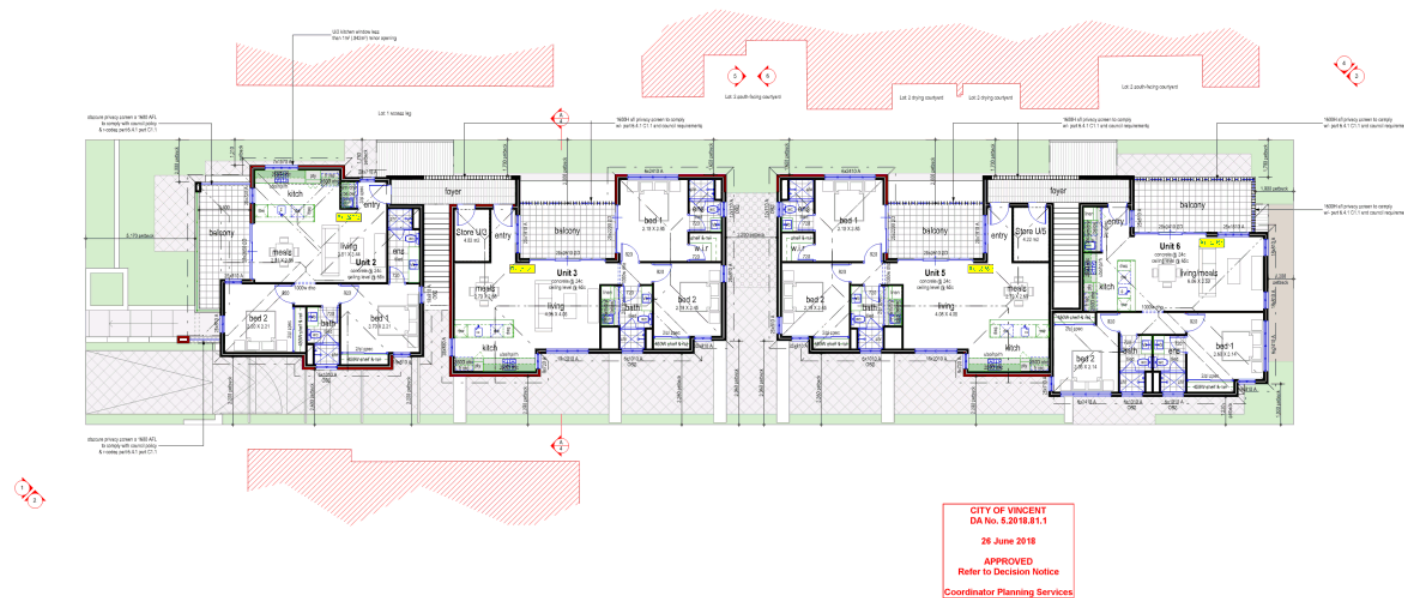
Building Size  
Lot Area: 760m<sup>2</sup>  
Reservable Land: 662  
Maximum Plot Ratio: 0.5 or 481.42m<sup>2</sup>  
Calculated Floor Area: 468.72m<sup>2</sup>  
Actual Plot Ratio: 0.62

On-Site Parking  
Locations: A  
Visitor Parking: 10  
Residence Parking: 8  
Visitor Parking: 2  
Bicycle Bay: 4  
Residence Bicycle Bay: 4  
Visitor Bicycle Bay: 4

Unit 1 (18 x 18)	Unit 2 (28 x 28)	Unit 3 (28 x 28)
Floor: 57.2m <sup>2</sup>	Floor: 77.14m <sup>2</sup>	Floor: 77.14m <sup>2</sup>
Outdoor Living: 45.88m <sup>2</sup>	Outdoor Living: 13.72m <sup>2</sup>	Outdoor Living: 13.72m <sup>2</sup>
Store: 5.48m <sup>2</sup>	Store: 5.82m <sup>2</sup>	Store: 5.82m <sup>2</sup>
Total Area: 108.56m <sup>2</sup>	Total Area: 96.68m <sup>2</sup>	Total Area: 96.68m <sup>2</sup>

Unit 4 (28 x 28)	Unit 5 (28 x 28)	Unit 6 (28 x 28)
Floor: 55.24m <sup>2</sup>	Floor: 66.26m <sup>2</sup>	Floor: 77.14m <sup>2</sup>
Outdoor Living: 25.22m <sup>2</sup>	Outdoor Living: 11.02m <sup>2</sup>	Outdoor Living: 13.72m <sup>2</sup>
Store: 4.02m <sup>2</sup>	Store: 4.02m <sup>2</sup>	Store: 5.82m <sup>2</sup>
Total Area: 100.28m <sup>2</sup>	Total Area: 100.11m <sup>2</sup>	Total Area: 96.68m <sup>2</sup>



Open Space		Building Size		On-Site Parking		Unit 1 (19 b)		Unit 2 (29 b)		Unit 3 (29 b)	
Lot Area	7,607	Lot Area	7,607	Locations	A	Outdoor Living	37,709	Barbecue	77,149	Barbecue	66,967
Residential Zoned	7,607	Maximum Zoned	840	Vehicle Parking Provided	13	Outdoor Living	10,958	Barbecue	13,296	Barbecue	11,457
Minimum Zoned	315	Maximum Permitted	135 or 411-481	Storage	3	Outdoor Living	28,751	Barbecue	63,853	Barbecue	55,510
Calculated Site Cover	287.23%	Calculated Floor Area	483,729 <sup>2</sup>	Storage Bay Provided	8	Outdoor Living	28,751	Barbecue	63,853	Barbecue	55,510
Allowed Site Cover	10.03%	Actual Floor Area	3,032	Vehicle Storage Bays	4	Outdoor Living	28,751	Barbecue	11,649	Barbecue	10,408
Allowed Site Cover	40.83%	Calculated Permitted	4,032	Vehicle Storage Bays	4	Outdoor Living	28,751	Barbecue	100,711	Total Area	36,867





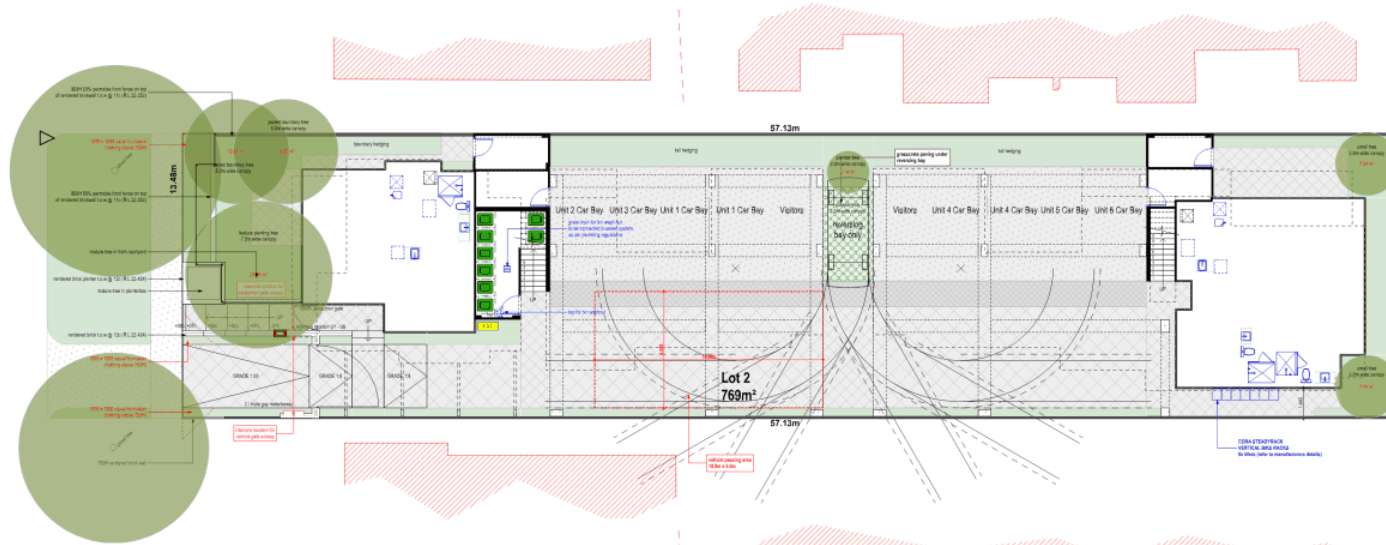
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DA No. 5.2018.81.1  
26 June 2018  
APPROVED  
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Coordinator Planning Services

<p>Riviera Homes Pty Ltd Site Address: Proposed Multi Dwellings at Lot 2 (842) Woodville Street, North Perth</p>	<p><b>mark anthony design</b></p>	<p>P 08 9437 5171 M 08 9437 5182 E info@markanthonydesign.com.au A 318 Bayswater Drive (on Bayswater Park Road) Bayswater, WA 6107 www.markanthonydesign.com.au</p>	<p>Project No. 2101 Date: 14 May 2018 Drawing No. 04 of 05 Planning Approval</p>
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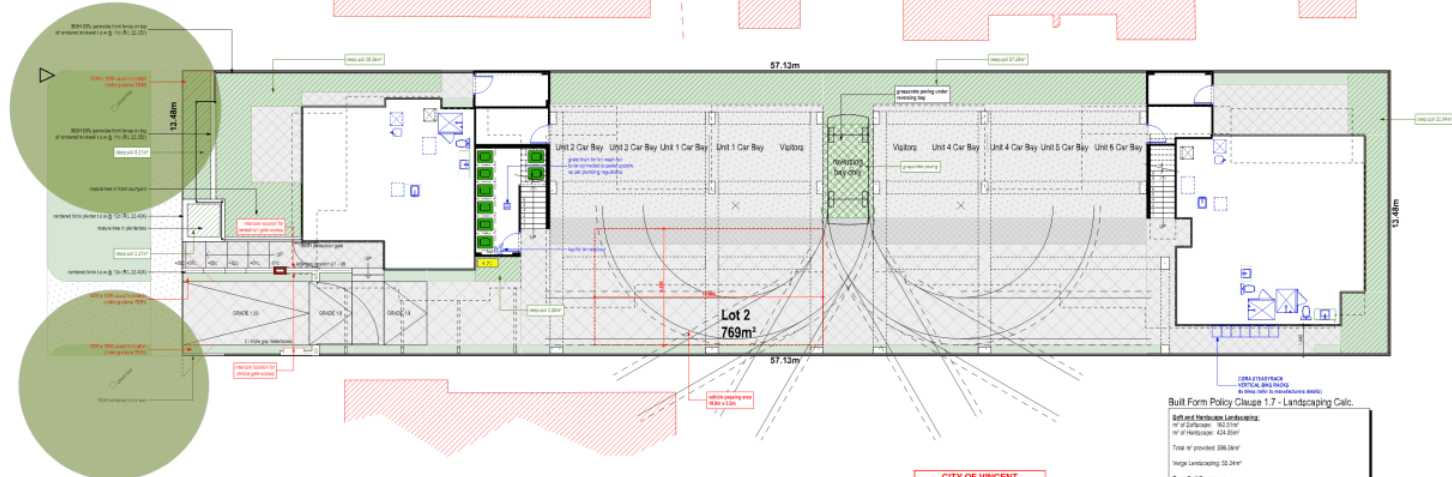
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WOODVILLE STREET



Tree Canopy Coverage  
scale 1:100

WOODVILLE STREET



Deep Soil Calculations  
scale 1:100



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Riviera Homes Pty Ltd  
Site Address:  
Proposed Multi Dwellings at Lot 2  
(#42) Woodville Street, North Perth



mark  
mark anthony design

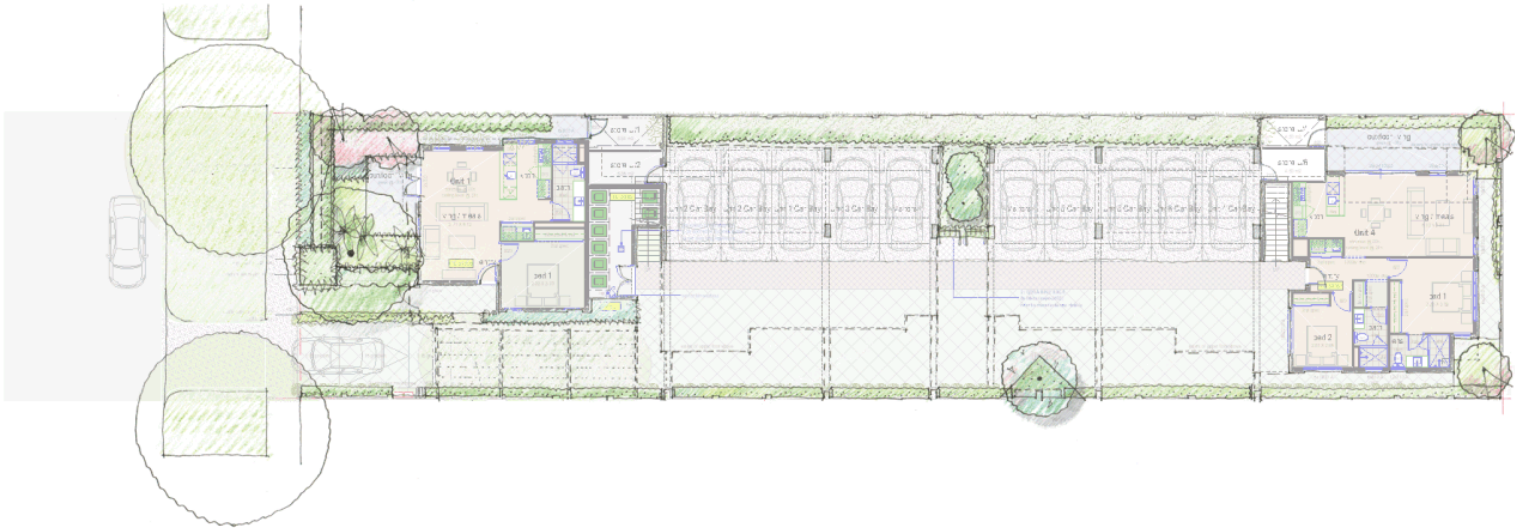
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A: 2/10/2018 Design and/or  
www.markanthonydesign.com.au  
Planning Approval: 05 of 05

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26 June 2018  
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Built Form Policy Clause 1.7 - Landscaping Calc.  
Built and Hardscaped Landscaping:  
m² of Landscaping: 100.00m²  
m² of Hardscaping: 434.00m²  
Total m² provided: 534.00m²  
Vegetation Landscaping: 53.00m²  
On-site Soil Storage:  
Required: 50m³ (10% of 769m²) = 115.00m³  
Provided: 117.00m³ or 15.21%  
Tree Canopy Coverage:  
Required: Tree Canopy Coverages required (10% of 769m²) = 100.00m²  
Provided: 100.00m² or 15.21%

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LANDSCAPE  
  
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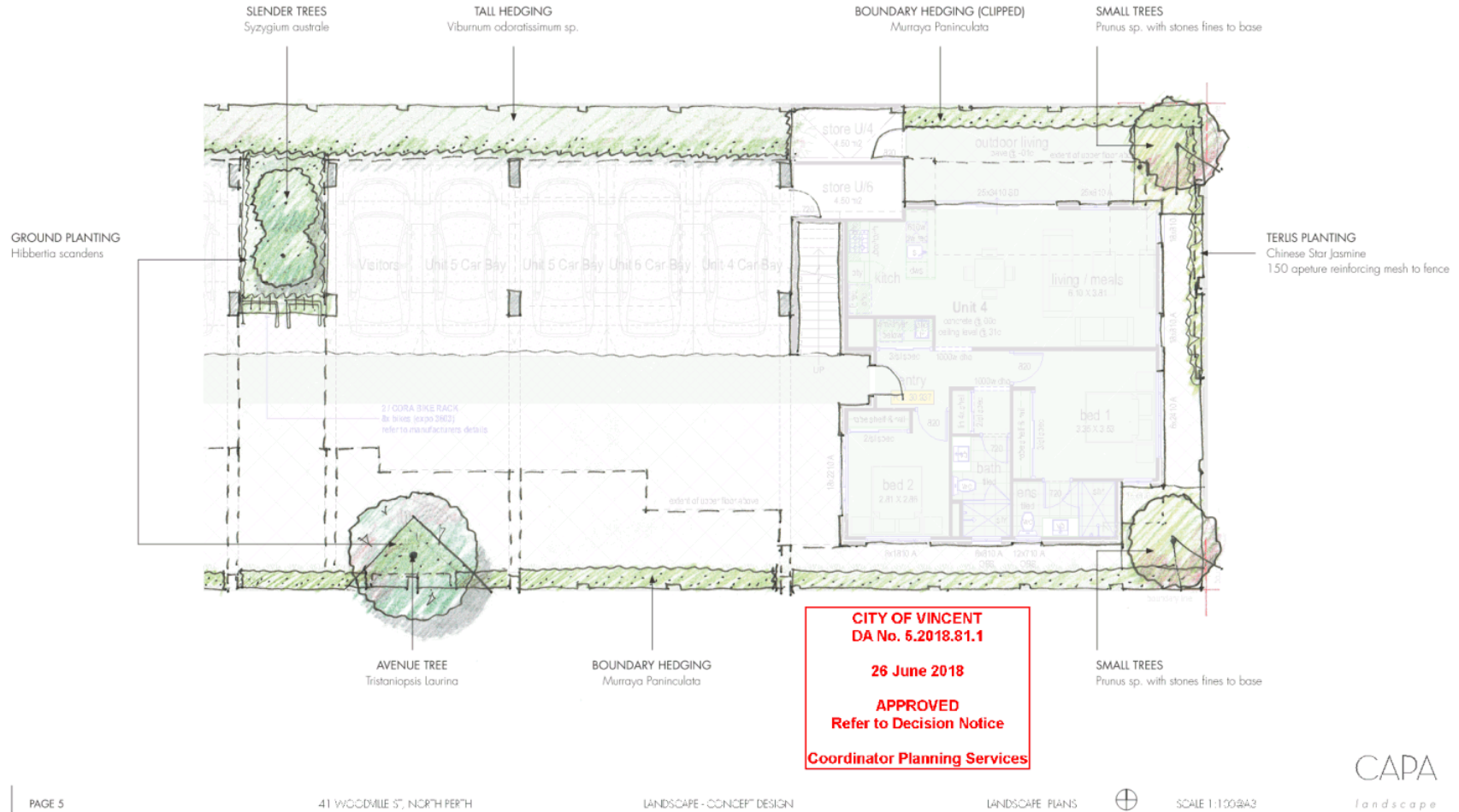






LANDSCAPE REAR

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**FEATURE ENTRY TREE**  
*Pyrus ussuriensis* 'Manchurian Flowering Pear'  
 Dark green foliage which turns dark red in autumn. Dense round habit & deciduous.  
 Height at maturity: 9m high x 7m wide  
 Flower: Mass white flowers  
 Stock Purchase Sizing - 400lt



**PAIRED BOUNDARY TREES**  
*Cercis canadensis* 'Forest Pansy' (Canadian Redbud Tree)  
 Tree has small pink, pea like flowers that appear in spring, before and with the new leaves.  
 Height: 5m x 5m wide  
 Flower: small pink flowers in Spring  
 Stock Purchase Sizing - 300lt



**AVENUE TREE**  
*Tristanopsis laurina* 'luscious'  
 Shiny foliage with red coloured tipped new growth. Mottled cream trunk  
 Environment: full sun to part shade  
 Irrigation: regular watering during dry climates  
 Height at maturity: 7m high x 4m wide  
 Flower: yellow flowers late winter and spring  
 Stock Purchase Sizing - 200lt



**SMALL TREES**  
*Prunus cerasifera* 'crimson spine'  
 Striking upright, deciduous tree with noninvasive roots. Reddish bronze young foliage.  
 Height: 6m high x 2-3m wide  
 Flower: white flowers with pink centres  
 Stock Purchase Sizing - 200lt

## SOFTSCAPE REFERENCES

Trees + Hedging

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**SLENDER TREES**  
*Syzygium australe* 'Taylor made'  
 Small evergreen tree with dark green leaves and red new growth.  
 Environment: Fullsun to partly shaded position.  
 Soil: moist soils  
 Height: 3-4m x 2m wide  
 Flower: small white flowers with edible berries  
 Stock Purchase Sizing - 200lt  
 Plant Spacings - 2 off as noted on drawings.



**TALL HEDGING**  
*Viburnum odoratissimum* 'Dense Fence'  
 Fine leaf and short internode leaves. Reddish accented new growth.  
 Height: 3.5m high x 2m wide. Clipped to 1m wide.  
 Flower: NA  
 Stock Purchase Sizing - 5lt  
 Plant Spacings - 75cm centres.



**HEDGING (Clipped)**  
*Murraya Paniculata* (Orange Jessamine)  
 Dense habit with glossy green foliage.  
 Environment: Fullsun position to moderately shaded position.  
 Height: 50cm - 1m wide x 3m high. Clipped width (50cm)  
 Flower: White perfumed flowers in Spring and Summer  
 Stock Purchase Sizing - 5lt  
 Plant Spacings - 2 per linear metre

**CITY OF VINCENT  
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TRELLIS PLANTING  
*Trachelospermum jasminoides* (Chinese Star Jasmine)  
An evergreen vine with thick glossy leaves, with excellent coverage.  
Environment: Full-sun to partly shaded position.  
Height: 20cm high x 3m wide  
Flower: Small perfumes white flowers in Spring/Early summer.  
Stock Purchase Sizing - 1.4cm  
Plant Spacings - 3 per linear metre



ARBOR PLANTING  
*Wisteria floribunda 'Alba'* (White Japanese Wisteria)  
A deciduous twining vine with luminous leaves.  
Height: 3-6m wide + high  
Flower: Small perfumes white flowers in Spring/Early summer.  
Maintenance: Trellising required.  
Stock Purchase Sizing - 20cm  
Plant Spacings - 1 per 2 metre spacings.



UNDER TREE PLANTING  
*Hibbertia scandens* (Guinea Fover)  
Vigorous climber with flowers. Height: 1-3m wide  
Flower: Yellow flowers in winter and spring  
Stock Purchase Sizing - 1.4cm  
Plant Spacings - 1 per m2

SOFTSCAPE REFERENCES  
Arbor + Climbing/Cascade Planting

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GROUND PLANTING  
*Trachelospermum jasminoides* (Chinese Star Jasmine)  
An evergreen vine with thick glossy leaves, with excellent coverage.  
Environment: Full-sun to partly shaded position.  
Height: 20cm high x 3m wide  
Flower: Small perfumes white flowers in Spring/Early summer  
Stock Purchase Sizing - 14cm  
Plant Spacings - 3 per linear metre



GROUND PLANTING  
*Hedera helix* 'English Ivy'  
Common ivy, hardy and evergreen climber with aerial roots.  
Environment: Full-sun to light shade.  
Soil: Any soils. Irrigation: Water when dry.  
Height: 20cm high x 20m wide  
Stock Purchase Sizing - 14cm  
Plant Spacings - 2 per linear metre



GROUND PLANTING  
*Lomandra longifolia* 'Tanika'  
Compact tufted low height grass.  
Environment: full sun to part shade  
Soil: adaptable to most well drained soils  
Height: 50-60cm cm high x wide  
Stock Purchase Sizing - 14cm  
Plant Spacings - 5 per metre spacings.



GROUND PLANTING  
*Dianella Tasmanica* 'Tas Red'  
Tufted plant has wide arching strap like leaves.  
Height: 45cm high x 40-50cm wide.  
Flower: large purple berries in spring and summer.  
Stock Purchase Sizing - 14cm  
Plant Spacings - 5 per metre spacings.

SOFTSCAPE REFERENCES  
Ground + Feature Planting

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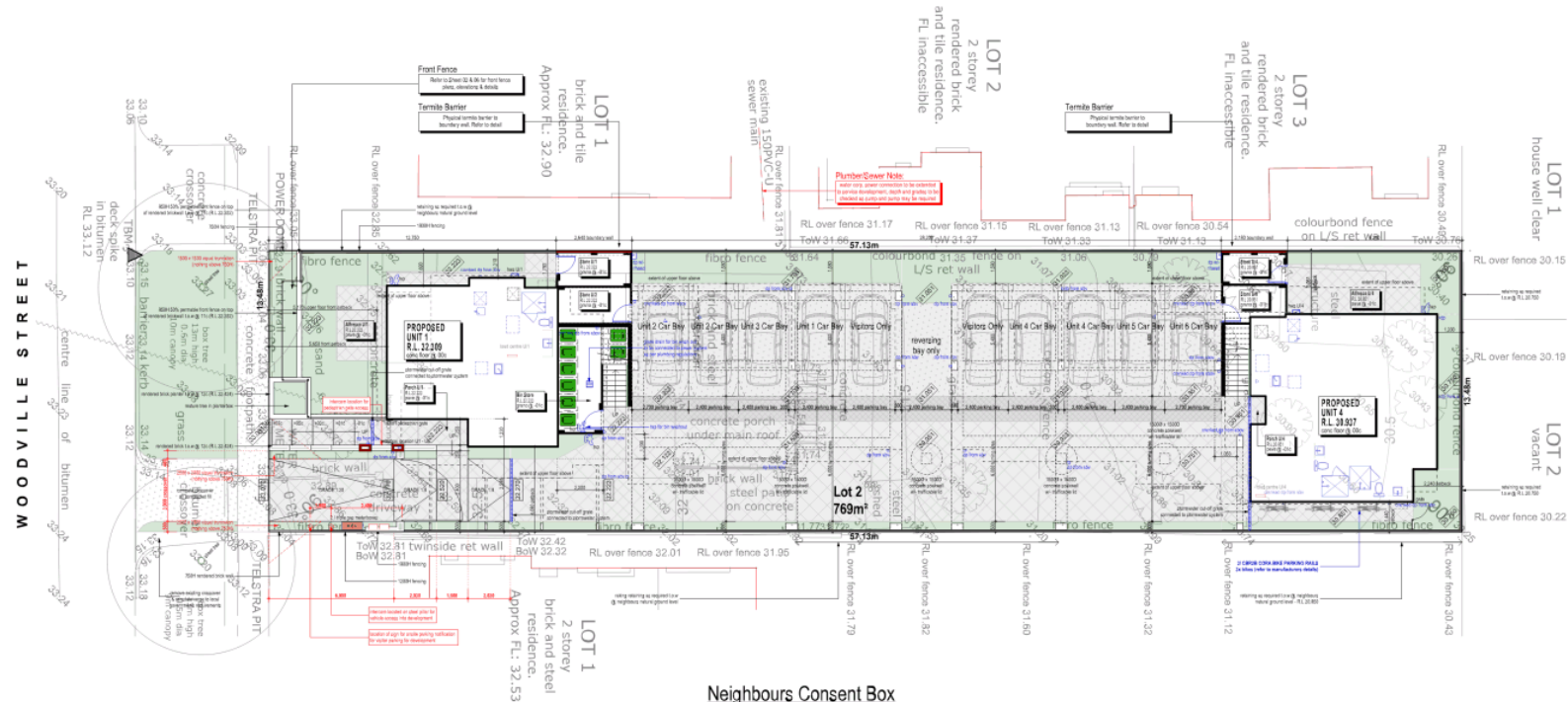
ENTRANCE FEATURE PLANTING  
*Agapanthus Orientalis* 'Queen Mum'  
Green strappy leaves with flower spikes  
Height: 1.2m wide x 1.5m high  
Flower: Large white and blue dual coloured flower heads.  
Stock Purchase Sizing - 14cm  
Plant Spacings - 4 per metre spacings.



FEATURE PLANTING  
*Crinum Pedunculatum* (Spider Lily)  
Broad strappy leaves with flower spikes  
Height: up to 2m high.  
Flower: Perfumed white flowers in late Spring to Summer  
Stock Purchase Sizing - 12lt  
Plant Spacings - as noted in drawings.

CITY OF VINCENT  
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26 June 2018  
  
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### Neighbours Consent Box

I/WE \_\_\_\_\_ (name/s) the owner/s of \_\_\_\_\_ support the currently installed screening material of aluminium slats with the bouvered fine pointing upwards obscuring any potential overlooking of the neighbour property and as illustrated on these plans. I/we consent the amendment of condition 11 to include aluminium as an appropriate screening material in accordance with the Residential Design Code.

\_\_\_\_\_  
(signature)

\_\_\_\_\_/\_\_\_\_\_/2019  
(dated)



## Site Plan

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Client Rivers Homes WA Pty Ltd Job Address Proposed Multi Dwellings at Lot 2 (#42) Woodville Street, North Perth	 MEMBER SOLWA	 mark anthony design	P 08 938 7677 W 08 938 336 E info@markanthonydesign.com.au 218 Fitzroy Street (off Swaney) Perth WA 6000 www.markanthonydesign.com.au	<table> <tr> <td>Estimator</td> <td>Project</td> <td>CR No</td> </tr> <tr> <td>11200</td> <td>76101000</td> <td>2101</td> </tr> </table>	Estimator	Project	CR No	11200	76101000	2101	<table> <tr> <td>08/12/16</td> </tr> <tr> <td>Planning Approval</td> </tr> <tr> <td>01 of 04</td> </tr> </table>	08/12/16	Planning Approval	01 of 04
Estimator	Project	CR No												
11200	76101000	2101												
08/12/16														
Planning Approval														
01 of 04														

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16 Aug 2019

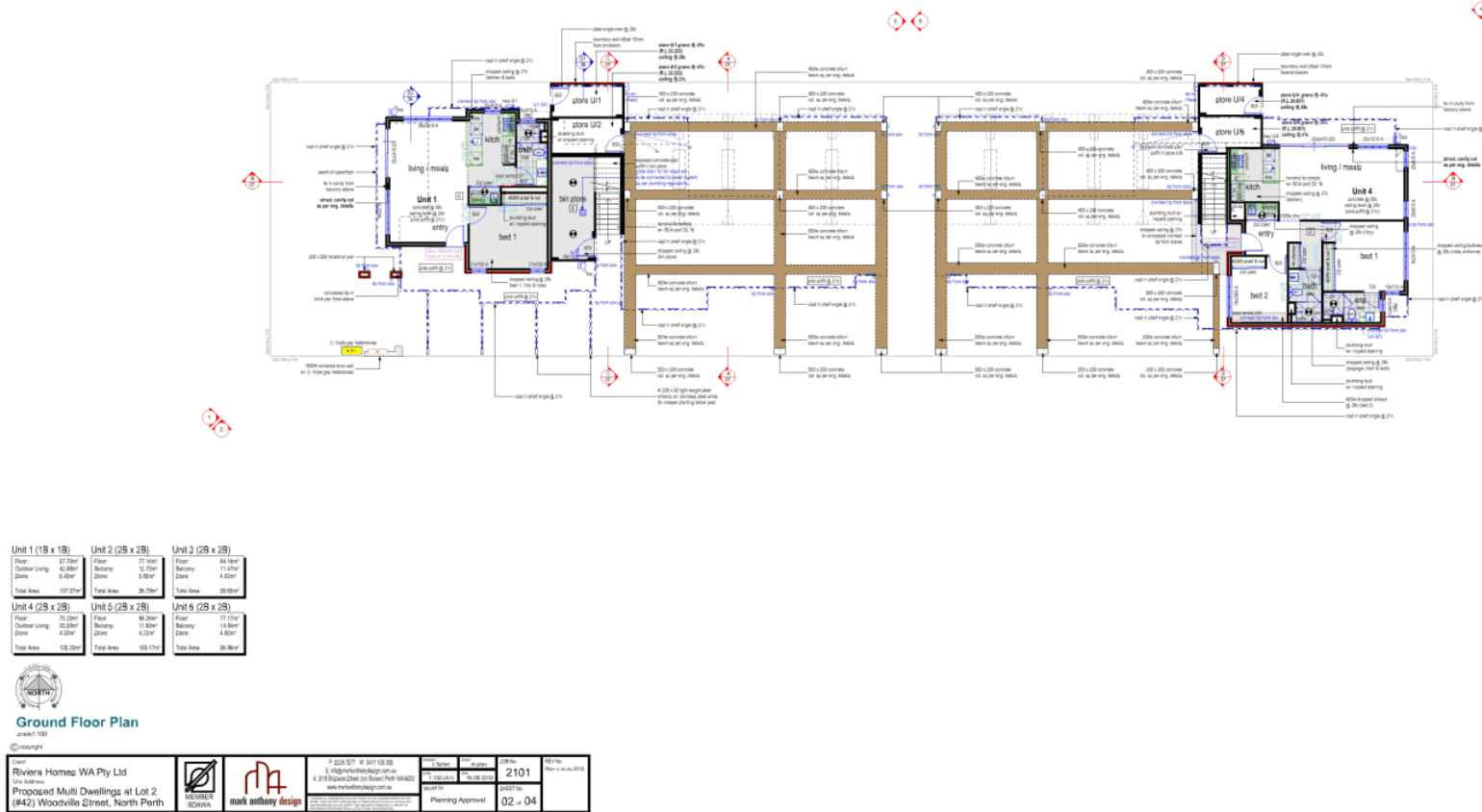
### Neighbours Consent Box

IWE \_\_\_\_\_ (name/s) the owner/s of \_\_\_\_\_

\_\_\_\_\_ support the currently installed screening material of aluminium slats with the louvered fins pointing upwards obscuring any potential overlooking of the neighbour property and as illustrated on these plans. I/we consent the amendment of condition 11 to include aluminium as an appropriate screening material in accordance with the Residential Design Code.

(signature) \_\_\_\_\_

(dated) \_\_\_\_/\_\_\_\_/2019

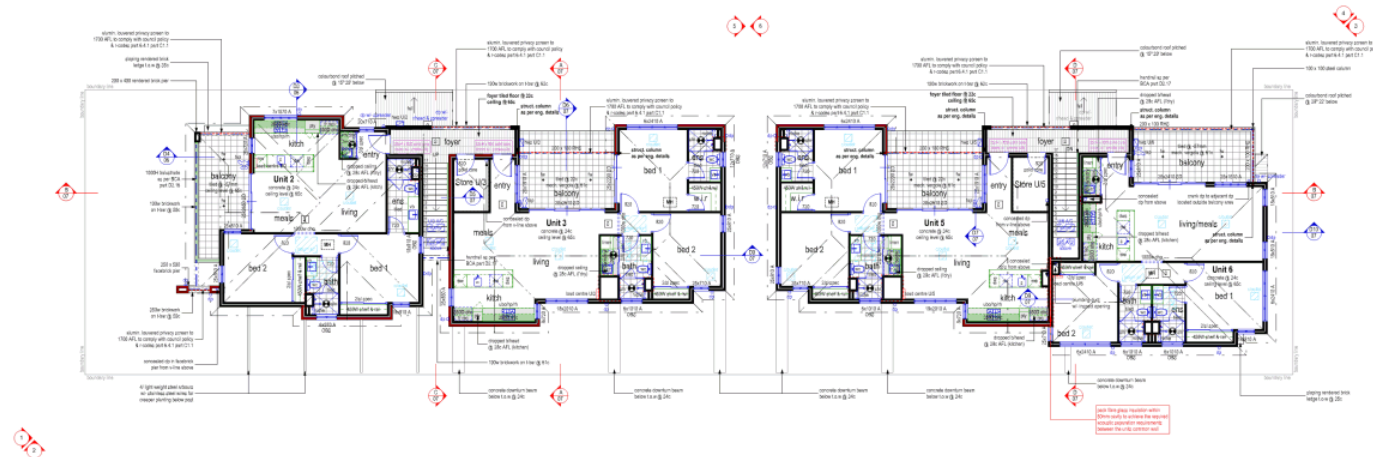




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### Neighbours Consent Box

I/WE \_\_\_\_\_ (name/s) the owner/s of \_\_\_\_\_  
support the currently installed screening material of aluminium slats with the louvered fins pointing upwards obscuring any potential overlooking of the neighbour property and as illustrated on these plans. I/we consent the amendment of condition 11 to include aluminium as an appropriate screening material in accordance with the Residential Design Codes.  
  
(signature) \_\_\_\_\_  
  
/ / 2019  
(dated)



Unit 1 (15 x 19)	Unit 2 (28 x 28)	Unit 3 (28 x 28)
Floor: 11.7m <sup>2</sup>	Floor: 11.7m <sup>2</sup>	Floor: 11.7m <sup>2</sup>
Outdoor Living: 42.8m <sup>2</sup>	Outdoor Living: 42.8m <sup>2</sup>	Outdoor Living: 42.8m <sup>2</sup>
Store: 2.4m <sup>2</sup>	Store: 2.4m <sup>2</sup>	Store: 2.4m <sup>2</sup>
Total Area: 56.9m <sup>2</sup>	Total Area: 56.9m <sup>2</sup>	Total Area: 56.9m <sup>2</sup>

Unit 4 (28 x 28)	Unit 5 (28 x 28)	Unit 6 (28 x 28)
Floor: 11.7m <sup>2</sup>	Floor: 11.7m <sup>2</sup>	Floor: 11.7m <sup>2</sup>
Outdoor Living: 42.8m <sup>2</sup>	Outdoor Living: 42.8m <sup>2</sup>	Outdoor Living: 42.8m <sup>2</sup>
Store: 2.4m <sup>2</sup>	Store: 2.4m <sup>2</sup>	Store: 2.4m <sup>2</sup>
Total Area: 56.9m <sup>2</sup>	Total Area: 56.9m <sup>2</sup>	Total Area: 56.9m <sup>2</sup>



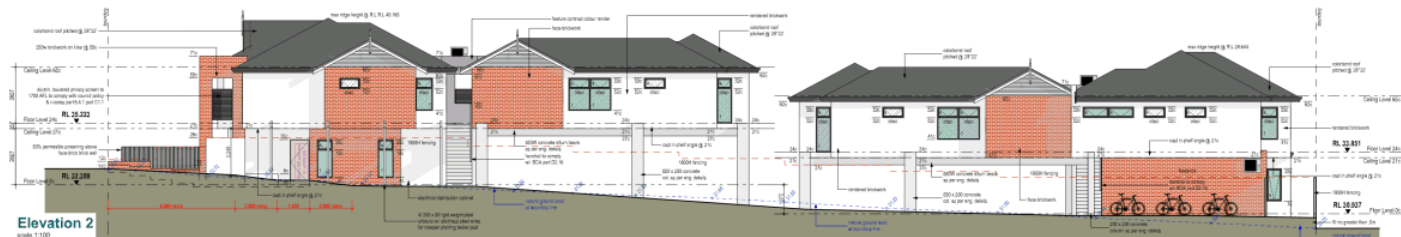
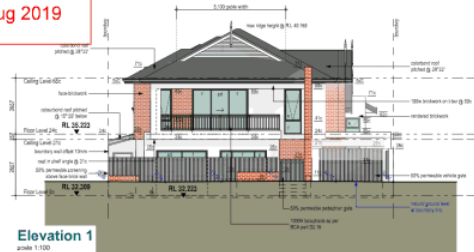
Upper Floor Plan

scale: 1:100

© 2019

Riviera Homes WA Pty Ltd Site Address: Proposed Multi Dwellings at Lot 2 (#42) Woodville Street, North Perth	 mark anthony design	P 08 9478 1011 R 08 9478 1012 E info@markanthonydesign.com.au A 318 Bayswater Street (on Bayswater Park Road) www.markanthonydesign.com.au	Date: 16.08.2019 Version: 03 of 04 Planning Approval: 03 of 04	2101 16.08.2019	100 No. 16.08.2019
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CITY OF VINCENT  
RECEIVED  
16 Aug 2019



### Neighbours Consent Box

I/WE \_\_\_\_\_ (name/s) the owner/s of \_\_\_\_\_

support the currently installed screening material of aluminium slats with the bouvered fire pointing upwards obscuring any potential overlooking of the neighbour property and as illustrated on these plans. I/we consent the amendment of condition 11 to include aluminium as an appropriate screening material in accordance with the Residential Design Code.

(signature) \_\_\_\_\_

(dated) \_\_\_\_\_/\_\_\_\_\_/2019

© copyright

Riviera Homes WA Pty Ltd 97th Avenue Proposed Multi Dwellings at Lot 2 (#42) Woodville Street, North Perth		<p>10/02/2017 10/01/2018 10/02/2018 10/01/2019 10/02/2019 10/01/2020 10/02/2020 10/01/2021 10/02/2021 10/01/2022 10/02/2022 10/01/2023 10/02/2023 10/01/2024 10/02/2024 10/01/2025 10/02/2025 10/01/2026 10/02/2026 10/01/2027 10/02/2027 10/01/2028 10/02/2028 10/01/2029 10/02/2029 10/01/2030 10/02/2030 10/01/2031 10/02/2031 10/01/2032 10/02/2032 10/01/2033 10/02/2033 10/01/2034 10/02/2034 10/01/2035 10/02/2035 10/01/2036 10/02/2036 10/01/2037 10/02/2037 10/01/2038 10/02/2038 10/01/2039 10/02/2039 10/01/2040 10/02/2040 10/01/2041 10/02/2041 10/01/2042 10/02/2042 10/01/2043 10/02/2043 10/01/2044 10/02/2044 10/01/2045 10/02/2045 10/01/2046 10/02/2046 10/01/2047 10/02/2047 10/01/2048 10/02/2048 10/01/2049 10/02/2049 10/01/2050 10/02/2050 10/01/2051 10/02/2051 10/01/2052 10/02/2052 10/01/2053 10/02/2053 10/01/2054 10/02/2054 10/01/2055 10/02/2055 10/01/2056 10/02/2056 10/01/2057 10/02/2057 10/01/2058 10/02/2058 10/01/2059 10/02/2059 10/01/2060 10/02/2060 10/01/2061 10/02/2061 10/01/2062 10/02/2062 10/01/2063 10/02/2063 10/01/2064 10/02/2064 10/01/2065 10/02/2065 10/01/2066 10/02/2066 10/01/2067 10/02/2067 10/01/2068 10/02/2068 10/01/2069 10/02/2069 10/01/2070 10/02/2070 10/01/2071 10/02/2071 10/01/2072 10/02/2072 10/01/2073 10/02/2073 10/01/2074 10/02/2074 10/01/2075 10/02/2075 10/01/2076 10/02/2076 10/01/2077 10/02/2077 10/01/2078 10/02/2078 10/01/2079 10/02/2079 10/01/2080 10/02/2080 10/01/2081 10/02/2081 10/01/2082 10/02/2082 10/01/2083 10/02/2083 10/01/2084 10/02/2084 10/01/2085 10/02/2085 10/01/2086 10/02/2086 10/01/2087 10/02/2087 10/01/2088 10/02/2088 10/01/2089 10/02/2089 10/01/2090 10/02/2090 10/01/2091 10/02/2091 10/01/2092 10/02/2092 10/01/2093 10/02/2093 10/01/2094 10/02/2094 10/01/2095 10/02/2095 10/01/2096 10/02/2096 10/01/2097 10/02/2097 10/01/2098 10/02/2098 10/01/2099 10/02/2099 10/01/2100</p>	<p>2101 04/04</p>
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## 6 INFRASTRUCTURE AND ENVIRONMENT

### 6.1 NORTH PERTH COMMON CLOSURE REPORT

**TRIM Ref:** D19/126462

**Authors:** Craig Wilson, Manager Asset & Engineering  
Stephanie Smith, A/Executive Director Planning and Place

**Authoriser:** Andrew Murphy, Executive Director Infrastructure and Environment

**Attachments:** 1. North Perth Common - Project Closure Report [↓](#) 

#### RECOMMENDATION:

That Council

1. **NOTES** the project closure report for North Perth Common included as **Attachment 1**.

#### PURPOSE OF REPORT:

To consider the project closure report for North Perth Common included as **Attachment 1**.

#### BACKGROUND:

At the Council Meeting on 26 July 2016 the City commenced a project to develop a new public space in the North Perth Town Centre. During January 2017 the City undertook engagement with the local community to understand community views on the location and use of the future public space. At the Council Meeting on 25 July 2017 the City agreed that the location of the new public space would be at the corner of View Street and Fitzgerald Street.

As part of implementing the project the City accepted a grant of \$250,000 from the State Government and created the North Perth Town Centre Public Open Space Working Group comprising of the Local Member, Council Members, members of the City's Design Review Panel and members of local Town Team, North Perth Local.

During 2017/18 the City developed the concept plan for North Perth Common and during 2018/19 delivered the construction of the space with the opening event being held in June 2019.

#### DETAILS:

The City has a Project Management Framework that requires the preparation of a Project Closure Report for major projects. The Project Closure Reports are used to formally close a project, transfer ownership of any ongoing tasks, communicate any recommendations and share any lessons learned. A copy of the Project Closure Report for North Perth Common is included as **Attachment 1**.

#### CONSULTATION/ADVERTISING:

The Project Closure Report is an administrative document for the City to ensure that the project is formally closed and operationalised. No consultation on the Project Closure Report is required.

#### LEGAL/POLICY:

Nil.

#### RISK MANAGEMENT IMPLICATIONS:

It is considered low risk for Council to note a project closure report.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Enhanced Environment

*Our urban forest/canopy is maintained and increased.*

Connected Community

*We have enhanced opportunities for our community to build relationships and connections with each other and the City.*

Thriving Places

*Our town centres and gathering spaces are safe, easy to use and attractive places where pedestrians have priority.*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

North Perth Common was completed within the allocated budget.

**COMMENTS:**

North Perth Common was completed within time, scope and budget and is considered to be an overall success.



CITY OF VINCENT

**PROJECT MANAGEMENT FRAMEWORK**  
**PROJECT COMPLETION: CLOSURE REPORT**


Date:	26/07/2019		
Project Name:	North Perth Common		
Project Manager:	Tahnee Bunting	CEO:	David MacLennan
Accountable Director:	Andrew Murphy	Sponsor:	Andrew Murphy
Project Code:	TEN 561/18 SC2777	Directorate:	Policy and Place

The project closed because:

- ☒ Deliverables Completed
 ☐ Funding Withdrawn
 ☐ Change in Council/City Priorities  
☐ Research analysis identified issues with project assumptions
 ☐ Other

**Review of deliverables**

Deliverable	Approved/Accepted by	Date
Develop and implement a plan and schedule to establish a new public space in the North Perth Town Centre (Item 10.1 from 26 July 2016 Council Meeting).	Council	25 July 2017
Deliver community consultation on the project by January 2017 (Item 10.1 from 26 July 2016 Council Meeting).	Council	25 July 2017
Negotiate and enter into an appropriate funding agreement with the State Government (Item 9.2 from 25 July 2017 Council Meeting).	CEO	5 December 2017
Establish the North Perth Town Centre Public Open Space Working Group (Item 9.2 from 25 July 2017 Council Meeting).	Council	25 July 2017
List for consideration in the 2017/18 to 2020/21 Corporate Business Plan a project to prepare an urban design concept and business case for Lots 15, 16 and 40 View Street and the adjoining View Street road reserve (Item 9.2 from 25 July 2017 Council Meeting).	Council	25 July 2017
Prepare concept design for North Perth Common.	Council	26 June 2018
Prepare detailed design for North Perth Common.	Director Infrastructure & Engineering	13 August 2018
Construct North Perth Common.	Director Infrastructure & Engineering	Start - 04 January 2019 Completed - 04 June 2019

**Recommendations**

The recommendations at the conclusion of this project are:

- Monitoring of the function of the space should continue as part of the City's normal operations and adjustments should be made to furniture and landscaping as required to enhance the function of the space.
- Traffic studies should be undertaken to determine changes in vehicle speeds and behaviours and the impact of the space on the broader road network. The City should investigate the viability of one way left turn only, and complete road closure, in the longer term future.
- Monitoring of pedestrian movements and use of the space, particularly the two apple gum trees closest to Paragon Property should continue.
- The City should continue liaising with Coles to provide improved trolley containment lines.



- The City should continue to include the space as part of the activation and curation of events.
- The asset maintenance should continue including lawn/reticulation maintenance, leaf litter, power usage and artwork maintenance.
- The defect liability inspection should be scheduled in June 2020 with Emerge and BOS Civil.
- The impact of the project should be incorporated into the View Street Car Park Urban Design Study project.

#### Outstanding project activities:

Are there any outstanding project activities/issues, handover or processes that need to be managed at the conclusion of the project?

Action	To Who?	When?
Maintenance of space.	Infrastructure & Environment	Ongoing
Monitoring of the space.	Community & Business Planning & Place Infrastructure & Environment	Ongoing
Defects Liability (BOS Civil, Emerge Associates)	Infrastructure & Environment	June 2020

#### LESSONS LEARNED

Lesson	Comment
How did the Project perform against the initial schedule?	The project was delivered on schedule in the 2018/19 financial year in accordance with the Corporate Business Plan and the space was launched in June 2019.
How did the Project perform against the initial Budget?	The initial planned budget was \$741,000. The total final budget was \$731,749. There were minor variations where appropriate, justified and provided a value add to the project.
Were there changes to the project scope and if so why?	Additional extras were able to be included in the construction including bollards, up lighting, artwork projector upgrade and three phase power outlets. Variations to the tree stock used were required due to availability which resulted in changes in the maturity of trees compared with what was planned. Larger tree stock was chosen where possible.
What Risks and Issues were encountered during project execution and how were they managed?	Issues with adjoining land owners were experienced relating to the design, trees and communications. There were issues with the artwork lighting and projector capabilities. The consultant engaged a lighting expert to resolve. Western Power delays/uncertainties. Significant project risks were expedited to the Director with suggested resolutions to resolve as quickly as possible.
How did the Project Management methodology employed during the project support the project delivery?	Project schedules and timeframes were guided by input from the consultant and updated with the project team for the delivery of concept, design and construction. Consistency in the consultant team has meant continuity in project management.
What was the feedback from Project Stakeholders?	Overall the space has been well received by the local community.

What Worked Well?	Assisted project management from Design Consultant ensured prompt, experienced and thorough advice on project variations. This ensured continuity with initial concept design intention.
What Could Be Improved?	Clear definition of roles internally and agreed inputs. Timing and process for engaging artist and design team. Clearly defining critical project milestone delivery where internal inputs are needed.

**CLOSURE CHECKLIST**

Task	Complete	Date	Comment
Project deliverables accepted	<input checked="" type="checkbox"/>	26 July 2019	
Outstanding tasks identified and documented above	<input checked="" type="checkbox"/>	26 July 2019	
Risks and issues closed or transferred	<input checked="" type="checkbox"/>	26 July 2019	
Process in place to manage any outstanding risks, issues or tasks	<input checked="" type="checkbox"/>	26 July 2019	
Lessons learned workshop undertaken	<input type="checkbox"/>		
Procurement activities finalised	<input type="checkbox"/>		Defects liability to be completed in June 2020.
Project team released to undertake other work	<input checked="" type="checkbox"/>	26 July 2019	
Finance, procurement, project management informed of project closure	<input checked="" type="checkbox"/>	26 July 2019	
Internal and external stakeholders advised of project closure	<input checked="" type="checkbox"/>	26 July 2019	Launch event held on 15 June 2019.
Internet and Vintranet sites updated accordingly	<input checked="" type="checkbox"/>	August 2019	Webpage to be updated.
Content Manager reference to project information	<input checked="" type="checkbox"/>	26 July 2019	Project Information and Concept/Detailed Design: SC2726-01 or SC2726-02 Tender, Contract and Construction (Tender 561/18 - Construction): SC3210-01 or SC3210-02 Emerge Tender/Contract Information (Tender 546/17 – Design and Project Management) SC3104

<b>6.2</b>	<b>LATE REPORT: MINOR PARKING RESTRICTION IMPROVEMENTS/AMENDMENTS</b>
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REPORT TO BE ISSUED PRIOR TO COUNCIL BRIEFING – 10 SEPTEMBER 2019




**7 COMMUNITY AND BUSINESS SERVICES**

<b>7.1 LATE REPORT: AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 AUGUST 2019 TO 31 AUGUST 2019</b>
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REPORT TO BE ISSUED PRIOR TO COUNCIL BRIEFING 10 SEPTEMBER 2019

**8 CHIEF EXECUTIVE OFFICER****8.1 CONSIDERATION OF SUBMISSIONS ON ACQUISITION OF LUCE LANE, NORTH PERTH****TRIM Ref:** D19/113280**Author:** Daniel Janssen, Land Projects Officer**Authoriser:** Meluka Bancroft, Manager Governance, Property and Contracts

**Attachments:**

1. Luce Lane - Aerial image of private right of way - Lot 66 on Deposited Plan 4613 [↓](#) 
2. Diagram 4613 annotated to identify Lot 66 [↓](#) 
3. Summary of submissions and Administration's response [↓](#) 

**RECOMMENDATION:****That Council:**

1. **CONSIDERS** the submissions and Administration's responses regarding the proposed acquisition of Luce Lane in North Perth as at Attachment 3;
2. In accordance with Section 52(1)(b) of the *Land Administration Act 1997*, **REQUESTS** the Minister for Lands to acquire the private right of way being Lot 66 on Diagram 4613, as shown in Attachment 1, and known as Luce Lane; and
3. **REQUESTS** the Minister for Lands to reserve Luce Lane as a reserve for the purposes of a public right of way and place the care, control and management of the reserve in the City of Vincent pursuant to sections 41 and 46(1) of the *Land Administration Act 1997*.

**PURPOSE OF REPORT:**

For Council to consider the proposed acquisition of Luce Lane, North Perth, located between Monmouth, Venn and Walcott Streets as shown in the plan at **Attachment 1**, and consider the public submissions summarised in **Attachment 3**.

**BACKGROUND:**

At the 12 February 2013 Ordinary Meeting of Council (Item 9.2.13), Council resolved that Administration commence the acquisition process of the right of way known as Luce Lane under Section 52(1)(b) of the *Land Administration Act 1997* (**Act**).

Luce Lane is a privately owned right of way held by a deceased estate, and therefore is the responsibility of the Public Trustee. It is legally defined as Lot 66 on Diagram 4613, and being the land comprised in Certificate of Title Volume 666 Folio 27.

**DETAILS:**

In accordance with the 12 February 2013 resolution, and Regulation 6 of the *Land Administration Regulations 1998* (**Regulations**), Administration has commenced the acquisition process by providing public notice to:

- The Public Trustee;
- Adjoining land owners; and
- Public utility providers with infrastructure within Luce Lane.

Pursuant to section 52(3) of the Act, Administration provided public notice and invited submissions for a period in excess of 30 days. Public notice was provided on the City's notice boards, on the website from 18 June 2019, and in newspapers the Guardian on 18 June 2019, and in the Perth Voice on 22 June 2019, with submissions closing 26 July 2019.



Administration received four objections. The concerns were related to the negative impacts to adjacent landowners in the event of significant increases in traffic in Luce Lane.

Administration does not expect the use of Luce Lane to change, or for an increase in traffic using Luce Lane to occur as a result of the proposed acquisition. The submissions and administration's responses are summarised at Attachment 3.

### CONSULTATION/ADVERTISING:

In accordance with the requirements of regulation 6 of the Regulations, Administration will provide to the Minister for Lands the following:

- Written confirmation that Council has resolved to make the request, as per the above recommendation 2 (Regulation 1(a)).
- A statement outlining the reason for the proposed acquisition, which is that the acquisition of Luce Lane is consistent with the City's approach of formalising responsibility for maintenance and upgrade of all right of ways within the City (Regulation 1(b)).
- A sketch indicating the land to be acquired (**Attachment 2**)(Regulation 1(c)).
- Copies of letters sent to notify landowners, adjoining landowners, and utility providers, requesting submissions or comments (Regulation 1(d)).
- A summary of submissions received, and responses from Administration (**Attachment 3**) (Regulation 1(e)).

### LEGAL/POLICY:

Luce Lane is encumbered by an easement secured by caveat number H028406. The caveat is held by the landowner at Lot 297 (No.92) Monmouth Street, North Perth, and provides the landowner with access rights over Luce Lane. The proposed acquisition and reservation will ensure that Lot 297 benefits from continued access over Luce Lane.

Section 52(5)(b) of the Act provides that when a right of way is acquired it will be freed from all encumbrances and becomes Crown Land. Therefore, Lot 297 (No.92) Monmouth Street would continue to have rights of access over Luce Lane.

### Land Administration Act 1997

52. *Local government may ask the Minister to acquire as Crown land certain land in district*

(1) *Subject to this section, a local government may request the Minister to acquire as Crown land –*

(b) *any private road;*

*within the district of the local government.*

(2) *A request made under subsection (1) is to be accompanied by –*

(a) *a plan of survey or sketch plan –*

(i) *showing the subject land; and*

(ii) *approved by the Planning Commission;*

*And*

*copies of all objections lodged with the local government during the period referred to in subsection (3)(b)(i).*

(3) *Before making a request under subsection (1), a local government must –*

(a) *take all reasonable steps to give notice of that request to –*

(i) *the holder of the freehold in the subject land unless the local government holds that freehold; and*

- (ii) *the holders of the freehold in land adjoining the subject land unless the local government holds that freehold; and*
- (iii) *all suppliers of public utility services to the subject land;*

*and*

*(b) in the case of —*

- (i) *alienated land referred to in subsection (1)(a) or a private road referred to in subsection (1)(b), state in the notice a period of not less than 30 days from the day of that notice during which period persons may lodge objections with it against the making of that request; or*
  - (ii) *any land referred to in subsection (1)(c), advertise or take such steps as may be prescribed to notify interested persons of an intention to make the request and state in the notification a period of not less than 30 days from the day of that notification during which period persons may lodge objections with it against the making of that request.*
- (4) *The Minister may, on receiving a request made under subsection (1), the accompanying plan of survey or sketch plan referred to in subsection (2)(a) and copies of all objections referred to in subsection (2)(b) —*
- (a) *by order grant that request; or*
  - (b) *direct the local government to reconsider that request, having regard to such matters as he or she thinks fit to mention in that direction; or*
  - (c) *refuse to grant that request.*
- (5) *On the registration of an order made under subsection (4)(a), the subject land —*
- (a) *ceases to belong to the holder of its freehold; and*
  - (b) *is freed from all encumbrances; and*
  - (c) *becomes Crown land.*
- (6) *Subject to subsection (7), compensation is payable under Part 10 to any holder of the freehold in the subject land who suffers loss on the registration of an order referred to in subsection (5) as if that loss resulted from a taking under Part 9.*
- (7) *A person with an interest in land that is a private road (including a person who has the benefit of an easement created under section 167A of the TLA) the subject of an order under subsection (4)(a) who suffers loss on the registration of the order is not entitled to compensation under Part 10.*

#### Land Administration Regulations 1998

6. *Procedures to be followed by local government before requesting acquisition of private road (Act s.52(1)(b))*
- (1) *Before requesting the Minister under section 52(1)(b) of the Act to acquire as Crown land any private road (the **subject land**), a local government —*
- (a) *must give to the Minister written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and*
  - (b) *must give to the Minister written reasons as to why the local government proposes to request the Minister to acquire the subject land; and*

- (c) *must give to the Minister and to the persons given notice under section 52(3)(a) of the Act a sketch plan showing the proposed future disposition of the subject land after it has been acquired; and*
- (d) *must give to the Minister written advice that the local government has taken all reasonable steps to identify the persons who are required to be given notice under section 52(3)(a) of the Act; and*
- (e) *must give to the Minister —*
  - (i) *copies of any submissions (other than objections given under section 52(2)(b) of the Act) relating to the proposed request to acquire the subject land that, after complying with the requirements to give notice and advertise under section 52(3) of the Act, the local government has received; and*
  - (ii) *the local government's comments on those submissions; and*
- (f) *must give to the Minister written confirmation that the local government has complied with section 52(3) of the Act.*

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** Acquiring Luce Lane will formalise management of the laneway. It is currently in good condition, paved and partially drained. No immediate expenditure is required for maintenance.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Thriving Places

*Our physical assets are efficiently and effectively managed and maintained.*

Innovative and Accountable

*Our community is aware of what we are doing and how we are meeting our goals.*

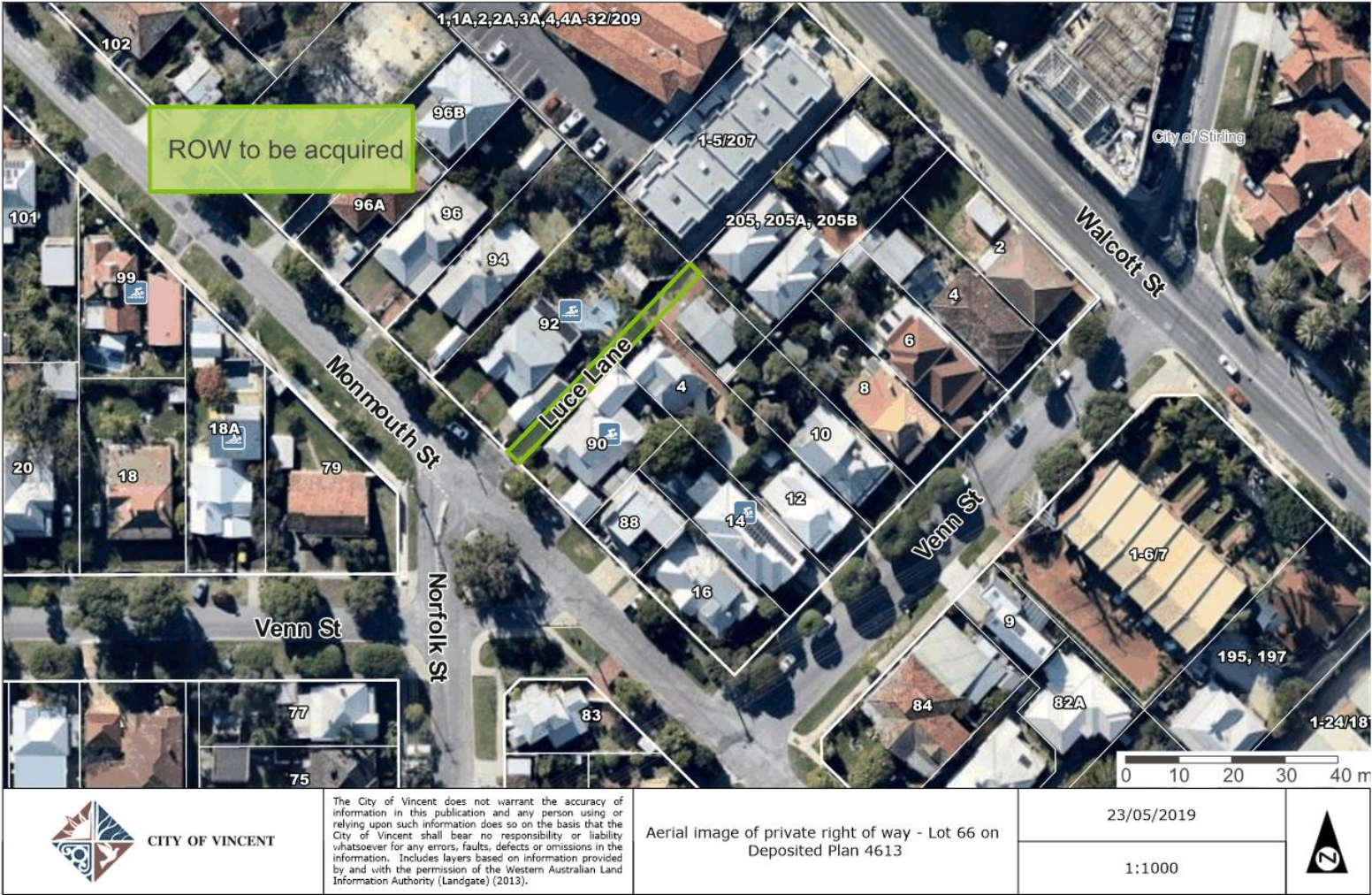
*We are open and accountable to an engaged community.*

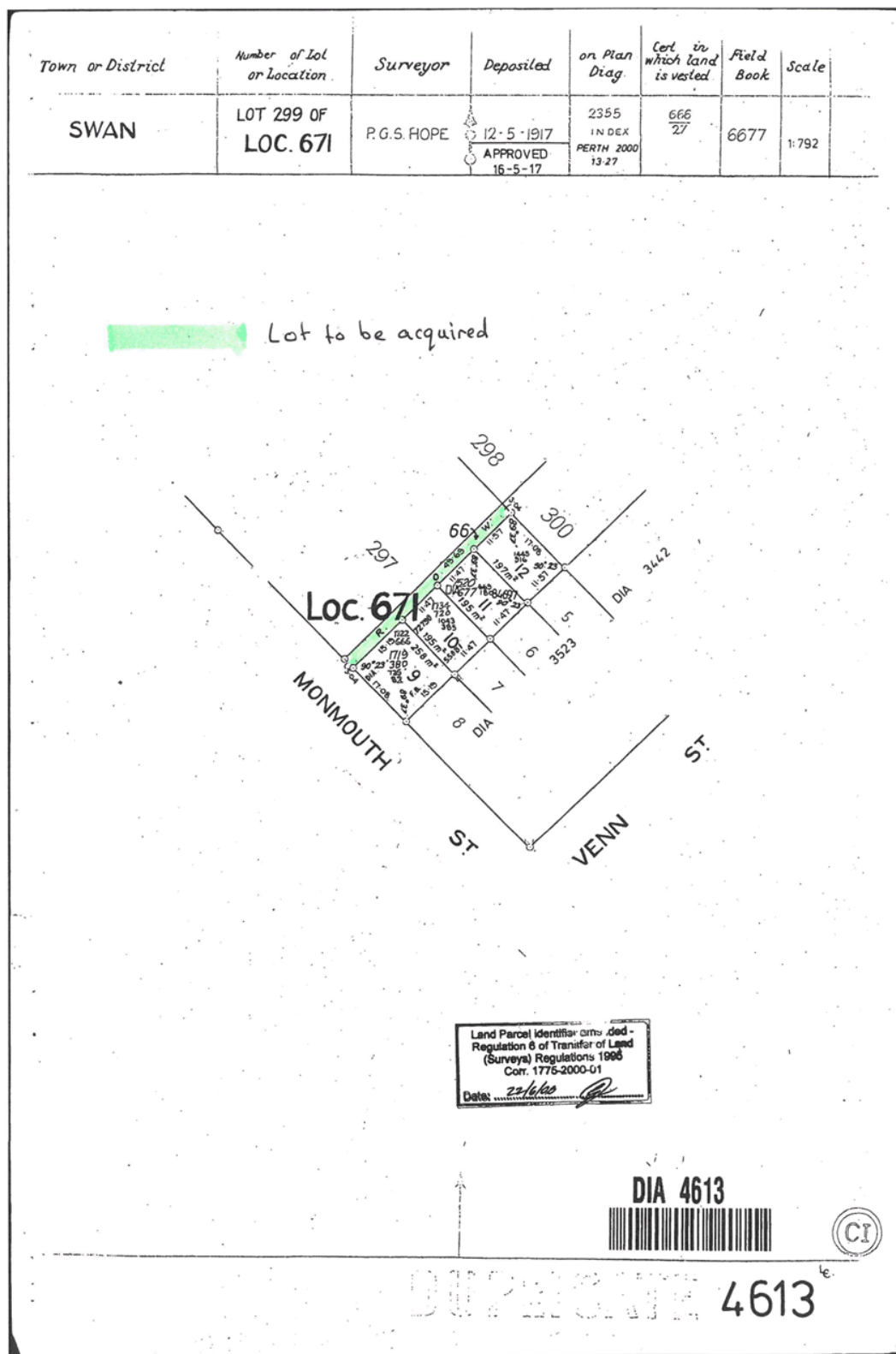
**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Luce Lane will be included in the City's laneway maintenance and upgrade program. However, there will be no immediate cost implications.





LANDGATE COPY OF ORIGINAL NOT TO SCALE 06/06/2019 09:17 AM Request number: 59399572

Landgate

[www.landgate.wa.gov.au](http://www.landgate.wa.gov.au)



**Administration Response to Submissions on Proposed Acquisition of Luce Lane****Responses from Adjacent Owners**

Total number of respondents: 4

Objections: 4 (2 objections withdrawn after conversation with Administration)

<b>Comment</b>	<b>Administration's Response</b>
The City presumably intends to connect Monmouth Street to Walcott Street as the outcome of this proposal.	The City has no plans to connect Monmouth Street to Walcott Street via Luce Lane.  The acquisition of Luce Lane is in line with the City's adopted Laneways/Rights of Way Acquisition and Upgrade Program, which is to transfer ownership, maintenance and care of all laneways to the City.
Connection will create issues including: <ul style="list-style-type: none"> <li>• security;</li> <li>• increased traffic;</li> <li>• noise;</li> <li>• reduced amenity; and</li> <li>• lower property values.</li> </ul>	As stated above, the City has no intention of changing the use of Luce Lane, so there should be limited impact on security, traffic, noise or amenity.  Luce Lane will remain as a means of accessing the properties abutting it.
The current lane width will not support increased traffic from a connection to Walcott Street.	Agreed. With respect to the width of the lane (3m), Luce Lane is unsuited to carry substantial traffic.
Luce Lane is currently used as a private access way from Monmouth Street to properties adjoining the Lane and 205 Walcott Street. There is concern that residents will not enjoy the same access.	Luce Lane will continue to provide access to the lots abutting it.
Luce Lane used to function as a thoroughfare between Walcott and Monmouth Streets. There is concern that this connection will be reinstated.	There is no intention from the City to connect Luce Lane with Walcott Street.
Placing Luce Lane in public ownership will result in granting right of way privileges to the strata properties at 207 Walcott Street.	Once acquired, Luce Lane will be available for use by the public, which include any properties with an adjacent, shared boundary.

**Responses from Utility Providers**

Total number of respondents: 1

Objections: 0

List of utility services that responded:

- Water Corporation

**8.2 REPORT AND MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 27 AUGUST 2019**

**TRIM Ref:** D19/125974

**Author:** Sharron Kent, Council Support Officer

**Authoriser:** David MacLennan, Chief Executive Officer

**Attachments:** 1. Minutes of the Audit Committee - 27 August 2019 [↓](#) 

**RECOMMENDATION:**

**That Council:**

1. **RECEIVES** this report from the Audit Committee meeting of 27 August 2019; and
2. **APPROVES** the recommendations of the Audit Committee as set out in the Minutes of the 27 August 2019 meeting (Attachment 1).

**PURPOSE OF REPORT:**

To report to Council the proceedings of the Audit Committee at its meeting held on 27 August 2019 in accordance with clause 2.21(1) of the City's Meeting Procedures Local Law 2008.

**BACKGROUND:**

The City's Audit Committee is a statutory committee of Council, established in accordance with section 7.1A of the *Local Government Act 1995*. The primary objectives of the Audit Committee are to:

- accept responsibility for the annual external audit; and
- liaise with the local government's internal and external auditors so that Council can be satisfied with the performance of the local government in managing its affairs.

The Audit Committee meets approximately every two months and comprises of two external independent members and four Elected Members.

**DETAILS:**

At its meeting on 27 August 2019, the Audit Committee considered three agenda items as follows:

- 5.1 Office of the Auditor General's Performance Audit 2019 – fraud prevention in local government – findings and recommendations
- 5.2 Review of the City of Vincent audit log
- 5.3 Payroll internal audit findings

A summary of each item is below:

**5.1 Office of the Auditor General's Performance Audit 2019 – fraud prevention in local government – findings and recommendations**

The Office of the Auditor General (OAG) conducted a fraud prevention in local government performance audit in 2019. The objective of this audit is to assess if local governments are taking appropriate steps to prevent fraud.

Initially, all 148 local government entities were provided an opportunity to respond to a questionnaire that explored fraud preparedness at a high level. The City of Vincent was one of five local government entities then selected for a detailed review.

The Western Australian Auditor General's report, 'Fraud prevention in local government', was tabled in Parliament on 15 August 2019 and makes recommendations for fraud management in local government.

The City will take a number of actions to address the findings and recommendations of this report. These actions will be added to the City's Audit Log.

### 5.2 *Review of the City of Vincent Audit Log*

This report provided an update on the status of all outstanding items in the City's Audit Log. The Audit Log tracks all open audit items from audits and reviews, until closure, and provides a summary of the progress made against the management actions.

Five items identified during the 2018/19 statutory audit are recommended for closure this month:

- IA: 2015/3.2.3 – Internal Audit 2015 - Payroll
- EIA: 2019/2 – Review of reconciliation of payroll to the general ledger
- EIA: 2019/3 – Independent review of journals
- EIA: 2019/4 – Dating of purchase orders after invoice date
- EA: 2018/8 – Asset Sustainability Ratio

### 5.3 *Payroll internal audit findings*

The City engaged Butler Settineri to undertake the payroll internal audit as part of the internal audit program. This report considered the results of the Payroll internal audit review report that was undertaken in May 2019.

The objective of the audit was to perform an independent review of the operations and effectiveness of systems and practices, as a service to both management and the Council, to report factual findings from the procedures undertaken and to provide recommendations for improvements to systems and practices. Testing of samples covering the period 1 July 2018 to 31 December 2018 was undertaken in some cases, in addition to discussing the current payroll procedures and practices in place with management and employees.

Administration's management responses have been reviewed and accepted by the internal auditor.

Once the Audit Committee has received the audit report and endorsed the management comments then the findings and associated actions will be added to the City's audit log and actioned accordingly.

## **CONSULTATION/ADVERTISING:**

Nil.

## **LEGAL/POLICY:**

Clause 2.21 of the City's Meeting Procedures Local Law 2008 states:

### ***"2.21 Presentation of committee reports***

- (1) *Every committee is to cause:-*
  - (a) *a report with recommendations and suitable preamble;*
  - (b) *minutes of the committee's proceedings and transactions;*  
*to be presented to the Council by the presiding member of each committee concerned, or in his or her absence, a member of the committee in the form of a motion; "That the report be received and the recommendation be adopted".*
- (2) *No objection to the receipt of a report of any committee, or any part of it, shall be raised when such reports are presented to the Council, except for reasons arising out of such reports.*
- (3) *The presiding member is to:-*
  - (a) *put the motion that the report be received;*
  - (b) *call for a motion to be moved by any member pursuant to clause 5.6(1), with the exception of item (a) of that clause, with respect to any recommendation contained in the report;*

- (c) *put the motion that the recommendation be adopted in relation to the recommendations contained in the report, apart from a recommendation or recommendations which are the subject of a motion by a member pursuant to the preceding item of this sub-clause; and*
- (d) *ensure that the motions are debated and dealt with in accordance with these Standing Orders in relation to a recommendation or those recommendations in the report which are the subject of a motion or motions by a member or members pursuant to clause 5.6.”*

The Audit Committee Terms of Reference governs the functions, powers and membership of the Audit Committee.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** Reporting the outcomes of the Audit Committee meeting on 27 August 2019 to Council aligns with good corporate governance.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

*Our resources and assets are planned and managed in an efficient and sustainable manner.*

*We are open and accountable to an engaged community.*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.



**CITY OF VINCENT**

# **MINUTES**

**Audit Committee**

**27 August 2019**



## AUDIT COMMITTEE MINUTES

27 AUGUST 2019

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## AUDIT COMMITTEE MINUTES

27 AUGUST 2019

MINUTES OF CITY OF VINCENT  
AUDIT COMMITTEE  
HELD AT THE COMMITTEE ROOM, ADMINISTRATION AND CIVIC CENTRE  
244 VINCENT STREET, LEEDERVILLE  
ON TUESDAY, 27 AUGUST 2019 AT 1PM

<b>PRESENT:</b>	<b>Mayor Emma Cole</b> <b>Cr Dan Loden</b> <b>Cr Susan Gontaszewski</b> <b>Cr Joshua Topelberg</b>	<b>Mayor</b> <b>Presiding Member</b> <b>South Ward</b> <b>South Ward</b>
<b>IN ATTENDANCE:</b>	<b>David MacLennan</b> <b>Vanisha Govender</b> <b>Meluka Bancroft</b> <b>Steven Tweedie</b> <b>Sharron Kent</b>	<b>Chief Executive Officer</b> <b>Executive Manager Financial Services</b> <b>Manager Governance, Property &amp; Contracts</b> <b>Governance Advisor</b> <b>Council Support Officer</b>

## 1 INTRODUCTION AND WELCOME

The Presiding Member, Dan Loden, declared the meeting open at 1pm and read the following Acknowledgement of Country statement:

"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 APPROVED LEAVE OF ABSENCE

### Apologies

Mr Conley Manifis	External Independent Member
Ms Elizabeth Hunt	External Independent Member

## 3 DECLARATIONS OF INTEREST

Nil

## 4 CONFIRMATION OF MINUTES

The Presiding Member, Cr Dan Loden, sought a mover to confirm that the Minutes of the Audit Committee held on 11 June 2019 be confirmed.

### MOTION AND COMMITTEE DECISION

**Moved:** Cr Topelberg , **Seconded:** Cr Gontaszewski

**That the Minutes of the Audit Committee held on 11 June 2019 be confirmed.**

**CARRIED UNANIMOUSLY (4-0)**

**For:** Cr Loden, Mayor Cole, Cr Gontaszewski and Cr Topelberg

**Against:** Nil

(Mr Manifis and Ms Hunt were apologies for this meeting)

## AUDIT COMMITTEE MINUTES

27 AUGUST 2019

## 5 BUSINESS ARISING

5.1 OFFICE OF THE AUDITOR GENERAL'S PERFORMANCE AUDIT 2019 - FRAUD PREVENTION  
LOCAL GOVERNMENT - FINDINGS AND RECOMMENDATIONS

TRIM Ref: D19/42222

Authors: Sharron Kent, Council Support Officer  
Meluka Bancroft, Manager Governance, Property and Contracts

Authoriser: David MacLennan, Chief Executive Officer

Attachments: 1. Western Australian Auditor General's report - 'Fraud prevention in local governments' - 15 August 2019  
2. City's response to the Western Australian Auditor General's report - 'Fraud prevention in local government'

## RECOMMENDATION:

That the Audit Committee recommends to Council that it:

1. RECEIVES the Western Australian Auditor General's Report 'Fraud prevention in local governments', which was tabled in Parliament on 15 August 2019, at Attachment 1; and
2. NOTES that the actions arising from the findings and recommendations in the report, as listed in the City's response to the report, at Attachment 2, will be included in the City's audit log until completion.

COMMITTEE DECISION ITEM 5.1Moved: Cr Gontaszewski, Seconded: Cr Topelberg

That the recommendation be adopted.

*Note: Cr Gontaszewski requested the following amendments (amendments underlined) to the actions arising from the findings and recommendations in the report (Attachment 2), and that administration include these in the Audit Log:*

6. Document clear internal processes and systems to report fraud  
The City will investigate systems and processes to report, review and manage any potential fraud, including anonymous reporting and the escalation of fraud reporting. The proposed implementation date is December 2020.
7. Collect, review and manage fraud information and identify trends and emerging issues  
The fraud reporting system, as referred to in 6. above, should enable this data to be easily compiled. Governance will periodically review the data annually.

CARRIED UNANIMOUSLY (4-0)

For: Cr Loden, Mayor Cole, Cr Gontaszewski and Cr Topelberg

Against: Nil

(Mr Manifis and Ms Hunt were apologies for this meeting)

## AUDIT COMMITTEE MINUTES

27 AUGUST 2019

## 5.2 REVIEW OF THE CITY OF VINCENT AUDIT LOG

TRIM Ref: D19/112680

Author: Sharron Kent, Council Support Officer

Authoriser: David MacLennan, Chief Executive Officer

Attachments: 1. Audit Log

## RECOMMENDATION:

That the Audit Committee recommends to Council that it NOTES the status of the City's Audit Log at Attachment 1, with minor administrative amendments to timelines shown in red text.

COMMITTEE DECISION ITEM 5.2

Moved: Cr Gontaszewski, Seconded: Cr Topelberg

That the recommendation be adopted.

CARRIED UNANIMOUSLY (4-0)

**For:** Cr Loden, Mayor Cole, Cr Gontaszewski and Cr Topelberg

**Against:** Nil

(Mr Manifis and Ms Hunt were apologies for this meeting)

## AUDIT COMMITTEE MINUTES

27 AUGUST 2019

AUDIT DETAILS	MANAGEMENT RESPONSE	ACTION	PROPOSED COMPLETION DATE
<p>IA 2015/2.3 Internal Audit 2015 - Payroll</p> <p>Findings: Written payroll procedures were not formalised and based on an organisation wide standard template.</p> <p>Recommendation: Payroll procedures should be documented based on an organisation wide template. The procedures should be reviewed and updated as required. This will allow employees to clearly understand their roles and responsibilities within predefined limits and allow management to guide operations without constant management intervention, as well as help ensure staff involved give due consideration to appropriate risk management for processing the payroll.</p> <p>Risk Rating: Low</p>	<p>Responsible Officer: Executive Manager Human Resources</p> <p>The Payroll Officer currently maintains two sets of procedures – a lengthy step by step instruction and an abridged version.</p> <p>The MFS and the MGR will work with the rest of the organisation to develop and implement a standard process for the development, approval, appropriate storage/access and standard template for administration procedures.</p>	<p>Action Item 7.1 The MFS and the MGR will work with the rest of the organisation to develop and implement a standard process for the development, approval, appropriate storage/access and standard template for administration procedures.</p> <p>November 2016 A standard template for Administration Procedures (D16/121564) has been developed along with standard guidelines for development, approval and storage (D16/121564).</p> <p>March 2017 An additional payroll support officer commenced on 7 March 2017 which has provided the capacity to address this item. Proposed new timeframe – August 2017.</p> <p>July 2017 A Payroll procedure and working instructions are currently being drafted. On track for proposed completion date.</p> <p>September 2017 A payroll procedure and working instructions have been drafted and are being reviewed by the Manager HR. These will be reviewed by the CEO for approval along with all of the HR policies.</p> <p>November 2017 Payroll procedure working instructions have been drafted and are being reviewed by the Manager HR. Proposed new timeframe – 31 December 2017.</p> <p>March 2018 Payroll procedure working instructions have been drafted and have been reviewed by the Manager HR. These are required to be transitioned into the standard format for all HR work instructions which is targeted to be completed by June 2018.</p> <p>July 2018 Payroll procedure working instructions are still to be finalised, and have been delayed due to HR team workload. This is the first priority to be completed post year end activities.</p> <p>Proposed new timeframe – September 2018.</p> <p>October 2018 Progress has been made towards finalisation of appropriate payroll procedures, however the continuing HR team workload has impacted on the priority of this task. Proposed new timeframe – December 2018.</p> <p>January 2019 Internal Audit Payroll will commence in February 2019 and include Beatty Park. Proposed new timeframe – March 2019.</p> <p>March 2019 Audit commences end March. New HR Manager will review all payroll processes.</p> <p>July 2019 Internal payroll audit completed.</p>	<p>Complete</p> <p>30/06/2019</p> <p>31/03/2019</p> <p>31/03/2019</p> <p>31/12/2018</p> <p>30/09/2018</p> <p>30/06/2018</p> <p>31/12/2017</p> <p>31/08/2017</p>
<p>IA 2018/5.1b Purchasing, payments and credit cards - Purchases</p> <p>Findings: We obtained and reviewed all quotes where quotes were required. We ensured the quotes for the supply of goods or services were adequate and matched the purchase order raised and invoice paid.</p> <p>Recommendation: We noted nine items, the City did not obtain the required number of written quotes as specified in the purchasing policy.</p> <p>Failure to obtain the required number of quotes reduces the City's ability to obtain goods and services at the most competitive rate or best value for money.</p> <p>We recommend the City obtain the required number of quotes where required as well as adequately documenting where quotes have been obtained. We may also recommend the City implement a procedure which documents the decision making process in considering and selecting quotes.</p> <p>Risk Rating: Medium</p>	<p>Responsible Officer: Procurement Officer</p> <p>Agreed.</p>	<p>The City will incorporate into its purchasing procedures:</p> <ol style="list-style-type: none"> <li>1) A requirement to document the decision making process in considering and selecting quotes.</li> <li>2) A process for identifying and escalating instances of non-compliance with respect to obtaining quotes.</li> <li>3) Investigate system changes to Authority to enable explanation/clarification of decision making.</li> </ol> <p>July 2018 1) Complete 2) On track in line with completion timeframes. 3) Investigating system processes to prevent non-compliance occurring.</p> <p>September 2018 Will be undertaken by newly appointed Procurement Officer. Proposed new timeframe – November 2018.</p> <p>January 2019 2) Complete 3) System and training elements still to be progressed.</p> <p>Proposed new timeframe – March 2019.</p> <p>March 2019 Increasing awareness of requirements surrounding quotations, however system changes are not able to be undertaken due to other system priorities. Proposed new timeframe – August 2019-31 December 2019.</p>	<p>31/08/2018</p> <p>31/12/2019</p> <p>31/03/2019</p> <p>30/11/2018</p> <p>31/08/2018</p>
<p>EA 2018/5 External Audit 2018 - Fixed Asset Register</p> <p>Findings: As a result of the revaluation process a number of the non-current assets recorded in the City's asset register were identified as not actually being City assets. These have been corrected and documented accordingly in the Financial Report as at 30 June 2018.</p> <p>Recommendation: To help ensure non-current assets are fairly stated in the Financial Report and asset management practices are improved, in addition to reconciling the Fixed Asset Register to the General Ledger, management should perform periodic physical inspections of all material assets and related documents to ensure existence and ownership of assets.</p> <p>Risk Rating:</p>	<p>Responsible Officer: Manager Finance</p> <p>A more robust asset management system is being investigated and implemented by Administration, with a due date of April 2018.</p>	<p>January 2019 A more robust asset management system is being investigated and implemented by Administration. Expected timeframe – April 2018.</p> <p>March 2019 Manager Finance is considering a process to reconcile assets as a system solution is not planned for the future. Proposed new timeframe – September 2019.</p>	<p>30/09/2019</p> <p>30/04/2019</p>



## AUDIT COMMITTEE MINUTES

27 AUGUST 2019

AUDIT DETAILS	MANAGEMENT RESPONSE	ACTION	PROPOSED COMPLETION DATE
<p>EA 2018/8 External Audit 2018 - Asset Sustainability Ratio</p> <p><b>Findings:</b> The asset sustainability ratio is below target and is reflecting that the City is not investing sufficient monies in upgrade/renew assets.</p> <p><b>Recommendation:</b> -</p> <p><b>Risk Rating:</b> -</p>	<p>Responsible Officer: Director Engineering</p> <p>Noted: Administration will be engaging a consultant to update the City's asset management plans. This work is expected to be completed by April 2019.</p>	<p>January 2019 Administration will be engaging a consultant to update the City's asset management plans. Proposed timeframe - April 2019.</p> <p>July 2019 Consultant presented the updated asset management plans to Council at the 30 July 2019 workshop.</p>	<p>Complete 30/04/2019 30/04/2019</p>
<p>Asbestos Review 2019 LGS Asbestos Register Review</p> <p><b>Findings:</b> The City is currently in breach of OSH legislation as they have not developed and implemented an Asbestos Management Plan (Plan).</p> <p>Register ACM - The document provided by the City to LGS for review and feedback has identified some asbestos within the workplace however this is incomplete.</p> <p><b>Recommendation:</b> In order for the City to meet legislative requirements a Plan should be developed to state the City's clear goals to provide a workplace free of ACM and any health hazards associated with asbestos. The Plan should be effectively implemented within the City and communicated to relevant parties.</p> <p>Currently the document is missing key components that must be included within a register. As a minimum an asbestos register should include the following:</p> <ul style="list-style-type: none"> <li>- Dates</li> <li>- Location, type, condition, equipment</li> <li>- Material, access, testing</li> <li>- Risk assessment</li> <li>- Control measures</li> <li>- Maintenance</li> </ul> <p><b>Risk Rating:</b> -</p>	<p>Responsible Officer: Director Engineering</p> <p>City to engage LGS to update the City's asbestos register to comply with Occupational Safety and Health legislation.</p>	<p>Review of the City's asbestos register</p> <p>March 2019 Review completed to comply with OSH legislation.</p> <p>April 2019 At its meeting on 9 April 2019, the Audit Committee requested Administration to reopen this item and provide further advice prior to October 2019 detailing how the City's asbestos management framework will meet legislative requirements.</p> <p>August 2019 Draft Framework to be presented to 19 November 2019 Audit Committee meeting.</p>	<p>30/09/2019 15/12/2019</p>
<p>EA 2019/1 External Interim Audit 2019 - Interest on Trust Funds</p> <p><b>Findings:</b> Interest earnings on trust fund monies were not retained in trust or provided back to the entitled recipient on return of their monies. Rather the City keeps these earnings as their own.</p> <p>The Local Government Act 1995 requires "whether money or other property is held in the trust fund, the local government is to - in the case of money, pay it to the person entitled to it together with, if the money has been invested, any interest earned from that investment".</p> <p>It is noted that Management have identified this issue and, as of February 2019, have withdrawn all investments of trust funds and transferred these trust monies to non-interest bearing accounts.</p> <p><b>Recommendation:</b> The City needs to account and manage trust funds and associated interest in accordance with the Act. The City should undertake the necessary steps to identify any obligations it has to return monies that it has incorrectly retained from current and previous years. The City must also quantify the cumulative effect of the interest earned and may be required to perform a prior year adjustment to reduce income and cash balances accordingly.</p> <p><b>Risk Rating:</b> Significant</p>	<p>Responsible Officer: Manager Finance</p>	<p>June 2019 The City is investigating if the trust ledger can be reconstructed to include all trust transactions for the past 10 years. This will include consultations with CIVCA. In the interim, the City shall transfer \$350,000 from the Municipal funds to trust to reflect the realistic probability the customers will request a refund of their interest.</p>	<p>31/10/2019</p>

## AUDIT COMMITTEE MINUTES

27 AUGUST 2019

AUDIT DETAILS	MANAGEMENT RESPONSE	ACTION	PROPOSED COMPLETION DATE
<p>EIA: 2019/2 Reconciliation of payroll to the general ledger not reviewed</p> <p>Finding: There was no evidence that payroll reconciliations were being independently reviewed. This finding was also noted in the June 2018 interim management report.</p> <p>Recommendation: The payroll reconciliations should be subject to supervisory review and sign-off.</p> <p>Risk Rating: Moderate</p>	<p>Responsible Officer: Coordinator Financial Services</p>	<p>June 2019: The Finance team reconciles the payroll suspense account however there is no formal sign-off process. Therefore, a formal sign-off process will be introduced hereon.</p>	<p><a href="#">Complete</a> 30/06/2019</p>
<p>EIA: 2019/3 Journals not independently reviewed</p> <p>Finding: No evidence of review of monthly journals processed by an independent officer.</p> <p>Recommendation: Although journals are reviewed when prepared and posted, we recommend that an independent senior officer perform a sample review of the monthly list of journals processed to ensure appropriate procedures have been followed when journals were initially prepared.</p> <p>Risk Rating: Moderate</p>	<p>Responsible Officer: Manager Finance</p>	<p>June 2019: All journals are being reviewed when prepared and posted by a senior officer. Moreover, the system generated journals register reports will be reviewed and signed off as part of the month end process by an independent senior officer.</p>	<p><a href="#">Complete</a> 30/06/2019</p>
<p>EIA: 2019/4 External Interim Audit 2019 - Purchase order dated after invoice date</p> <p>Finding: During sample testing of payments made throughout the year, we identified an instance where the authorised purchase order was dated after the date of the corresponding supplier's invoice.</p> <p>Recommendation: Purchase orders should be approved for all applicable items prior to ordering.</p> <p>Risk Rating: Moderate</p>	<p>Responsible Officer: Procurement and Contracts Officer</p>	<p>June 2019: Mandatory online procurement training was provided to all staff at the start of April 2019 to reinforce the importance of following the correct procurement procedures including raising of purchase orders prior to the ordering of goods and/or services. The Procurement and Contracts team will conduct monthly audits on purchase orders raised after invoices being received commencing from May 2019 with the intent to remove requisitioning abilities from officers who repeatedly (i.e. three or more times) do not adhere to the correct process.</p>	<p><a href="#">Complete</a> 30/06/2019</p>
<p>EIA: 2019/5 Fixed Assets below \$5,000</p> <p>Finding: From 1 July 2018, Regulation 17A(5) of the Local Government (Financial Management) Regulations 1996 and risk of misstatement of fixed assets in the financial report.</p> <p>Recommendation: Management should review the asset register to ensure any assets acquired with a fair value under \$5,000 are excluded from the register.</p> <p>Risk Rating: Significant</p>	<p>Responsible Officer: Manager Finance</p>	<p>June 2019: Management is in the process of identifying and removing all assets below \$5,000 from the assets register.</p>	<p>30/09/2019</p>

## AUDIT COMMITTEE MINUTES

27 AUGUST 2019

## 5.3 PAYROLL INTERNAL AUDIT FINDINGS

TRIM Ref: D19/112682

Authors: Vanisha Govender, Manager Financial Services  
Meluka Bancroft, Manager Governance, Property and Contracts

Authoriser: David MacLennan, Chief Executive Officer

Attachments: 1. Payroll internal audit review report

## RECOMMENDATION:

That the Audit Committee recommends to Council that it:

1. RECEIVES the Payroll internal audit review report at Attachment 1;
2. ENDORSES the management comments provided by Administration which are included in the Payroll internal audit review report; and
3. NOTES that the findings and actions required as identified in the report will be included in the City's audit log until such time as they are completed.

COMMITTEE DECISION ITEM 5.3Moved: Cr Topelberg , Seconded: Cr Gontaszewski

That the recommendation be adopted.

CARRIED UNANIMOUSLY (4-0)**For:** Cr Loden, Mayor Cole, Cr Gontaszewski and Cr Topelberg**Against:** Nil

(Mr Manifis and Ms Hunt were apologies for this meeting)

## AUDIT COMMITTEE MINUTES

27 AUGUST 2019

**6 GENERAL BUSINESS****6.1 EXPRESSIONS OF INTEREST ADVERTISEMENT FOR EXTERNAL MEMBERS OF THE AUDIT COMMITTEE**

Mayor Cole queried whether the City will be advertising for expressions of interest to fill the two external member vacancies on the Audit Committee, when the current terms expire on 18 October 2019.

The City will invite expressions of interest for the two external member positions in the Voice and Eastern Reporter local newspapers, on social media, in the City's e-newsletter and on the City's website, from early September.

**6.2 REVIEW OF DELEGATION TO THE AUDIT COMMITTEE**

Ms Bancroft advised the Committee that a report will be presented to the 17 September 2019 Ordinary Meeting of Council recommending the revocation of the delegation of a duty to the Audit Committee as adopted by Council at the 25 June 2019 Ordinary Meeting of Council. The delegation relates to the statutory requirement for the City's auditor to meet with Council annually.

**7 NEXT MEETING**

The next Audit Committee meeting is scheduled for 19 November 2019.

**8 CLOSURE**

The Presiding Member, Dan Loden, declared the meeting closed at 1.57pm.



These Minutes were confirmed by the Audit Committee as a true record and accurate of the Audit Committee meeting held on 27 August 2019.

Signed: ..... Cr Dan Loden

Dated this ..... day of ..... 2019

**8.3 INFORMATION BULLETIN****TRIM Ref:** D19/126475**Author:** Sharron Kent, Council Support Officer**Authoriser:** Meluka Bancroft, Manager Governance, Property and Contracts

**Attachments:**

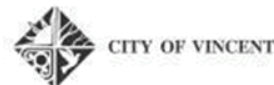
1. Minutes of Safer Vincent Advisory Group Meeting held on 24 July 2019  
2. Confirmed Minutes of the Design Review Panel Meeting held on 24 July 2019  
3. Confirmed Minutes of the Design Review Panel Meeting held on 14 August 2019  
4. Minutes of the Tamala Park Regional Council Meeting held on 15 August 2019  
5. Street Tree Removal Information  
6. Statistics for Development Applications as at August 2019  
7. Register of Legal Action and Prosecutions Monthly - Confidential
8. Register of Legal Action - Orders and Notices Quarterly - Confidential
9. Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 28 August 2019  
10. Register of Applications Referred to the MetroWest Development Assessment Panel – Current  
11. Register of Petitions - Progress Report - September 2019  
12. Register of Notices of Motion - Progress Report - September 2019  
13. Register of Reports to be Actioned - Progress Report - September 2019  

**RECOMMENDATION:**

That Council RECEIVES the Information Bulletin dated August 2019.



# MINUTES



## SAFER VINCENT ADVISORY GROUP

Wednesday, 24 July 2019 at 6:00pm

Venue: Function Room

City of Vincent  
Administration and Civic Centre  
244 Vincent Street Leederville

### Attendees:

#### City of Vincent Councillors

Cr Joanne Fotakis (Chairperson) (JF)  
Cr Susan Gontaszewski (SG)

#### City of Vincent Officers

John Corbellini – A/Executive Director Community and Business Services (JC)  
Sandra Watson – Manager Community Partnerships (SW)  
Karen Balm – Senior Community Partner (KB)  
Cara Finch – Community Partner (CF)  
Jean Lowther – Coordinator Ranger and Parking Services (JL) (from 6.12pm)  
Chris Dixon – Projects and Strategy Officer – Community Safety (CD)

#### Representatives

Senior Sergeant Jason Gough – Perth Police (JG)  
Maria McAttackney – CEO Nyoongar Outreach Services (MM)  
Senior Sergeant Peter Gilmour – Wembley Police Station (PG)  
Senior Sergeant John Waghorn – Bayswater Police Station (JW)

#### Community Representatives

Natashya Cox (NC)  
Chris Parry (CP)  
Irina Lobeto (IL)  
Sharan Kraemer (SK)

### 1. Welcome/Declaration of Opening

Councillor Fotakis opened the meeting at 6:05pm and delivered the Acknowledgement of Country.

### 2. Apologies

Senior Sergeant Peter Gilmour – Wembley Police.  
John Corbellini – A/Executive Director Community & Business Services, City of Vincent.  
Sharan Kraemer  
Chris Parry  
Irina Lobeto

### 3. Confirmation of the Minutes

The Minutes of the meeting held on Wednesday, 15 May 2019 were received and confirmed as a true and correct record.

#### 4. Business

##### 4.1 Action Item Review

CF discussed the action items listed and the progress the City has made with the particular actions over the past few months.

CF advised that the pocket cards with information relating to homelessness services were currently being reviewed and updated by the City of Perth, and that she would follow up to obtain copies once the new version was available.

CF provided NC with a copy of the draft Safer Vincent Plan.

CF confirmed that the Ranger team had reviewed dog signage at Weld Square and found it to be appropriate.

MM advised that NOS and the City's Ranger team had both liaised with this group on a number of occasions, to reiterate the consequences of allowing their dog off-lead at this location. JG advised that Police had observed that this group and dog had now moved from Weld Square into the City of Perth (Northbridge area).

**Jean Lowther entered the meeting at 6.12pm**

##### 4.2 Draft Safer Vincent Plan 2019-2022 – Update

CF advised that the consultation period was now complete. A total of thirty seven visitors had viewed the draft Plan on the EHQ website, with nine (9) responses received through the website and a further eight received through written correspondence.

Administration believes that concerns raised through the consultation will be addressed through existing actions and deliverables within the draft Plan. WA Police Force have provided feedback regarding the inclusion and presentation of crime statistics in the Plan, and have made an offer to provide commentary about crime trends and priority offences in the Plan which will be considered by Council shortly. The final version of the draft Plan was subject to further formatting and styling changes prior to publication.

SG asked how the Plan actions and deliverables would be incorporated into the SVAG agenda. KB advised that the Plan actions and deliverables would be tracked and reported on at SVAG meetings as appropriate. SW also advised that there would be an opportunity for SVAG to workshop relevant actions and initiatives contained within the Plan.

##### 4.3 CCTV Objectives and Purpose – Update

CD advised that the City was considering replacing the recently expired CCTV Strategy with a CCTV Implementation Plan that supports the strategic CCTV actions and deliverables identified in the draft Safer Vincent Plan.

KB advised that the wording in the draft Safer Vincent Plan could be amended to reflect this.

SG suggested that CCTV could be a contentious issue within the community and would still like to see the objectives and purpose of the City's CCTV program clarified through a dedicated strategy and associated consultation.

JL advised that Community Safety staff recently visited the City of Perth CCTV Surveillance Centre and that the City of Perth were keen to facilitate further meetings, training and networking opportunities within the local government CCTV space, to improve inner City collaboration.

#### **ACTIONS:**

- (1) CD to provide a copy of the City's (recently expired) CCTV Strategy and Policy to SVAG and Council members for information.

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(2) CD to provide a further update on the proposed format to replace the City's expired CCTV Strategy.

#### 4.4 Weld Square – Collaborative Grant Update – Uniting Care West Outreach Officer

SW advised that the City had recently awarded an \$85,000 Collaborative Grant to Uniting Care West to fund an outreach worker to be based at Weld Square five days a week. KB advised that the outreach worker (Hush) would report directly to Uniting Care West, who were required to provide quarterly reports to the City as a part of their funding agreement with the City.

JG advised that Police had already noticed a reduction in Police demand at Weld Square, coinciding with commencement of the outreach worker (Hush).

SW advised that Council had recently endorsed the City of Vincent's participation in the trial of an accreditation process for homelessness service providers within the City, an action of the City Homelessness Framework Committee. The trial was expected to launch within the City of Vincent from 1 August 2019 but has been re-scheduled to 1 September 2019 to coincide with the City of Perth launch. The City of Vincent's trial would be implemented through the City's Property Local Laws.

MM advised that NOS would be meeting with Uniting Care West to discuss how NOS could support the new outreach officer, particularly in regards to his safety. JL suggested that the City could provide the outreach officer (Hush) with a two-way radio so that he could communicate with City Rangers and NOS staff as required.

JF advised that Mayor Cole had provided an update on the new arrangements at Weld Square to the resident who attended a SVAG meeting in February to discuss his concerns at this location.

**ACTION:** JL to progress offer of a two-way radio to Uniting Care West for their new Outreach Officer.

#### 4.5 Stakeholder Updates

##### *Perth Police (Snr Sgt Jason Gough)*

JG advised that Operation Four Squares was ongoing and provided Police with the ability to track and report on jobs and trends within Yagan, Wellington, Weld and Russell Squares.

JG reported that there was no jobs raised at Weld Square over the past weekend and only two jobs had been raised so far this week. Issues near Noongar Radio also seemed to have reduced.

##### *Nyoongar Outreach Services (Maria McAttackney)*

MM has noticed larger gatherings of up to 200 people at locations such as Wellington Square where homeless service providers were currently congregating to provide support. MM would like to see these services spread to outer suburbs such as Fremantle and Midland, which would reduce the amount of people visiting the City to access these services and potentially some of the associated anti-social behaviour.

MM asked if the location of the Manna Inc food service at Weld Square would be reviewed, suggesting safety was a concern for volunteers. KB advised that the location of the food service would be subject to a further Council report in October.

MM was concerned about a shortage of beds in the City and suggested that partnerships could be considered with Backpackers and other accommodation providers to house those in need of shelter. SW advised that the Member for Perth was currently exploring a night shelter option in Claisebrook and would be seeking corporate sponsorship to help support such an initiative.

MM saw an opportunity for the sobering centre (Bridge House) to support those with mental health issues as well as drug and alcohol problems. This would provide consistency and greater alignment in service provision, now that the Drug and Alcohol Office was part of the Mental Health Commission, and also ensure that unused beds were better utilised. JG agreed that the sobering centre was not utilised as much in recent years.

MM and JL identified that improved liaison with the Department of Housing could assist the City and service providers to better manage the fall out of evictions and associated squatting and trespass in the area. CF advised that Snr Sgt Gilmour (Wembley Police) had recently spoken to her about the City developing a Vacant Property Register to assist Police and the City in monitoring vacant properties, and that this initiative would be pursued to the Health Services team for consideration.

*Natashya Cox, Community Representative*

NC advised that she had observed a greater number of people on the streets of Perth in recent weeks. MM advised that this could be because of people visiting for NAIDOC events from regional areas.

NC advised that she had recently seen a family with a baby accessing services at Wellington Square. MM advised that this was a welfare issue and that NOS would liaise with the Department of Child Protection where required in these situations.

NC asked about the long-term plan to end homelessness within the City and the importance of wrap-around services for those at risk, to ensure more positive outcomes. SW confirmed that a number of initiatives had been identified through the State Government's 10 Year Strategy to End Homelessness and the Homelessness Framework Committee Action Plan to make progress in this area.

## 5. Close/Next Meeting

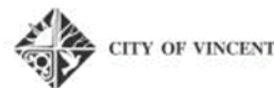
The Chairperson closed the meeting at 7:21pm. The next meeting is scheduled to be held on Wednesday, 25 September 2019.

Signed \_\_\_\_\_, Councillor Joanne Fotakis (Chairperson)

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2019

Summary of Actions	Date	Status
CF to liaise with WA Police Force and City of Perth to source pocket cards with homelessness information for Ranger Services staff	15 May 2019 (pending)	Ongoing
CD to provide a copy of the City's (recently expired) CCTV Strategy and Policy to SVAG and Council members for information.	24 July 2019	Not started
CD to provide a further update on the proposed format to replace the City's expired CCTV Strategy.	24 July 2019	Not started
JL to progress offer of a two-way radio to Uniting Care West for their new outreach officer.	24 July 2019	Not started

# MINUTES



## DESIGN REVIEW PANEL

Wednesday 24 July 2019 at 3.30pm

Venue: Function Room  
City of Vincent  
Administration and Civic Centre  
244 Vincent Street Leederville

### Attendees:

#### Design Review Panel Members

Sasha Ivanovich (Chairperson)  
Tom Griffiths  
Joe Chindarsi  
Simon Venturi

#### City of Vincent Officers

Jay Naidoo (Manager Development & Design)  
Joslin Colli (Coordinator Planning Services)  
Mitch Hoad (Senior Urban Planner)  
Clair Morrison (Urban Planner)

#### Applicant – Item 3.1

Adam Wood                      Mornington Property  
Tim Dawkins                      Mornington Property

#### Applicant – Item 3.2

Mandy Leung                      Hillam  
Felipe Soto                      Hillam  
Mike                      Aspect  
Sharyn                      Han Rise

#### Applicant – Item 3.3

Vaughn Hattingh                      Perth Residential Developments  
Thi Loan Tram Nguyen                      Landowner

### 1. Welcome/Declaration of Opening

The Chairperson, Sasha Ivanovich declared the meeting open at 4.00pm

### 2. Apologies

### 3. Business

#### 4.00pm–4.10pm – Applicant Presentation – DA Lodged 5.2019.299.1

3.1 **Address:** 29 – 47 Lindsay Street, Perth

**Proposal:** Mixed Use Development

**Applicant:** Urbis / Mornington Land Pty Ltd

**Reason for Referral:** For the DRP to consider the changes made by the applicant in response to the previous DRP comments and recommendations of 17 April 2019



## Recommendations &amp; Comments by DRP on 17 April 2019:

<b>Principle 1 – Context and Character</b>	<ul style="list-style-type: none"> <li>• Provide further detail as to how the laneway will be screened / secured</li> <li>• Given the timeframe proposed of ten years, consider how the local context, continuity of street character, can be maintained and integrated into the development for the duration of the life of the development. Consider screening of the carpark from the street and other measures to street frontage to achieve and enhance the continuity of neighbourhood character.</li> </ul>
<b>Principle 2 – Landscape quality</b>	<ul style="list-style-type: none"> <li>• Give further consideration of options available to green the spaces / building and to provide canopy cover and shade required within the parking area and in compliance with the City's landscaping requirements.</li> <li>• Increase canopy coverage by introducing tree planting between bays and in corners of the site</li> <li>• Consider water sensitive urban design principles to collect water in deep soil zones</li> <li>• Given the time the development may be on site, additional landscaping is highly recommended. Look at reconfiguration or relocation of bays to provide space for landscaping</li> <li>• Landscaping on the boundary is also highly recommended as this is unlikely to affect future development and can screen the car parking from the street.</li> <li>• Look at the opportunity to incorporate gardens into the outdoor areas of the bar/café. Also explore landscape treatments to create separation between alfresco areas and car parking</li> <li>• Consider landscape treatment to north east corner to reduce impact of parking on Lindsay Street</li> </ul>
<b>Principle 3 – Built form and scale</b>	n/a
<b>Principle 4 – Functionality and build quality</b>	<ul style="list-style-type: none"> <li>• Consider the impact of the bar / café on the adjoining residential area in terms of noise as the proposal can accommodate large number of people and provide calibrated evidence, like an acoustic analysis, of proposed measures to be taken</li> <li>• Provide further evidence of security measures that will be maintained – such as for external loose furniture, storage provided.</li> <li>• If the facades are in full height glass as shown, the stacking and storage of furniture will be unsightly</li> <li>• The toilets are very removed from the bar / café. This will create a supervision problem. Look at integrating the toilets with the building and providing internal access. If the toilets are to remain where they are, provide further information in terms of appearance, accessibility, management, etc.</li> <li>• The car parking abutting the back of the building feels abrupt and does not provide any space for screening through landscape, for example.</li> <li>• Provide further detail where café/bar services, such as bins/ area/ stores will be provided</li> <li>• Dedicated parking needs to be relocated closer to main entry to the premises so that disabled patrons need not be required to walk around the entire building to access the interior or across the whole carpark to access the universal access toilet/s</li> </ul>
<b>Principle 5 – Sustainability</b>	n/a
<b>Principle 6 – Amenity</b>	<ul style="list-style-type: none"> <li>• More information is needed on the acoustic treatments</li> </ul>
<b>Principle 7 – Legibility</b>	n/a
<b>Principle 8 – Safety</b>	<ul style="list-style-type: none"> <li>• Provide detail of lighting within the carpark and to show how lighting will impact the adjoining residential properties.</li> </ul>
<b>Principle 9 –</b>	n/a

<b>Community</b>	
<b>Principle 10 – Aesthetics</b>	n/a
<b>Comments</b>	<ul style="list-style-type: none"> <li>Built form policy and the council and community expectation is for side and rear setbacks to be provided with landscaping</li> <li>Community engagement is encouraged prior to formal lodging of the proposal for planning approval</li> </ul>

**Recommendations & Comments by DRP (using the Built Form Policy Design Principles):**

<b>Principle 1 – Context and Character</b>	<ul style="list-style-type: none"> <li>Street and laneway permeability / activation to be improved: Wall treatment to Little Parry Street needs to be reconsidered to provide a balance between acoustic protection, connectivity to Little Parry Street and visual amenity/surveillance of the street. Laneway currently includes a solid wall on the opposite site's wall to the subject site and could potentially feel closed-off and tunnel-like as a result. Consider the introduction of public art and breaking up the boundary masonry wall with a series of openings which will not substantially compromise the acoustic treatment</li> <li>Hit and miss brick work adorned public art or a receding design would mitigate mass/impact of this boundary wall. Consider extending public art treatment to the street-facing blank wall of the store Consider reducing height of the walls.</li> </ul>
<b>Principle 2 – Landscape quality</b>	<ul style="list-style-type: none"> <li>Consider planting large size trees (200L to 1000L) to compensate for the reduction of required landscaping</li> <li>Consider providing varying heights of planters along Lindsay Street, to improve interaction with the street. A combination of 1.4m high, lower sections and more openings would provide more diversity and interaction with the streetscape.</li> </ul>
<b>Principle 3 – Built form and scale</b>	N/A
<b>Principle 4 – Functionality and build quality</b>	<ul style="list-style-type: none"> <li>Management of parking allocation for bar/restaurant uses and public car park during peak periods and how access is provided to these, is to be further investigated</li> <li>Provide further details of a service bay for deliveries and its location, so as not to obstruct patrons and carpark users' vehicular movements when loading/unloading</li> <li>Consider providing additional openings/breaks within the planter areas along Lindsay Street to improve permeability into the site.</li> </ul>
<b>Principle 5 – Sustainability</b>	N/A
<b>Principle 6 – Amenities</b>	<ul style="list-style-type: none"> <li>Reconsider location of bicycle parking - for safety and functionality, preferably providing visibility from the restaurant/bar. Verge bicycle parking could be also provided, subject to the satisfaction of the City</li> <li>Formal and informal seating opportunities along Lindsay Street to be considered amongst the planters</li> </ul>
<b>Principle 7 – Legibility</b>	N/A
<b>Principle 8 – Safety</b>	N/A
<b>Principle 9 – Community</b>	N/A
<b>Principle 10 – Aesthetics</b>	N/A
<b>Comments</b>	<ul style="list-style-type: none"> <li>Design has responded to feedback provided previously</li> </ul>

**Conclusion**

To be returned to DRP

**4.30pm–4.40pm – Applicant Presentation – No DA Lodged**

3.2 **Address:** 194 – 200 Carr Place, Leederville

**Proposal:** Multi-Residential Development (52 multiple dwellings)

**Applicant:** Hillam Architects / Hanrise Pty Ltd

**Reason for Referral:** For the DRP to consider the changes made by the applicant in response to the previous DRP comments and recommendations of 22 May 2019

**Recommendations & Comments by DRP on 22 May 2019:**

<b>Principle 1 – Context and Character</b>	<ul style="list-style-type: none"> <li>• The dominant black brick materiality and vertical brick / screening of the Carr Place elevation contribute to the bulk and massing perception on the streetscape</li> <li>• The east elevation has far less diversity of materials and textures</li> <li>• Adjoining properties will be looking up at the underside of the balconies which is visually dominant on the east elevation. Look at further refinement of this</li> <li>• Moderation of the height would assist with the development fitting within the streetscape. Stepping up of the height towards the rear of the site would transition between the context of Carr Place and Vincent Street and be more consistent with the Carr Place Streetscape</li> <li>• Look at incorporating more glass and transparent materials</li> <li>• The mesh could respond in a different form to its orientation, overlooking potential and surrounding context. There is an opportunity to minimise various impacts through the use of materials</li> <li>• A lot of the work has been put into the breaking up of the massing within the architectural form however that is not coming across in the renders</li> <li>• The plan is set up to not appear as one large building. The open corridors are a positive feature of the development but are not apparent in the 3D render images. Consider how the proposal satisfies the planning requirements (height, plot ratio, setbacks)</li> </ul>
<b>Principle 2 – Landscape quality</b>	<ul style="list-style-type: none"> <li>• The pocket park appears to be quite formal and more hard landscaped rather than planted out as previously proposed.</li> <li>• The use of planting for privacy screening is supported in principle, however ongoing management of this needs to be resolved to ensure that this is maintained in perpetuity. Will the soft landscaping used for privacy screening be maintained by the strata or individual owners? Alternatively a mix of hard and soft screening can be considered.</li> <li>• Space for trees to grow between the balconies along the front appears to be too narrow. Allow trees more space</li> </ul>
<b>Principle 3 – Built form and scale</b>	<ul style="list-style-type: none"> <li>• Overlooking from balconies into adjoining properties needs to be resolved. Consider materiality options which may address this</li> <li>• Further development of renders is needed to show how the mass and scale of the development is mitigated. Make the open corridors more visible in the renders</li> <li>• Building separation to adjoining lots needs to be considered in respect to Design WA. If an adjoining building of similar setback</li> </ul>

		<p>is built there would be a compromised access to light and air, and to the overall amenity of the development. Ensure sufficient privacy setback is provided to ensure that there is no need for hard screening which will add to bulk of the building</p> <ul style="list-style-type: none"> <li>• Stepping back of development on Carr Place would increase articulation and reduce perception of massing and bulk. Repetition of the current design appears to add to this perception of massing / bulk but allows for stepping down</li> <li>• Concerns over the additional height and plot ratio and how the massing of the development is managed.</li> </ul>
<b>Principle 4 – Functionality</b>	<b>and</b>	<ul style="list-style-type: none"> <li>• If bicycle parking is proposed within the stores, additional space will be required</li> </ul>
<b>Principle 5 – Sustainability</b>		<ul style="list-style-type: none"> <li>• Ground floor and first floor apartments generally do not have access to northern aspects for solar passive design and natural daylight</li> <li>• Consider potential impact on energy ratings, construction specifications and minimum daylight hours required under Design WA; refer clause A 4.1.1</li> <li>• Also note more stringent energy efficiency requirements under NCC 2019; also refer Design WA A4.15.1</li> <li>• Cross ventilation for individual rooms could be improved by providing window openings in a minimum of two different wall orientations, ideally opposite one another</li> <li>• Consider impact of north-facing balcony overhangs on solar access for adjacent habitable rooms; for example, flip trapezoid balcony to north-west apartments to increase solar access to main living areas</li> <li>• Consider conducting analysis of daylight levels for typical apartments to ensure adequate provision of natural daylight</li> <li>• Reconsider use of dark coloured brickwork as this increases solar absorptance (SA) in summer - perhaps consider medium colour with SA of around 0.5</li> <li>• Ensure operable windows actually allow opportunities for natural and cross ventilation eg. avoid use of awning windows with restricted openings</li> <li>• Recommend light coloured main roof with solar absorptance of 0.4 or less</li> <li>• Consider installing solar PV on roof to provide electricity common area</li> <li>• Provide ceiling fans to habitable rooms; confirm ceiling height clearance is adequate</li> <li>• Investigate opportunities for rainwater capture and harvesting to irrigate pocket park and/or green roof</li> <li>• Maybe consider providing EV charging points throughout parking areas</li> <li>• Look for opportunities to increase windows and openings to inner apartments to improve access to natural ventilation. Many bathrooms also have potential for windows adjoining the communal corridors which is supported.</li> <li>• High level windows over doors adjacent to corridor can be considered to assist with cross ventilation and minimise use of air conditioning</li> </ul>
<b>Principle 6 – Amenity</b>		<ul style="list-style-type: none"> <li>• There appears to be no bike store and/or bike parking on carpark levels; this can be a valuable amenity for residents</li> <li>• Consider Design WA requirements with respect to universal design and disability access, as well as sustainability</li> <li>• Consider providing additional community/public amenity and the integration of public art. The pocket park is a good opportunity for the integration of public art</li> <li>• Consider the acoustic impact of gym on the resident lounge and dining below, with particular regard to structure borne noise</li> </ul>

<b>Principle 7 – Legibility</b>	N/A
<b>Principle 8 – Safety</b>	N/A
<b>Principle 9 – Community</b>	N/A
<b>Principle 10 – Aesthetics</b>	N/A
<b>Comments</b>	<ul style="list-style-type: none"> <li>Pre-lodgement community consultation is recommended</li> </ul>

**Recommendations & Comments by DRP (using the Built Form Policy Design Principles):**

<b>Principle 1 – Context and Character</b>	<ul style="list-style-type: none"> <li>Providing a diversity of colours and materials, a reduction of height to the front form, and the breaking-up of the massing of the building into several smaller-scale components, is a good improvement to the preceding proposal. The rounding of edges to the building assists to further reduce the impact of bulk.</li> <li>Tapering of the building mass to the sides as the building increases in height above current allowable limits would provide opportunities for further landscaping on the upper two floors, and would further assist in reducing and mitigating the effect of building mass in relation to the scale of the immediate neighbours (including the restriction of sunlight into these sites). A further reduction of height to the front block could create a more pronounced stepping effect to the rear, as the overall height of the project and building height in relation to side boundaries and neighbouring development, is still considered an issue. The opportunities to peel back or tier the building from the side boundaries as the height increases, as well as further stepping at front in order to moderate the impact of this development on the Carr Place streetscape should be considered.</li> <li>Podium interface and inclusion of brick work elements is supported</li> <li>Podium design proposed matches the scale of the prevalent immediate neighbourhood but needs further consideration in order to reflect the scale, articulation and pattern of components that define the character of the existing streetscape and neighbouring cottage dwellings. Vertical break up and detailed articulation of mass to be explored. Texture materials, and rhythm of cottage verandah posts could be referenced to inform the design of the podium facade. Greater articulation of solid walls to boundary parapets to be considered softening this interface until redevelopment of adjoining properties occurs.</li> </ul>
<b>Principle 2 – Landscape quality</b>	<ul style="list-style-type: none"> <li>Concept and approach to landscaping supported in principle</li> <li>Purpose and detailed design of the upper level landscape deck to be developed further</li> </ul>
<b>Principle 3 – Built form and scale</b>	N/A
<b>Principle 4 – Functionality and build quality</b>	<ul style="list-style-type: none"> <li>Refine floorplans to maintain efficient layout. Simplified layouts to be explored (such as bathrooms backing onto lift shafts etc)</li> </ul>



<b>Principle 5 – Sustainability</b>	<ul style="list-style-type: none"> <li>• Windows to bathrooms facing internal corridors should be incorporated to maintain access to direct sunlight and air</li> <li>• Current general provision of cross ventilation, access to sunlight and disability access is supported</li> </ul>
<b>Principle 6 – Amenity</b>	<ul style="list-style-type: none"> <li>• Analysis of the east-west axis to be provided to determine impact on the amenity of adjoining neighbours</li> <li>• Comparison between compliant height and proposed height in relation to amenity/access to direct sun-light of adjoining properties needs to be further investigated.</li> <li>• Acoustic privacy for openings onto circulation corridor to be investigated further. Further investigation is required for openings into communal corridors through the use of acoustic glazing in order to maintain privacy, where common access passages adjoin window openings.</li> <li>• Further detail required on how landscaping on balconies can be used to maintain privacy between dwellings.</li> </ul>
<b>Principle 7 – Legibility</b>	N/A
<b>Principle 8 – Safety</b>	N/A
<b>Principle 9 – Community</b>	N/A
<b>Principle 10 – Aesthetics</b>	N/A
<b>Comments</b>	<ul style="list-style-type: none"> <li>• Previous feedback has been taken on board</li> </ul>

**Conclusion:**

Application to be lodged

**5.00pm–5.10pm – Applicant Presentation – DA Lodged 5.2018.315.1**

3.3 **Address:** 536 Charles Street, North Perth

**Proposal:** Mixed Use Development

**Applicant:** Perth Residential Development

**Reason for Referral:** For the DRP to consider the changes made by the applicant in response to the previous DRP comments and recommendations of 20 February 2019

**Recommendations & Comments by DRP on 20 February 2019:**

<b>Principle 1 – Context and Character</b>	<ul style="list-style-type: none"> <li>• Potential for greater streetscape activation to contribute to a “friendlier” community. Consider designing a storefront to accommodate community activity that will provide additional planting with opportunities for the community to informally congregate – enliven and activate the street</li> <li>• Consider the broader context of the site. Demonstrate how the new development will fit in and contribute positively to its immediate neighbourhood. Details of the neighbouring existing buildings in the area should be referenced and considered as to how their positive features and character could be reinterpreted into the proposed development, as evidenced in the use of materials and detailing that will assist in fitting the new development within the current context</li> </ul>
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<b>Principle 2 – Landscape quality</b>	<ul style="list-style-type: none"> <li>Consider providing more landscaping on portions of the site that are not subject to road widening</li> <li>Consider setting back the awning to accommodate mature trees, providing good tree canopy coverage and thus greater amenity whilst softening the impact of the development at this exposed location</li> <li>Consider engaging a landscape architect to ensure appropriate species are selected in accordance with the City's requirements</li> <li>Follow the City's requirements for provision of deep soil area and canopy coverage.</li> <li>Triangular space between commercial tenancies can be used to accommodate deep soil landscaping and mature trees, whilst providing a focal point for the development and the community</li> </ul>
<b>Principle 3 – Built form and scale</b>	<ul style="list-style-type: none"> <li>Overshadowing to the southern property is exacerbated by the non-compliant setback to boundary. Consider redesigning and/or relocating balconies to achieve a greater setback and providing articulation to the wall, which would help in mitigating the bulk. Consider balconies being provided on the northern elevation for greater amenity</li> <li>Consider alternative design if the permanent awning over road widening area cannot be accommodated. Recessing of the ground floor will soften the development by accommodating landscaping and provide shading for windows</li> <li>Reconsider and further refine design of the external stairwell, currently it is a prominent feature of the facade.</li> <li>Scale of the rear portion of the building should be reviewed as it currently does not fit within the existing streetscape. The east elevation presents as three storeys - it is not consistent with surrounding developments</li> <li>The overall bulk of the building is exacerbated by nil setback to the primary and secondary streets as well as to the southern lot boundary</li> <li>Overshadowing exceeds 50%, and falls into the solar collectors, into a major opening and over the outdoor living area of the southern lot</li> <li>Insufficient open space has been provided. It indicates an overdevelopment of the R60 site and does not reflect the existing or preferred character of the locality</li> </ul>
<b>Principle 4 – Functionality build quality</b> and	<ul style="list-style-type: none"> <li>Consider the number of bins and/or bin collection methods as the number proposed (5) does not appear to be adequate</li> <li>Parking bays do not appear to be compliant with Australian Standards requirement for 1:20 grade for a cross fall. Consider alternative designs to achieve compliance</li> </ul>
<b>Principle 5 – Sustainability</b>	<ul style="list-style-type: none"> <li>The eastern windows will be exposed the same as the western windows. The protection of window openings by use of canopies and screens needs to be addressed consistently across the various orientations in the development.</li> </ul>
<b>Principle 6 – Amenity</b>	<ul style="list-style-type: none"> <li>Review the internal spaces for functionality and amenity. Spaces within the lobby and internal areas are quite tight.</li> </ul>
<b>Principle 7 – Legibility</b>	N/A
<b>Principle 8 – Safety</b>	<ul style="list-style-type: none"> <li>To increase security and safety, consider providing a gate to restrict access to the car park which is currently open to the street</li> </ul>
<b>Principle 9 – Community</b>	N/A
<b>Principle 10 – Aesthetics</b>	<ul style="list-style-type: none"> <li>Articulation and fenestration appears overcomplicated. Opportunities for simplifying of these features should be explored. A simplified but well-articulated development,</li> </ul>

	softened with appropriate landscaping and architectural responses will appear less imposing.
Comments	N/A

**Recommendations & Comments by DRP (using the Built Form Policy Design Principles):**

<b>Principle 1 – Context and Character</b>	<ul style="list-style-type: none"> <li>This building's proposed character is fairly generic in nature. Consider incorporating building treatments that more directly reference the immediate built form character of North Perth and surrounding locality. Select character references that bring in but do not replicate, the neighbouring area. An analysis/investigation of the surrounding building-built character would assist in achieving this.</li> <li>Consider the detailing of the face brick design elements on single houses. Consider using a continuous band of face brickwork around the base of the development to provide grounding.</li> <li>Further investigate the architectural elements of the ground floor and residential entry, to further reference the prevalent character of this area</li> </ul>
<b>Principle 2 – Landscape quality</b>	<ul style="list-style-type: none"> <li>Look at providing a more detailed landscape design to the site area earmarked for road widening, to create a more welcoming environment and define entry pathways to the ground floor commercial tenancies. These areas can be used as spill out alfresco areas</li> <li>Provide more detail as to how the proposed large canopy trees will fit, grow and be sustained.</li> </ul>
<b>Principle 3 – Built form and scale</b>	<ul style="list-style-type: none"> <li>Look at where the overshadowing falls onto the southern property and how to mitigate the over-shadowing impact on the neighbouring solar panels. A solar study would assist in presenting this information</li> </ul>
<b>Principle 4 – Functionality and build quality</b>	<ul style="list-style-type: none"> <li>Consider widening the bi-fold doors opening to the commercial tenancies</li> <li>Look at how to incorporate a more interactive relationship between the street and the commercial component of the development by widening openings of these tenancies to the street</li> <li>Review provisions of the public DDA toilet and toilets within dwellings so that they are compliant to the National Construction Code. Consider providing one bathroom per dwellings rather than two</li> <li>Review compliance to AS2890.1 of the new visitor car parking bay.</li> <li>Look at the compliance of the apartment internal corridors' widths to the National Construction Code</li> <li>Reconsider the awning/canopy treatment over the main entry and how it ties in with the canopy close to the apartments' entry both in relation to its height above the ground, and edge thickness/treatment</li> <li>Consider a standalone awning that clearly identifies the principal residential entry from the street. This could be repeated to the corner commercial tenancy, within the face-brick wall elements, separate from the secondary awnings/shading elements Alternatively, consider a simple flat canopy design that changes in level ie increasing in height to signify important entry points into the development.</li> </ul>
<b>Principle 5 – Sustainability</b>	<ul style="list-style-type: none"> <li>Reconsider the orientation of sun shades to ensure they are functionally effective</li> </ul>

	<ul style="list-style-type: none"> <li>• Review privacy screen options on the southern windows</li> <li>• Consider the options for ventilation to the bedrooms to capture southern breezes. High clerestory windows to be operable to allow cross-ventilation</li> </ul>
<b>Principle 6 – Amenity</b>	N/A
<b>Principle 7 – Legibility</b>	<ul style="list-style-type: none"> <li>• Review access to the retail tenancies and provide direct access from street front.</li> </ul>
<b>Principle 8 – Safety</b>	<ul style="list-style-type: none"> <li>• Consider light visual screening around parking, in addition to and softened by landscaping, to reduce building bulk but still achieve security at the pedestrian entry point and to car-parking area</li> </ul>
<b>Principle 9 – Community</b>	N/A
<b>Principle 10 – Aesthetics</b>	<ul style="list-style-type: none"> <li>• Look at recessing of façade around balconies to provide more depth and articulation to the façade design</li> <li>• Look at thickening the width of the piers for the balcony to clarify and strengthen façade design/articulation to the corner.</li> <li>• Consider incorporating traditional brickwork design patterns of face brickwork as applied to character homes in the locality, ie. brick soldier-course detailing to parapets or lintels/sills etc.</li> <li>• Further consider the underside of awnings and how more detailed façade treatments can be applied to improve character/interest</li> </ul>
<b>Comments</b>	N/A

**Conclusion:**

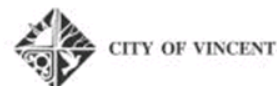
Not to be returned to DRP.

**4. Close/Next Meeting**

The Chairperson closed the meeting at 5.30pm

The next meeting is scheduled to be held on Wednesday 7 August 2019

# MINUTES



## DESIGN REVIEW PANEL

Wednesday 14 August at 3.30pm

Venue: Function Room  
City of Vincent  
Administration and Civic Centre  
244 Vincent Street Leederville

### Attendees:

#### Design Review Panel Members

James Christou (Chairperson)  
Ailsa Blackwood  
Simon Venturi  
Munira Mackay

#### City of Vincent Officers

Jay Naidoo (A/Executive Director Strategy & Development)  
Joslin Colli (A/Manager Development & Design)  
Mitch Hoad (Senior Urban Planner)  
Kate Miller (Senior Urban Planner)  
Clair Morrison (Urban Planner)  
Roslyn Hill (Minutes Secretary)

#### Applicant – Item 3.1

Dan Lees	Element
George Ashton	Element
Kyle McNess	M/Group
Craig Forman	CCN

#### Applicant – Item 3.2

Lou DiFlorio

#### Applicant – Item 3.3

Clancy White	
Ben Caine	Leanhaus
Mark Swann	Serneke
Andrew Abercromby	Serneke
Joe Algeri	Altus
Ben Laycock	Altus

### 1. Welcome/Declaration of Opening

The Chairperson, James Christou declared the meeting open at 4.07pm

### 2. Apologies

### 3. Business

4.07pm–4.30pm – Applicant Presentation – DA Lodged 5.2019.242.1

3.1 Address: 48 and 54-70 Cowle Street, West Perth



**Proposal:** Amendment to Approved Four Storey Multiple Dwelling Development comprising of 32 One-Bedroom Multiple Dwellings, 37 Two-Bedroom Multiple Dwellings and Five Three-Bedroom Multiple Dwellings and associated car parking

**Applicant:** Element

**Reason for Referral:** For the DRP to consider the request for extension of time to approval issued on 23 October 2017 against the current planning framework (State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments)

**Recommendations & Comments by DRP (using the Built Form Policy Design Principles):**

<b>Principle 1 – Context and Character</b>	<ul style="list-style-type: none"> <li>The development is designed sensitively to the context even though it is over plot ratio and height</li> <li>Provide updated streetscape elevation as the adjoining apartment development has now been completed and the existing elevations are difficult to read as they are split over a number of drawings</li> </ul>
<b>Principle 2 – Landscape quality</b>	<ul style="list-style-type: none"> <li>Provide additional details relating to landscaping; specifically whether species are capable of reaching maturity in the location proposed, how landscape will facilitate resident outdoor hang-out spaces, location of crossovers, location of replacement verge tree, and potential alternative treatment to where plan currently indicates the use of grass cell.</li> </ul>
<b>Principle 3 – Built form and scale</b>	N/A
<b>Principle 4 – Functionality and build quality</b>	N/A
<b>Principle 5 – Sustainability</b>	N/A
<b>Principle 6 – Amenity</b>	N/A
<b>Principle 7 – Legibility</b>	<ul style="list-style-type: none"> <li>Look at details relating to the entrance for visitors, there are a number of entrances and it could be confusing to visitors</li> <li>Look at ways to simplify and reduce the raised walkways widths in the internal courtyard areas as they appear complex and impact on access to sunlight at lower courtyard levels</li> </ul>
<b>Principle 8 – Safety</b>	N/A
<b>Principle 9 – Community</b>	<ul style="list-style-type: none"> <li>Further information to be provided for space for residents to be able to sit and engage with other residents</li> </ul>
<b>Principle 10 – Aesthetics</b>	N/A
<b>Comments</b>	<ul style="list-style-type: none"> <li>Condition on the Development Approval for the application to go back to the Design Review Panel once a building permit is submitted</li> </ul>

**Conclusion**

DA Conditions required:

- Landscape plan that clearly details the proposed materials and plantings.
- Materials and colour schedule for new and heritage building.
- AC roof mounted or free standing plant or equipment shall be located and screened so as not to be visible from surrounding sites to the satisfaction of the City of Vincent.

Does not need to be returned to DRP

## 4.35pm–5.00pm – Applicant Presentation – DA Lodged 5.2019.191.1

3.2 **Address:** No. 12 Newcastle Street, Perth

**Proposal:** Billboard Signage (Third Party Advertising)

**Applicant:** Applicant – Adbrands Media

Owner – Superline Enterprises Pty Ltd

**Reason for Referral:** The proposal will likely benefit from the referral to the DRP in terms of the City's Built Form Local Planning Policy 7.1.1 (LPP 7.1.1)

**Recommendations & Comments by DRP (using the Built Form Policy Design Principles):**

<b>Principle 1 – Context and Character</b>	<ul style="list-style-type: none"> <li>Box design contributes to bulk and makes the building appear significantly larger than it is. Consider ways to make the supporting structure less visible and invasive.</li> <li>The digital signage is a 21<sup>st</sup> century concept with the current proposal being more dated. Consider a more futuristic minimal element that integrates with the building. The elements referencing the existing building add to the scale which is adding to its bulk.</li> <li>White frame adds bulk to the design. If the white frame around the screen is not required from a functional / technological perspective consider removing it with a more minimal design to reduce the bulk of the proposal.</li> <li>Signage appears out of context and outside of the City's Planning requirements</li> <li>Signage without a setback appears quite domineering on the Lord Street elevation for pedestrians</li> <li>Considering providing a daytime and night time image and different perspectives including the rear of the sign</li> </ul>
<b>Principle 2 – Landscape quality</b>	<ul style="list-style-type: none"> <li>Consider options for planting to mitigate the impact on the surrounding sites. Proposal needs to consider how signage interrupts skyline and redesign to mitigate this impact.</li> </ul>
<b>Principle 3 – Built form and scale</b>	<ul style="list-style-type: none"> <li>Height needs to consider setback and how it affects the surrounding apartments</li> <li>Note City's concerns in relation to size and scale of sign</li> <li>Bulk is inappropriate considering the context of the site and scale of the signage and will negatively impact on the skyline</li> <li>Look at engaging a designer for a proposal that mitigates the bulk and scale</li> </ul>
<b>Principle 4 – Functionality and build quality</b>	N/A
<b>Principle 5 – Sustainability</b>	N/A
<b>Principle 6 – Amenity</b>	<ul style="list-style-type: none"> <li>Rear of billboard needs to be designed to be visually appealing and take into account the visual impact on nearby apartments</li> </ul>
<b>Principle 7 – Legibility</b>	N/A
<b>Principle 8 – Safety</b>	N/A
<b>Principle 9 – Community</b>	N/A
<b>Principle 10 –</b>	N/A

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<b>Aesthetics</b>	
<b>Comments</b>	N/A

**Conclusion:**

The current design including its bulk, mass and scale is not supported by the DRP.

The applicant should consider a highly refined design that delivers a simple façade, the screen needs to be a seamless insertion into the existing building fabric, and skyline perspectives. The design needs its 360° visual impact to adjacent properties and beyond to be considered further.

To be returned to DRP

**5.05pm–5.55pm – Applicant Presentation – No DA Lodged**

3.3 **Address:** 379 (Lot 270 and 2) Beaufort Street, Perth

**Proposal:** 7 storey mixed use development and associated parking

**Applicant:** Altus Planning / Serneke

**Reason for Referral:** The proposal will likely benefit from the referral to the DRP in terms of the City's Built Form Local Planning Policy 7.1.1 (LPP 7.1.1)

**Recommendations & Comments by DRP (using the Built Form Policy Design Principles):**

<b>Principle 1 – Context and Character</b>	<ul style="list-style-type: none"> <li>The three storey podium responds well to the character of Beaufort Street. The podium's vertical proportioned windows and brick work also work well and the arches on the North elevation reference the locality</li> <li>The dark timber material selection at high level in terms of colouring as well as the vertical vs horizontal element balance require further development</li> <li>The arches are supported.</li> <li>The podium design is good however further articulation of the upper level is needed.</li> </ul>
<b>Principle 2 – Landscape quality</b>	<ul style="list-style-type: none"> <li>Engage a landscape architect</li> <li>More information is needed in relation to how the screening between the walkway and the balconies on the north side will work. This also need to be considered in relation to overlooking of the adjoining property. Consideration is needed for the type of species. Assess potential of having a few different applications.</li> <li>Consider who will manage landscaping, especially that used for screening or to mitigate bulk</li> <li>Consider how landscaping can be used in communal spaces that would be used by the residents, more thought is needed in the small balcony areas to make these landscapes enjoyable.</li> <li>More information is needed to the landscaping on Lot 2, particularly how a safe passage will be created through this area maximising on passive surveillance.</li> <li>Look at opportunities to on-structure deep soil zones that can be utilised to support on-structure planting, increased on-structure canopy cover and landscaped resident hang-out spaces</li> </ul>
<b>Principle 3 – Built form and scale</b>	<ul style="list-style-type: none"> <li>The height is appropriate in this area however given the project seeks height and plot ratio variations the back of the development</li> </ul>

	should be tapered down to better respond to the adjoining lower height residential properties at the rear
<b>Principle 4 – Functionality and build quality</b>	<ul style="list-style-type: none"> <li>The setbacks and overlooking need to be further considered. Concerns of privacy between the walkway and the courtyard areas</li> <li>The lobby is fairly large and the commercial tenancy is fairly small. A better balance is recommended to encourage greater activation of the street during day and night time</li> <li>There is potential for another commercial use. Also consider a kitchenette. Further refinement is needed for the intent of the commercial tenancy</li> <li>Consider how visitor parking will be accessed / managed as it is currently behind the security gate</li> </ul>
<b>Principle 5 – Sustainability</b>	N/A
<b>Principle 6 – Amenity</b>	<ul style="list-style-type: none"> <li>Look at opportunities for all apartments to access northern light</li> <li>The way the building and balconies wrap around the apartments on the front impacts the amenity of the residents. Consider pulling these areas back</li> <li>Consider the walk way being on the northern boundary as it is likely to limit access to natural light and winter sun. Voids / openings in the floor slabs could be used to increase solar access into the courtyard areas and apartment interiors</li> <li>Some of the communal outdoor spaces are unusual, i.e. the space on level 1 is very small and enclosed. Can this be increased in size whilst also taking into consideration visual privacy requirements for apartments and the adjoining property</li> <li>Consider amenity impacts for the units adjoining the communal roof deck space on the upper level</li> <li>Look at opening the entrance to the lift on the lower level</li> </ul>
<b>Principle 7 – Legibility</b>	N/A
<b>Principle 8 – Safety</b>	N/A
<b>Principle 9 – Community</b>	<ul style="list-style-type: none"> <li>The roof deck is a good concept which needs further developing. Consider how the spaces can be used in different climatic conditions. A partial solid roof area with a partial solar louvre section and an open area at the front of the deck would allow use during different climatic conditions and reduce the bulk of the canopy on the front Beaufort Street elevation which is currently adding to the massing of the development.</li> </ul>
<b>Principle 10 – Aesthetics</b>	N/A
<b>Comments</b>	<ul style="list-style-type: none"> <li>Apartment product mix is good and there is good diversity</li> <li>Contextual information provided is good</li> <li>A positive is the parking area screened by the commercial area</li> <li>Consider the road widening requirements</li> <li>Justification is needed for planning variations and the applicant needs to show how little impact it will have on the neighbouring properties and amenity for residents</li> </ul>

**Conclusion:**

The applicant needs to consider the following:

- The impact the road widening requirements will have on the current design:
  - Height
  - Setbacks
  - Plot ratio
  - Carparking

The current design also needs to take into consideration side and rear setbacks and in particular the matter of privacy from habitable rooms and external courtyard living areas to adjacent properties.

The podium element is supported by the DRP, but the upper levels require further refinement. The applicant should consider placing the lift core further west to assist with that refinement.

To be returned to DRP

**4. Close/Next Meeting**

The Chairperson closed the meeting at 5.55pm

The next meeting is scheduled to be held on Wednesday 21 August 2019





## **Ordinary Meeting of Council**

# **Minutes**

**Thursday 15 August 2019, 6:00pm**  
**Town of Victoria Park**  
**99 Shepperton Road, Victoria Park**

Constituent Members: Cities of Perth, Joondalup, Stirling, Vincent and Wanneroo  
Towns of Cambridge and Victoria Park

## Minutes TPRC Meeting of Council – 15 August 2019

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## Minutes TPRC Meeting of Council – 15 August 2019

## MEMBERSHIP

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Cr Andres Timmermanis	Cr Jo McAllister
City of Joondalup	Cr John Chester Cr Nige Jones	Cr Sophie Dwyer Cr Christine Hamilton-Prime
City of Perth	Commissioner Andrew Hammond	Commissioner Gaye McMath
City of Stirling	Cr Karen Caddy Cr Joe Ferrante Cr Giovanni Italiano (CHAIRMAN) Cr Bianca Sandri	Cr Suzanne Migdale
Town of Victoria Park	Cr Claire Anderson	Cr Ronhhda Potter
City of Vincent	Mayor Emma Cole	Cr Jimmy Murphy
City of Wanneroo	Cr Samantha Fenn Cr Brett Treby (DEPUTY CHAIRMAN)	Cr Sonet Coetzee Cr Domenic Zappa

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 Minutes TPRC Meeting of Council – 15 August 2019
 

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**PRESENT**

<b>Chairman</b>	Cr Giovanni Italiano
<b>Councillors</b>	Cr Karen Caddy Cr John Chester Cr Emma Cole (arrived 6:17pm) Cr Samantha Fenn Cr Joe Ferrante Cmr Andrew Hammond (arrived 6:14pm) Cr Nige Jones Cr Ronhhda Potter Cr Bianca Sandri (arrived 6:28pm) Cr Andres Timmermanis Cr Brett Treby
<b>Staff</b>	Mr Tony Arias (Chief Executive Officer) Mr Simon O'Sullivan (Manager Project Coordination) Ms Vickie Wesolowski (Executive Assistant)
<b>Apologies Councillors</b>	Cr Claire Anderson
<b>Leave of Absence</b>	Cr Nige Jones
<b>Absent</b>	Nil
<b>Consultants</b>	Mr Carl Buckley (Satterley Property Group) Mr Brenton Downing (Satterley Property Group) Mr Matej Nvota (Satterley Property Group) Ms Lauren Vidler (Satterley Property Group)
<b>Apologies Participant Councils' Advisers</b>	Mr Daniel Simms (City of Wanneroo) Mr Murray Jorgensen (City of Perth) Mr Stuart Jardine (City of Stirling) Mr Anthony Vuleta (Town of Victoria Park) Mr John Giorgi (Town of Cambridge) Mr David MacLennan (City of Vincent) Mr Garry Hunt (City of Joondalup)
<b>In Attendance Participant Councils' Advisers</b>	Mr Garry Hunt (City of Joondalup) Mr Fraser Henderson (City of Stirling) Mr Ben Killigrew (Town of Victoria Park) Mr Greg Bowering (City of Wanneroo)
<b>Members of the Public</b>	Nil
<b>Press</b>	Nil



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Minutes TPRC Meeting of Council – 15 August 2019

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**1. OFFICIAL OPENING**

The Chairman declared the meeting open at 6:10pm. The Chairman welcomed Cr Ronhhda Potter, Alternative Member for Cr Claire Anderson to the meeting.

**DISCLOSURE OF INTERESTS**

Cr Potter confirmed a Disclosure of Interest – Impartial Interest in relation to Item 9.17.

**2. PUBLIC STATEMENT/QUESTION TIME**

Nil

**3. APOLOGIES AND LEAVE OF ABSENCE**

Cr Claire Anderson

**4. PETITIONS**

Nil

**5. CONFIRMATION OF MINUTES**

*Ordinary Meeting of Council – 20 June 2019*

Moved Cr Jones, Seconded Cr Caddy.

**That the minutes of the Ordinary Meeting of Council of 20 June 2019 be confirmed, and signed by the Chairman, as a true and correct record of proceedings.**

The Motion was put and declared CARRIED (9/0).

**5A. BUSINESS ARISING FROM MINUTES**

Nil

**6. ANNOUNCEMENTS BY CHAIRMAN (WITHOUT DISCUSSION)**

Nil

**7. MATTERS FOR WHICH MEETING MAY BE CLOSED**

- 9.11 *Catalina Strategic Marketing Plan – July 2019 - Confidential*
- 9.12 *Review of Sustainability Initiatives Plan - Confidential*
- 9.13 *Catalina Housing and Built Form Strategy – July 2019 – Confidential*
- 9.14 *Review of Catalina Risk Management Plan 2018 - Confidential*

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Minutes TPRC Meeting of Council – 15 August 2019

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- 9.15 Community Vision Health Hub - Grove Precinct, Catalina - Confidential
- 9.16 CEO Further Contract of Employment – Confidential
- 9.17 Appointment of Acting Chief Executive Officer – Confidential
- 9.18 Powers of Attorney - Confidential

## 8. REPORTS OF COMMITTEES

Audit Committee Meetings – 25 July 2019 and 9 August 2019

*Cr Ferrante – Chairman, Audit Committee advised that the Committee had considered a number of reports in particular TPRC Draft Budget for FYE 2020 and Auditor's Report FYE 2018 – Significant Adverse Trend, Asset Sustainability Ratio and had recommended Council's endorsement as detailed in the reports in Items 9.6 and 9.9.*

CEO Performance Review Committee Meeting – 25 July 2019

*Cr Jones – Chairman, CEO Performance Review Committee advised that the Committee had considered reports on the CEO further Contract of Employment and Appointment of Acting Chief Executive Officer and had recommended to Council endorsement as detailed in Items 9.16 and 9.17.*

Management Committee Meeting – 18 July 2019

*Cr Treby – Chairman, Management Committee advised that the Committee considered a number of Items listed in this Agenda and that there had been a presentation and significant discussion on Item 9.14 Community Vision Health Hub and he would provide additional comments during discussion on these items.*

Cmr Hammond arrived during this item (6:14pm).

### 9.1 BUSINESS REPORT – PERIOD ENDING 8 AUGUST 2019

Moved Cr Caddy, Seconded Cr Jones.

[The recommendation in the agenda]

**That the Council RECEIVES the Business Report to 8 August 2019.**

The Motion was put and declared CARRIED (10/0).

### 9.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF MAY & JUNE 2019

Moved Cr Caddy, Seconded Cr Ferrante.

[The recommendation in the agenda]

**That the Council RECEIVES and NOTES the Statements of Financial Activity for the months ending:**

- 31 May 2019; and
- 30 June 2019.

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Minutes TPRC Meeting of Council – 15 August 2019

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Cr Cole arrived during this item (6:17pm).

The Motion was put and declared CARRIED (11/0).

**9.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF MAY & JUNE 2019**

Moved Cr Chester, Seconded Cr Caddy.

[The recommendation in the agenda]

**That the Council RECEIVES and NOTES the list of accounts paid under Delegated Authority to the CEO for the months of May and June 2019:**

- Month ending 31 May 2019 (Total \$429,094.77)
- Month ending 30 June 2019 (Total \$2,864,476.54)
- Total Paid - \$3,293,571.31

The Motion was put and declared CARRIED (11/0).

**9.4 PROJECT FINANCIAL REPORT – JUNE 2019**

Moved Cr Treby, Seconded Cr Jones.

[The recommendation in the agenda]

**That the Council RECEIVES the Project Financial Report (June 2019) submitted by the Satterley Property Group.**

The Motion was put and declared CARRIED (11/0).

**9.5 SALES AND SETTLEMENT REPORT – PERIOD ENDING 8 AUGUST 2019**

Moved Cr Caddy, Seconded Cr Fenn.

[The recommendation in the agenda]

**That the Council RECEIVES the Sales and Settlement Report to 8 August 2019.**

Cr Sandri arrived during this item (6:28pm).

The Motion was put and declared CARRIED (12/0).

**9.6 TPRC DRAFT BUDGET FOR FYE 2020**

Moved Cr Caddy, Seconded Cr Treby.

[The recommendation in the agenda]

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Minutes TPRC Meeting of Council – 15 August 2019

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That the Council:

1. **ADOPTS** the Budget for the Tamala Park Regional Council for the year ending 30 June 2020, incorporating the following statements:
  - a. **Statement of Comprehensive Income**, indicating an operating deficit of \$331,462.
  - b. **Statement of Financial Activity**, showing surplus at end of year position of \$33,249,962.
  - c. **Rate Setting Statement**, indicating no rates levied.
2. **ADOPTS** a percentage of 10% or \$5,000 whichever is the greater for the purposes of the reporting of material variances by Nature and Type monthly for the 2019/2020 financial year, in accordance with Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*.

The Motion was put and declared CARRIED (12/0).

#### 9.7 EARTHWORKS AND SUBDIVISION WORKS TENDER (TENDER 04/2019)

Moved Cr Treby, Seconded Cr Fenn.

[The recommendation in the agenda]

**That the Council ACCEPTS the RJ Vincent Tender submission (dated May 2019) for Civil and Infrastructure Works in accordance with Tender 04/2019 (Earthworks and Subdivision Works).**

The Motion was put and declared CARRIED (12/0).

The Chairman requested that Items 9.16 and 9.17 be moved forward given the attendance of Elisabeth Stevenson - McLeods Barristers & Solicitors to assist Council with consideration of the matters.

Moved Cr Fenn, Seconded Cr Jones.

**That Standing Orders be suspended to allow Confidential Items 9.16 and 9.17 to be discussed behind closed doors.**

The Motion was put and declared CARRIED (11/1).

For: Cr Caddy, Cr Chester, Cr Cole, Cr Fenn, Cr Ferrante, Cmr Hammond, Cr Italiano, Cr Jones, Cr Potter, Cr Sandri and Cr Treby.

Against: Cr Timmermanis.

#### 9.16 CEO FURTHER CONTRACT OF EMPLOYMENT – **CONFIDENTIAL**

Moved Cr Jones, Seconded Cr Chester.

[The recommendation in the agenda]

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Minutes TPRC Meeting of Council – 15 August 2019

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That the Council:

1. **RECEIVES** the legal advice from Mr Neil Douglas - McLeods Barristers & Solicitors in relation to the TPRC CEO's contract, dated 24 May 2019.
2. **OFFERS** Mr Arias a further contract of employment as TPRC CEO, on the same terms and conditions as his current contract with the TPRC but with –
  - (a) The commencement date of 12 October 2019; and
  - (b) The expiry date of 11 October 2022.
3. **AUTHORISES** the Chairman to write to Mr Arias in the terms of the draft letter included in Appendix 9.16 of this agenda.

The Motion was put and declared CARRIED (12/0).

#### 9.17 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER – **CONFIDENTIAL**

Moved Cr Jones, Seconded Cr Chester.

[The recommendation in the agenda]

That the Council:

1. **DETERMINES** that Mr Ben Killigrew is suitably qualified to act as Chief Executive Officer – TPRC.
2. **APPROVES** the appointment of Mr Ben Killigrew to act as Chief Executive Officer – TPRC, between 1 October 2019 to 25 October 2019 (inclusive), in accordance with proposed employment contract (dated July 2019 attached).
3. **AUTHORISES** the Chairman to sign the proposed employment contract (dated July 2019 attached).

The Motion was put and declared CARRIED BY ABSOLUTE MAJORITY (12/0).

Moved Cr Treby, Seconded Cr Jones.

That the Meeting be **REOPENED** to the public.

The Motion was put and declared CARRIED (12/0).

#### 9.8 TPRC RISK MANAGEMENT FRAMEWORK AND RISK REGISTER

Moved Cr Sandri, Seconded Cr Jones.

[The recommendation in the agenda]

That the Council **APPROVES** the Tamala Park Regional Council Risk Management Framework (February 2019) and the Tamala Park Regional Council Corporate Risk Register (February 2019).



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Minutes TPRC Meeting of Council – 15 August 2019

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The Motion was put and declared CARRIED (12/0).

**9.9 AUDITOR'S REPORT FYE 2018 – SIGNIFICANT ADVERSE TREND, ASSET SUSTAINABILITY RATIO**

Moved Cr Chester, Seconded Cr Fenn.

[The recommendation in the agenda]

**That the Council:**

- 1. RECEIVES** the correspondence from the Department of Local Government, Sport and Cultural Industries dated 28 June 2019, in relation to the Audit Report FYE 2018 from Butler Settineri Pty Ltd.
- 2. Forward** a copy of the Council report to the Minister for Local Government, Sport and Cultural Industries and the TPRC Auditor - Butler Settineri.
- 3. PUBLISH** a copy of the Council report on the TPRC website within 14 days of Council's resolution.

The Motion was put and declared CARRIED (12/0).

**9.10 AUDIT COMMITTEE AUDIT CHARTER & ANNUAL AUDIT PLAN REVIEW**

Moved Cr Treby, Seconded Cr Cole.

[The recommendation in the agenda]

**That the Council:**

- 1. APPROVES** the TPRC Audit Charter (April 2019).
- 2. ADOPTS** the Audit Plan 2019/2020.

The Motion was put and declared CARRIED (12/0).

Moved Cr Caddy, Seconded Cr Treby.

**That Standing Orders be suspended to allow Confidential Items 9.11 to 9.15 and 9.18 to be discussed behind closed doors.**

The Motion was put and declared CARRIED (11/1).

For: Cr Caddy, Cr Chester, Cr Cole, Cr Fenn, Cr Ferrante, Cmr Hammond, Cr Italiano, Cr Jones, Cr Potter, Cr Sandri and Cr Treby.

Against: Cr Timmermanis.

## Minutes TPRC Meeting of Council – 15 August 2019

**9.11 CATALINA STRATEGIC MARKETING PLAN – JULY 2019 - CONFIDENTIAL**

Moved Cr Caddy, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council:

1. **APPROVES** the Catalina Strategic Marketing Plan (July 2019) prepared by the Satterley Property Group.
2. **ACCEPTS** that the Development Manager's Key Performance Indicator 3.1 requiring the completion and acceptance of a review of the Strategic Marketing Plan by the end of December every second year has been satisfied.

The Motion was put and declared CARRIED (12/0).

**9.12 REVIEW OF SUSTAINABILITY INITIATIVES PLAN - CONFIDENTIAL**

Moved Cr Chester, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council:

1. **RECEIVES** the review of the Catalina Sustainability Initiatives Plan (June 2019), prepared by the Satterley Property Group.
2. **APPROVES** the following sustainability initiatives and budget for FYE 2020:

SUSTAINABILITY INITIATIVE	ALLOCATION
Waterwise Landscape Package including soil moisture sensors	\$5,000 per lot
Solar Panel Rebate	\$2,000 per lot
Fibre Optic Service	\$1,200 per lot
Community Development	\$1,200 per lot
Waste Recycling (Housing Construction)	\$300 per lot
High rated WELS Fixtures and Appliances in Catalina Beach	\$1,000 per lot
12-month Energy Audit	\$300 per lot

3. **APPROVES** the continuation of the existing landscape initiatives, including native and low water use plants, native seed collection and propagation, use of site mulch and waterwise irrigation systems in landscape packages for Catalina.
4. **APPROVES** the continuation of the fauna and flora relocations associated with bulk earthworks.
5. **APPROVES** the continuation of opportunities for housing innovation and affordability in accordance with the Catalina Built Form and Housing Strategy (July 2019), including small lot housing in Stages 16A, 16B and 18B.

## Minutes TPRC Meeting of Council – 15 August 2019

6. **APPROVES** a 12-month trial of the provision of a tablet device up to a value of \$500 at the time of settlement to purchasers of all new lots to contain Catalina information and environmental education material, subject to the Satterley Property Group providing a satisfactory method for the administration of the initiative.
7. **ACCEPTS** that the Development Manager's Key Performance Indicator 2.8 requiring an annual review of sustainability initiatives by May each year has been satisfied.

The Motion as amended was as follows:

**That the Council:**

1. **RECEIVES** the review of the Catalina Sustainability Initiatives Plan (June 2019), prepared by the Satterley Property Group.
2. **APPROVES** the following sustainability initiatives and budget for FYE 2020:

SUSTAINABILITY INITIATIVE	ALLOCATION
Waterwise Landscape Package including soil moisture sensors	\$5,000 per lot
Solar Panel Rebate	\$2,000 per lot
Fibre Optic Service	\$1,200 per lot
Community Development	\$1,200 per lot
Waste Recycling (Housing Construction)	\$300 per lot
High rated WELS Fixtures and Appliances in Catalina Beach	\$1,000 per lot
12-month Energy Audit	\$300 per lot

3. **APPROVES** the continuation of the existing landscape initiatives, including native and low water use plants, native seed collection and propagation, use of site mulch and waterwise irrigation systems in landscape packages for Catalina.
4. **APPROVES** the continuation of the fauna and flora relocations associated with bulk earthworks.
5. **APPROVES** the continued examination of opportunities for housing innovation and affordability in accordance with the Catalina Built Form and Housing Strategy (July 2019), including small lot housing in Stages 16A, 16B and 18B.
6. **APPROVES** a 12-month trial of the provision of a tablet device up to a value of \$500 at the time of settlement to purchasers of all new lots to contain Catalina information and environmental education material, subject to the Satterley Property Group providing a satisfactory method for the administration of the initiative.
7. **ACCEPTS** that the Development Manager's Key Performance Indicator 2.8 requiring an annual review of sustainability initiatives by May each year has been satisfied.

The Motion was put and declared CARRIED (12/0).

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**9.13 CATALINA HOUSING AND BUILT FORM STRATEGY – JULY 2019 –  
CONFIDENTIAL**

Moved Cr Caddy, Seconded Cr Treby.

[The recommendation in the agenda]

**That the Council:**

1. **RECEIVES** the Catalina Housing Strategy (July 2019) submitted by the Satterley Property Group, for strategic guidance for the delivery of housing and built form outcomes within the Catalina Project.
2. **ADVISES** the Satterley Property Group that the Development Manager's Key Performance Indicator 2.9 requiring an annual review of the Housing and Built Form Strategy has been satisfied.
3. **REQUESTS** the Satterley Property Group to monitor and implement the Catalina Housing Strategy (July 2019) nominated actions/strategies to ensure that a strategic position is achieved to provide the opportunity for the delivery of significant built form outcomes in FYE 2021.

The Motion was put and declared CARRIED (12/0).

**9.14 REVIEW OF CATALINA RISK MANAGEMENT PLAN 2018 - CONFIDENTIAL**

Moved Cr Treby, Seconded Cr Ferrante.

[The recommendation in the agenda]

**That the Council:**

1. **RECEIVES** the Risk Management Plan (May 2019) prepared by the Satterley Property Group, subject to the modifications referred to in (2) below.
2. **APPROVES** the Catalina Project Risk Register (2019), submitted by the Satterley Property Group of the Catalina Project, as required Key Performance Indicator 2.12 requiring an annual review of the Project Risk Management Plan by May each year, subject to modifications identified being incorporated in the Catalina Project Risk Register (2019).
3. **Subject to Recommendation (2) ACCEPTS** that the Satterley Property Group has achieved Key Performance Indicator 2.12 requiring an annual review of the Project Risk Management Plan by May each year.

The Motion was put and declared CARRIED (12/0).

**9.15 COMMUNITY VISION HEALTH HUB - GROVE PRECINCT, CATALINA -  
CONFIDENTIAL**

Moved Cr Treby, Seconded Cr Timmermanis.

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[The recommendation in the agenda]

**That the Council:**

1. **AUTHORISES** the CEO, in conjunction with Satterley Property Group, to identify a suitable site for a potential activity centre with health services, aged housing, employment opportunities and medium/high density housing and to liaise with the City of Wanneroo to determine support/requirements for such a proposal.
2. **RECEIVES** the request from Community Vision for a Health Hub concept for land within the Grove Precinct at Catalina, and advise Community Vision that the TPRC is unable to accept its proposal at this stage and further advise of TPRC actions.

The Motion was put and declared CARRIED (12/0).

**9.18 POWERS OF ATTORNEY – CONFIDENTIAL**

Moved Cr Caddy, Seconded Cr Fenn.

[The recommendation in the agenda]

**That Council:**

1. **APPROVES** the preparation of revised Powers of Attorney for that portion of Lot 9504 which is the subject of the Establishment Agreement, to refer to Chief Executive Officer's position rather than named persons and also include reference to Acting Chief Executive Officer TPRC to enable the nominated positions to carry out land dealings, in accordance with the approved Powers of Attorney (2013). All other aspects of the POA are to remain unchanged.
2. Subject to (1) **REVOKES** the previous Powers of Attorney (2013) granted by the member Local Governments.

The Motion was put and declared CARRIED (12/0).

Moved Cr Fenn, Seconded Cr Timmermanis.

**That the Meeting be REOPENED to the public.**

The Motion was put and declared CARRIED (12/0).

The recommendations for Confidential Items 9.11 to 9.18 were read out as follows:

**9.11 CATALINA STRATEGIC MARKETING PLAN – JULY 2019 – CONFIDENTIAL**

*That the Council:*

1. *APPROVES the Catalina Strategic Marketing Plan (July 2019) prepared by the Satterley Property Group.*



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2. *ACCEPTS that the Development Manager's Key Performance Indicator 3.1 requiring the completion and acceptance of a review of the Strategic Marketing Plan by the end of December every second year has been satisfied.*

## 9.12 REVIEW OF SUSTAINABILITY INITIATIVES PLAN - CONFIDENTIAL

*That the Council:*

1. *RECEIVES the review of the Catalina Sustainability Initiatives Plan (June 2019), prepared by the Satterley Property Group.*
2. *APPROVES the following sustainability initiatives and budget for FYE 2020:*

SUSTAINABILITY INITIATIVE	ALLOCATION
<i>Waterwise Landscape Package including soil moisture sensors</i>	<i>\$5,000 per lot</i>
<i>Solar Panel Rebate</i>	<i>\$2,000 per lot</i>
<i>Fibre Optic Service</i>	<i>\$1,200 per lot</i>
<i>Community Development</i>	<i>\$1,200 per lot</i>
<i>Waste Recycling (Housing Construction)</i>	<i>\$300 per lot</i>
<i>High rated WELS Fixtures and Appliances in Catalina Beach</i>	<i>\$1,000 per lot</i>
<i>12-month Energy Audit</i>	<i>\$300 per lot</i>

3. *APPROVES the continuation of the existing landscape initiatives, including native and low water use plants, native seed collection and propagation, use of site mulch and waterwise irrigation systems in landscape packages for Catalina.*
4. *APPROVES the continuation of the fauna and flora relocations associated with bulk earthworks.*
5. *APPROVES the continued examination of opportunities for housing innovation and affordability in accordance with the Catalina Built Form and Housing Strategy (July 2019), including small lot housing in Stages 16A, 16B and 18B.*
6. *APPROVES a 12-month trial of the provision of a tablet device up to a value of \$500 at the time of settlement to purchasers of all new lots to contain Catalina information and environmental education material, subject to the Satterley Property Group providing a satisfactory method for the administration of the initiative.*
7. *ACCEPTS that the Development Manager's Key Performance Indicator 2.8 requiring an annual review of sustainability initiatives by May each year has been satisfied.*

## 9.13 CATALINA HOUSING AND BUILT FORM STRATEGY – JULY 2019 – CONFIDENTIAL

*That the Council:*

1. *RECEIVES the Catalina Housing Strategy (July 2019) submitted by the Satterley Property Group, for strategic guidance for the delivery of housing and built form outcomes within the Catalina Project.*

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2. *ADVISES the Satterley Property Group that the Development Manager's Key Performance Indicator 2.9 requiring an annual review of the Housing and Built Form Strategy has been satisfied.*
3. *REQUESTS the Satterley Property Group to monitor and implement the Catalina Housing Strategy (July 2019) nominated actions/strategies to ensure that a strategic position is achieved to provide the opportunity for the delivery of significant built form outcomes in FYE 2021.*

## 9.14 REVIEW OF CATALINA RISK MANAGEMENT PLAN 2018 - CONFIDENTIAL

*That the Council:*

1. *RECEIVES the Risk Management Plan (May 2019) prepared by the Satterley Property Group, subject to the modifications referred to in (2) below.*
2. *APPROVES the Catalina Project Risk Register (2019), submitted by the Satterley Property Group of the Catalina Project, as required Key Performance Indicator 2.12 requiring an annual review of the Project Risk Management Plan by May each year, subject to modifications identified being incorporated in the Catalina Project Risk Register (2019).*
3. *Subject to Recommendation (2) ACCEPTS that the Satterley Property Group has achieved Key Performance Indicator 2.12 requiring an annual review of the Project Risk Management Plan by May each year.*

## 9.15 COMMUNITY VISION HEALTH HUB - GROVE PRECINCT, CATALINA - CONFIDENTIAL

*That the Council:*

1. *AUTHORISES the CEO, in conjunction with Satterley Property Group, to identify a suitable site for a potential activity centre with health services, aged housing, employment opportunities and medium/high density housing and to liaise with the City of Wanneroo to determine support/requirements for such a proposal.*
2. *RECEIVES the request from Community Vision for a Health Hub concept for land within the Grove Precinct at Catalina, and advise Community Vision that the TPRC is unable to accept its proposal at this stage and further advise of TPRC actions.*

## 9.16 CEO FURTHER CONTRACT OF EMPLOYMENT – CONFIDENTIAL

*That the Council:*

1. *RECEIVES the legal advice from Mr Neil Douglas - McLeods Barristers & Solicitors in relation to the TPRC CEO's contract, dated 24 May 2019.*
2. *OFFERS Mr Arias a further contract of employment as TPRC CEO, on the same terms and conditions as his current contract with the TPRC but with –*
  - (a) The commencement date of 12 October 2019; and*
  - (b) The expiry date of 11 October 2022.*

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Minutes TPRC Meeting of Council – 15 August 2019

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3. *AUTHORISES the Chairman to write to Mr Arias in the terms of the draft letter included in Appendix 9.16 of this agenda.*

**9.17 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER – CONFIDENTIAL**

*That the Council:*

1. *DETERMINES that Mr Ben Killigrew is suitably qualified to act as Chief Executive Officer – TPRC.*
2. *APPROVES the appointment of Mr Ben Killigrew to act as Chief Executive Officer – TPRC, between 1 October 2019 to 25 October 2019 (inclusive), in accordance with proposed employment contract (dated July 2019 attached).*
3. *AUTHORISES the Chairman to sign the proposed employment contract (dated July 2019 attached).*

**9.18 POWERS OF ATTORNEY - CONFIDENTIAL**

*That the Council:*

1. *APPROVES the preparation of revised Powers of Attorney for that portion of Lot 9504 which is the subject of the Establishment Agreement, to refer to Chief Executive Officer's position rather than named persons and also include reference to Acting Chief Executive Officer TPRC to enable the nominated positions to carry out land dealings, in accordance with the approved Powers of Attorney (2013). All other aspects of the POA are to remain unchanged.*
2. *Subject to (1) REVOKES the previous Powers of Attorney (2013) granted by the member Local Governments.*

**10. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

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

Nil

**12. URGENT BUSINESS APPROVED BY THE CHAIRMAN**

Nil

**13. MATTERS BEHIND CLOSED DOORS**

- 9.11 *Catalina Strategic Marketing Plan – July 2019 - Confidential*
- 9.12 *Review of Sustainability Initiatives Plan - Confidential*

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Minutes TPRC Meeting of Council – 15 August 2019

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- 9.13 *Catalina Housing and Built Form Strategy – July 2019 – Confidential*
- 9.14 *Review of Catalina Risk Management Plan 2018 - Confidential*
- 9.15 *Community Vision Health Hub - Grove Precinct, Catalina - Confidential*
- 9.16 *CEO Further Contract of Employment – Confidential*
- 9.17 *Appointment of Acting Chief Executive Officer – Confidential*
- 9.18 *Powers of Attorney - Confidential*

**14. GENERAL BUSINESS**

Nil

**15. FORMAL CLOSURE OF MEETING**

The Chairman declared the meeting closed at 7:55pm.

These minutes were confirmed at a meeting on .....

SIGNED this ..... day of ..... 2019

as a true record of proceedings.

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CHAIRMAN



CITY OF VINCENT

## INFORMATION BULLETIN

<b>SUBJECT:</b>	<b>Street Tree Removal Requests</b>
<b>DATE:</b>	<b>30 August 2019</b>
<b>AUTHOR:</b>	<b>Tracy Hutson, Executive Secretary John Gourdis – Supervisor Parks Services</b>
<b>AUTHORISER:</b>	<b>Andrew Murphy, Executive Director Infrastructure &amp; Environment</b>

**PURPOSE:**

To present Council with the monthly update on street tree removal requests within the City of Vincent.

**BACKGROUND:**

At the Ordinary Meeting of Council on the 5 December 2017, a Notice of Motion was presented requesting Administration provide a monthly Information Bulletin to Council summarising all requests for street tree removal within the City and the outcome of each.

A report outlining when and how a tree removal request will be considered, as well as the requests for the last quarter of 2017 until the 10 January 2018 was presented to the Ordinary Meeting of Council held on 6 February 2018.

**COMMENTS:**

Please find below listing for the period 26 July 2019 to 30 August 2019.





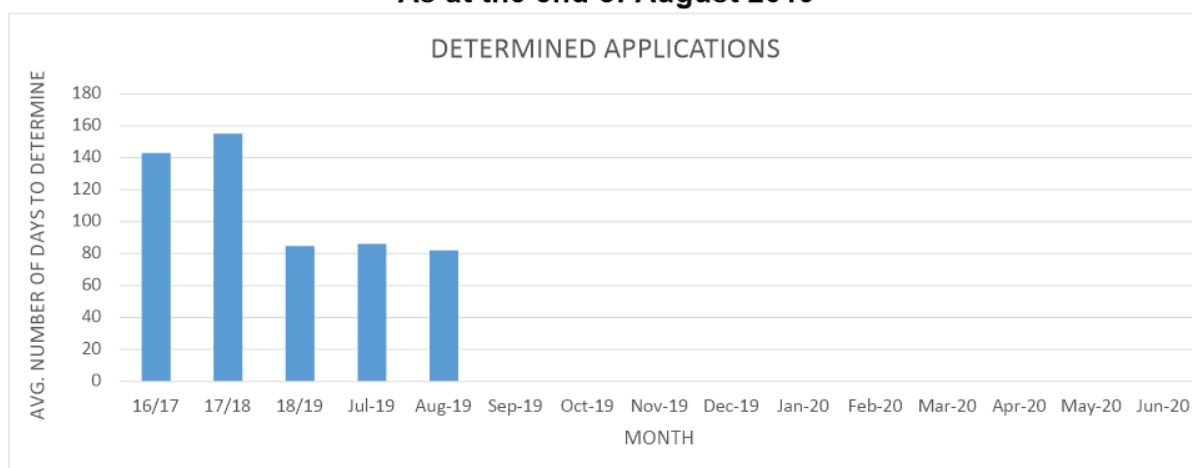
CITY OF VINCENT

# INFORMATION BULLETIN

## CITY OF VINCENT - Street Tree Removal Requests to 30 August 2019

Date	Requested By	Location / Address	Reason for Removal	Tree Species	Inspection Comments	Approved for Removal (Y/N)	Replacement Tree (Y/N - species)
30/07/2019	Resident	10 Fairfield Street, Mount Hawthorn	Tree is half dead and keeps losing branches and making a mess. If removed, tree can be replaced with an olive.	<i>Calistemon 'Kings Park Special'</i>	Tree in decline like other Kings Park Specials, 70% Dead.	Yes	Melaleuca viridiflora
26/08/2019	Parks Officers	360 Stirling Street, Mt Lawley	Tree fell over due to a rotting root system.	<i>Melaleuca armillaris</i>	When this was called through by Customer Service, I arrived at around 8.00am on the 26th and found the tree laying on its side.	Yes	Melaleuca linarifolia

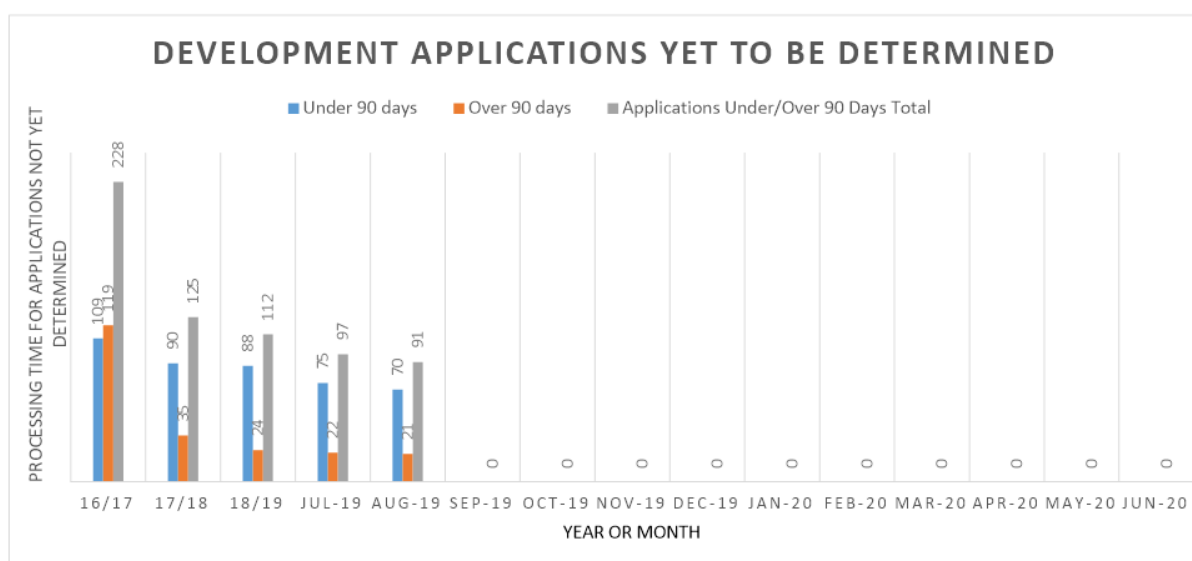
### Statistics for Development Applications As at the end of August 2019



**Table 1:** Minimum, Average and Maximum Processing Timeframes for determined applications in each financial year since 2016/17 and each month since July 2019.

Processing Days	16/17	17/18	18/19	Jul-19	Aug-19	Sept-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20
Minimum	7	1	0	14	0										
Average	143	155	84.72	86	82										
Maximum	924	1008	787	321	230										

	Jul-19	Aug-19	Sept-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20
DA's Determined	46	36										
Value of Determined DA's (in millions)	12.13	44.51										



**Table 2:** No. of DA's to be determined.

	Jul-19	Aug-19	Sept-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20
DA's lodged	36	32										
DA's to be Determined	97	91										
Value of DA's to be Determined (in millions)	89.93	52.8										

**REGISTER OF STATE ADMINISTRATIVE TRIBUNAL (SAT) APPEALS  
AS AT 28 AUGUST 2019**

NO.	ADDRESS & SAT REVIEW NO.	DATE RECEIVED	APPLICANT	REVIEW MATTER & COMMENTS
1.	Nos. 120-122 Richmond Street, Leederville (CC 49 of 2018)	15 January 2017	Dorn	<p>Review in relation to a Building Order to remove unauthorised buildings and structures associated with single house and subsequent review of delegated decision to refuse development application.</p> <p>*****</p> <p>The subject of this review is a Building Order issued by the City for the removal of unauthorised buildings and structures primarily comprised of outbuildings covering an aggregate area of approximately 540 square metres across both Nos. 120 and 122 Richmond Street. The application for review of the Building Order and refusal of Development Application will be presented to a full hearing 17 September 2019.</p> <p><i>Representation by: Kott Gunning Lawyers (Building Order)/Allerding and Associates (Development Application)</i></p>
2.	No. 8 Moir Street, Perth (DR 281 of 2018)	9 November 2018	Kogon	<p>Application for review of Council's decision to refuse the application for short term dwelling on 16 October 2018.</p> <p>*****</p> <p>A Directions Hearing was held on 30 November 2018. SAT issued orders advising the applicant to provide amended plans and a management plan by the 31 January 2019 to enable Council to reconsider the application on or before 2 April 2019. The amended proposal was reconsidered and refused at the OMC on 2 April 2019. The City attended the Directions Hearing held on 9 April 2019. The matter has been scheduled for a full hearing. The hearing will be held on the papers with submissions and evidence from the respondent and the applicant provided in writing only to the tribunal 21 June 2019. The SAT has 90 days to make a decision from 5 July 2019.</p> <p><i>Representation by: Allerding and Associates</i></p>
3.	No. 125 Richmond Street, Leederville (DR 302/2018)	4 December 2018	Network PPD	<p>Application for review of JDAP decision to refuse the application for an amendment to the existing approval for Multiple Dwellings on 13 October 2018.</p> <p>*****</p> <p>The City attended mediation on 26 February 2019 where the SAT scheduled for the applicant to provide amended plans on 29 March 2019. On-site mediation followed by further mediation at the City's Administration Offices was held on 12 April 2019. Orders received requesting the JDAP to reconsider the application under section 31 of the SAT Act on or before 31 May 2019. The application was reconsidered and approved by the JDAP at its meeting on 30 May 2019, subject to further consultation with the City's DRP to improve the treatment of the eastern elevation. Directions Hearing scheduled for 26 July 2019 vacated to allow for the applicant to consult further with the DRP. The applicant is currently liaising with the landowners with regards to the recommendations provided by the DRP.</p> <p><i>Representation by: JDAP</i></p>

**REGISTER OF STATE ADMINISTRATIVE TRIBUNAL (SAT) APPEALS  
AS AT 28 AUGUST 2019**

NO.	ADDRESS & SAT REVIEW NO.	DATE RECEIVED	APPLICANT	REVIEW MATTER & COMMENTS
4.	No. 131 Harold Street, Highgate (DR 95/2019)	8 May 2019	Kinston Commercial Group Pty Ltd	Application for review of Council decision to refuse the application for proposed Change of Use from Educational Establishment to Medical Centre on 2 April 2019. ***** Matter listed for mediation on 4 July 2019. Mayor and Councillors invited to attend. Further mediation to be held 13 September 2019 to discuss revised proposal. <i>Representation by: McLeods Solicitors</i>
5.	No. 13 Blake Street, North Perth (DR 128/2019)	17 June 2019	Planning Solutions	Application for review of Deemed Refusal. Metro West JDAP resolved to defer determination of the application for 10 Multiple Dwellings at its meeting 30 May 2019. ***** Mediation held 30 July 2019. Amended plans to be submitted by 16 August 2019 to be assessed and readvertised. JDAP invited to reconsider application on or before the 8 October 2019. Amended plans have been received and currently being assessed. <i>Representation by: JDAP</i>
6.	No.48 Egina Street, Mount Hawthorn	21 August 2019	Urbanista Town Panning	Application for review of Council decision to refuse the application for a Single House on 20 August 2019. ***** Awaiting SAT orders.
7.	No.48A Egina Street, Mount Hawthorn	21 August 2019	Urbanista Town Panning	Application for review of Council decision to refuse the application for a Single House on 20 August 2019. ***** Awaiting SAT orders

**METROWEST DEVELOPMENT ASSESSMENT PANEL (MWDAP)  
REGISTER OF APPLICATIONS RELATING TO THE CITY OF VINCENT  
AS AT 28 AUGUST 2019**

No.	ADDRESS	APPLICANT	PROPOSAL	DATE APPLICATION RECEIVED	DAP MEETING DATE	DAP DECISION
1.	No. 164 Edward Street, Perth	<b>Applicant:</b> Peter Webb & Associates	Form 1 – Offices	31 January 2019	Withdrawn.	Application withdrawn by applicant prior to determination.
2.	No. 742 Newcastle Street, Leederville	<b>Applicant:</b> Element	Form 1 – Commercial Development	22 February 2019	19 August 2019	Approved unanimously as per the Officer Recommendation.  Meeting minutes available <a href="#">here</a> .
3.	Nos. 291-293 Stirling Street, Perth	<b>Applicant:</b> Woolworths C/O Urbis	Form 1 – Mixed Use Development	16 May 2019	8 August 2019	Application deferred at 8 August 2019 meeting.  Meeting minutes available <a href="#">here</a> .
4.	No. 269 Vincent Street, Leederville	<b>Applicant:</b> Welink	Form 2 – Multiple Dwellings (Amendment to Approval)	10 June 2019	8 August 2019	Approved unanimously as per officer recommendation.  Meeting minutes available <a href="#">here</a> .
5.	No. 29 Lindsay Street, Perth	<b>Applicant:</b> Mornington Land Pty Ltd	Form 1 – Commercial development	24 June 2019	To be confirmed	Not yet determined.
6.	No. 212 Carr Place, Leederville	<b>Applicant:</b> Urbanista Town Planning	Form 2 – Mixed use development (Amendment to Approval)	25 June 2019	19 August 2019	Approved unanimously as per the Officer Recommendation.  Meeting minutes available <a href="#">here</a> .



## INFORMATION BULLETIN

<b>TITLE:</b>	<b>Register of Petitions – Progress Report – September 2019</b>
<b>DIRECTORATE:</b>	<b>Chief Executive Officer</b>

### DETAILS:

Petitions received by the City of Vincent are read out at the Council Meeting and are referred to the appropriate Director for investigation and report. This normally takes 6-8 weeks and the purpose of this report is to keep the Council informed on the progress of the petitions which have been reported to the Council.

A status report is submitted to Council as an Information Bulletin item on a monthly basis.

The following petitions still require action or are in the process of being actioned.

<b>Key Index:</b>	
CEO:	Office of the CEO
EDC&BS	A/Executive Director Community & Business Services
EDP&P:	A/Executive Director Planning & Place
EDI&E:	A/Executive Director Infrastructure & Environment

**No outstanding Petitions as at 1 September 2019**





# INFORMATION BULLETIN

<b>TITLE:</b>	<b>Register of Notices of Motion – Progress Report – September 2019</b>
<b>DIRECTORATE:</b>	<b>Chief Executive Officer</b>

## DETAILS:

A status report is submitted to Council as an Information Bulletin item on a monthly basis.

The following Notices of Motion still require action or are in the process of being actioned.

### Key Index:

CEO:	Office of the CEO
EDC&BS	A/Executive Director Community & Business Services
EDP&P:	A/Executive Director Planning & Place
EDI&E:	A/Executive Director Infrastructure & Environment

Details	Action Officer	Comment
<b>20 August 2019 – Submitted by Cr Loden</b>		
Asbestos Awareness	EDP&P	Notice of Motion requests noted and will be considered as part of the development of the Public Health Plan. The City will participate in Asbestos Awareness Week in November.
<b>23 July 2019 – Submitted by Mayor Cole</b>		
Waive the Fee for Skip Bins on Residential Verges for less than 14 Days	EDI&E	Changes to the Fees and Charges being undertaken.
Expressions of Interest (EOI) for Events in North Perth Common	EDC&BS	Discussed at Council Workshop on 30 July 2019. Expressions of Interest (EOI) and marketing campaign to commence. To develop Schedule of Events and activities for North Perth Common.
<b>4 April 2018 – Submitted by Cr Loden</b>		
Action on Climate Change	CEO	Council adopted Sustainable Environment Strategy 2019 – 2024 on 23 July 2019. The Strategy includes the measures identified in Council's resolution relating to this Notice of Motion.



# INFORMATION BULLETIN

<b>TITLE:</b>	<b>Register of Reports to be Actioned – Progress Report – September 2019</b>
<b>DIRECTORATE:</b>	<b>Chief Executive Officer</b>

## DETAILS:

A status report is submitted to Council as an Information Bulletin item on a monthly basis.

The following reports still require action or are in the process of being actioned.

### Key Index:

CEO:	Office of the CEO
EDC&BS:	A/Executive Director Community & Business Services
EDP&P:	A/Executive Director Planning & Place
EDI&E:	A/Executive Director Infrastructure & Environment

Item	Report Details	Action Officer	Comments
<b>Council Meeting – 20 August 2019</b>			
9.8	Food Stallholder Fees - Minor Review	EDP&P	Fees and charges amendment to be advertised in accordance with section 6.29 of the <i>Local Government Act 1995</i> . Stakeholders to be advised.
12.3	Annual Corporate Business Plan Review and Update	CEO	Text checking and CEO message being prepared, then draft is to be reformatted by City's Marketing & Communications section prior to publication.
<b>Council Meeting – 23 July 2019</b>			
9.8	Beaufort Street Change of Use Exemption and Amendment to Policy No. 7.5.1 - Minor Nature Development	EDP&P	The trial will be implemented and the draft Policy will be advertised and presented back to Council for determination.
9.9	Outcomes of Advertising Amendment 1 to Local Planning Policy No. 7.1.1 - Built Form; effect of Design WA; and Initiation of Amendment 2 to Local Planning Policy No. 7.1.1 - Built Form	EDP&P	The draft Policy will be advertised and presented back to Council for determination.
<b>Council Meeting – 25 June 2019</b>			
9.6	Mount Hawthorn Town Centre Place Plan	EDP&P	The draft Place Plan will be advertised and presented back to Council for determination.
10.1	Waste Strategy Project 2 - Bulk Hard Waste (Junk) Service Options Appraisal	EDI&E	Implementing Council's decision with further reports to be prepared once further investigation undertaken.
10.3	North Perth Precinct Traffic Study	EDI&E	Petition author and a community representative presented to the Urban Mobility Advisory Group on 19 August. Public consultation to follow on proposed traffic calming measures, with a further report to Council.
11.5	Amendments to the Parking and Parking Facilities Local Law 2007	EDC&BS	State-wide and local public notice to be given for proposed City of Vincent Parking and Parking Facilities Amendment Local Law 2019. Any submissions received to be reported back to Council.
11.6	City Homelessness Framework Committee – Draft Action Plan	EDC&BS	Trial of the accreditation process for service providers to commence in September 2019. Progress report to be provided to Council by December 2019.
11.7	Floreat Athena Football Club Inc. – Litis Stadium Lease – Progress Report	EDC&BS	Working Group comprising of City of Vincent, Football West and FAFC Inc. representatives met to progress tenure arrangements for Litis Stadium and options for the Federal funding. Further report to be presented to Council in November 2019.
12.2	Community Budget Submissions 2019/20	CEO	Submitters to be notified of Council's decision as per the Council report.

Item	Report Details	Action Officer	Comments
<b><u>Council Meeting – 28 May 2019</u></b>			
9.3	Review of Policy No. 3.8.12 – Mobile Food Vendor	EDP&P	Administration will arrange advertising before presenting submissions and final amendment to Council for determination.
11.3	Land exchange and reclassification of land (amendment no. 4 to Local Planning Scheme No. 2) - portion of lot 75 Brentham Street (Brentham Street Reserve) for portion of lot 100 (no. 20) and Lot 37 (no. 26) Brentham Street (Aranmore Catholic Primary School) - consideration of submissions and conditional contract of sale	CEO	The subdivision process, scheme amendment and preparation of contract are underway.
11.5	Realignment of City of Vincent district boundary at the intersection of Charles, Green and Walcott Streets, North Perth and dedication of adjoining private right of way	CEO	Administration has commenced the right of way dedication process. Joint submission prepared, signed and submitted to Local Government (LGAB) Advisory Board for consideration.
11.7	Public Open Space proposal for Sydney and Haynes Street site, North Perth	CEO	Administration is preparing the development plan.
11.10	Adoption of Council Election Period Policy	CEO	<b>Completed.</b> New Policy uploaded to City's website.
11.11	Draft Safer Vincent Plan 2019-2022	EDC&BS	<b>Completed.</b> Draft Safer Vincent Plan was endorsed by Council on 20 August 2019. A marketing campaign will be launched in the lead up to Community Safety month in October.
<b><u>Council Meeting – 30 April 2019</u></b>			
11.4	Transfer and dedication of lots as road - Charles Street, North Perth	CEO	Administration has commenced the transfer and dedication processes, which includes providing public notice.
<b><u>Council Meeting – 2 April 2019</u></b>			
11.4	Amendments to the Trading in Public Places Local Law 2008 and Local Government Property Local Law 2008	CEO	Administration is reviewing the Department of Local Government's comments on the amendment local laws.
<b><u>Council Meeting – 5 March 2019</u></b>			
10.1	Business Case for the Adoption of a Three Bin Food Organic/Garden Organics System	EDI&E	Draft letter to the Minister prepared for the Mayor's signature. Reports being prepared in relation to further information in regards to implementation of FOGO system for September 2019 and financial modelling for April 2020.
<b><u>Council Meeting – 16 October 2018</u></b>			
12.1	Management of Services at Weld Square for People Experiencing Homelessness	EDC&BS	Report presented to Council in June 2019 which included the action plan developed by the City Homelessness Framework Committee (CHFC) to address issues in the inner city. Further report to be presented to Council in late 2019 outlining progress on the action plan by the CHFC and the broader state-wide 10-year strategy by the state government.
<b><u>Council Meeting – 26 June 2018</u></b>			
11.2	Acquisition of private rights of way as Crown Land and vesting in City – Right of Way between London and Dunedin Streets, Mount Hawthorn (Lot 60) and Colvin Lane, West Perth (Lot 67)	CEO	London / Dunedin Street Right of Way (ROW) dedication completed. Waiting on dedication of Colvin Lane.
<b><u>Council Meeting – 29 May 2018</u></b>			
18.1	CONFIDENTIAL ITEM: Licence to govern encroachment of drainage infrastructure from 152 Joel Terrace, Mount Lawley into Swan River Foreshore Reserve 43459	CEO	Owners have submitted application for approval of infrastructure to the Department of Biodiversity, Conservation and Attractions. City waiting on approval in order to sign licence.
<b><u>Council Meeting – 4 April 2018</u></b>			
11.1	Lease of Leederville Oval by East Perth Football Club Inc & Subiaco Football Club Inc - Request for waiver and write-off of fees and variation of leases	CEO	Clubs working with the City's Community & Business Services Directorate to resolve some leasing issues.

Item	Report Details	Action Officer	Comments
<b><u>Council Meeting – 27 June 2017</u></b>			
9.4	Proposed Amended Parking Restrictions – Mount Hawthorn Town Centre	EDP&P	Administration has now completed the installation of the new parking restrictions including sending letters to affected landowners and businesses, installing parking signage and line marking. The enforcement caution period is now complete and the City's Rangers are issuing fines for any illegal parking. A consultant has undertaken a survey of parking in the Mount Hawthorn area as part of the Integrated Transport Plan and the results of this work will be presented to Council Members in 2019 as part of this project.
9.5	Submission to WALGA – Third Party Appeal Rights in Planning	EDP&P	Administration has forwarded its submission to WALGA and is drafting letters to be sent to the Minister for Planning and Attorney General advising the City's position.
12.1	No. 34 (Lot 1) Cheriton Street, Perth – Progress Report No. 8	CEO	Department of Planning, Lands and Heritage (DPLH) has provided tenure options to City and Norwood Neighbourhood Association.
<b><u>Council Meeting – 30 May 2017</u></b>			
12.5	Perth Parking Levy	EDI&E	Awaiting outcomes of the Perth CBD Transport Plan and specific recommendations regarding the Perth Parking Levy.
<b><u>Council Meeting – 7 March 2017</u></b>			
9.3.5	Review of City of Vincent Local Laws under Section 3.16 of the Local Government Act 1995 (SC2688)	EDP&P	The Health Local Law is being reviewed. Presentation to Council made at Council Workshop held on 20 November 2018.
<b><u>Council Meeting – 18 October 2016</u></b>			
9.2.1	Proposed Safety Improvement at the Intersection of Walcott and Beaufort Streets, Mount Lawley (SC686, SC986)	EDI&E	Petition author and a community representative presented to the Urban Mobility Advisory Group (UMAG) on 19 August. Public consultation to follow on proposed traffic calming measures, with a further report to Council.
<b><u>Council Meeting – 5 April 2016</u></b>			
9.1.6	Review of Licences for Outdoor Eating Areas and Display of Goods on Footpaths	EDP&P	Policies reviewed and revoked at 23 August 2016 OMC. Administration has prepared the new 'self-assessment' system for Trading in Public Places Local Law permits and this system went live on 22 February 2018. The outcomes and results of this system were presented to the Council Workshop on 20 November 2018. Amendments to the Trading in Public Places Local Law 2008 and Local Government Property Local Law 2008 were adopted by Council for public notice at the 2 April 2019 Ordinary Meeting of Council. Public notice of the amendments was undertaken from 28 May 2019 to 5 August 2019. The results of the consultation will be presented to Council in 2019.
<b><u>Council Meeting – 27 October 2015</u></b>			
9.3.6	Portion of No. 10 (Lot 2545) Farmer Street, North Perth – Approval of a Sub-lease to Vincent Men's Shed (Inc.) (SC351/SC2087)	CEO	Men's Shed working with City's Community & Business Services Directorate to resolve some leasing issues / waiting on City's Property Management Framework.
<b><u>Council Meeting – 18 November 2014</u></b>			
9.1.4	Car Parking Strategy Implementation – Progress Report No. 1 (PRO0084/SC1345)	EDP&P / EDI&E	The option of having parking benefit districts will be reviewed as part of the review of the Car Parking Strategy and preparation of an Integrated Transport Plan. The City has a policy to guide the issuing of parking permits and has the ability to issue commercial parking permits. Administration issues permits in accordance with this policy. The City takes an approach to parking restrictions where we receive complaints, conduct parking occupancy surveys and report to Council on the results of these surveys. The replacement of the CALE ticket machines throughout the City is complete.

Item	Report Details	Action Officer	Comments
			Paid parking on William Street was approved by Council on 25 July 2017 (Item 10.2), ticket machines have been modified and signs installed 22 August 2017.
<b><u>Council Meeting – 7 October 2014</u></b>			
9.3.2	Lease for North Perth Tennis Club – Lease of Premises at Woodville Reserve, 10 Farmer Street, North Perth (SC351/SC621)	CEO	No further action pending the outcomes and recommendations included within the Tennis West Strategic Facilities Plan and the City's Property Management Framework.
<b><u>Council Meeting – 23 September 2014</u></b>			
9.3.6	Lease for Leederville Tennis Club – Lease of premises at 150 Richmond Street, Leederville (SC351 & PR25077)	CEO	No further action pending the outcomes and recommendations included within the Tennis West Strategic Facilities Plan and the City's Property Management Framework.
<b><u>Council Meeting – 27 May 2014</u></b>			
9.3.4	LATE ITEM: East Perth Football Club and Subiaco Football Club Lease additional space at Medibank Stadium	CEO	Further discussions ongoing as part of broader discussions with Football Clubs.
<b><u>Council Meeting – 12 February 2013</u></b>			
9.2.12	Request to the Minister for Lands for Acquisition of the Right of Way Bounded By Anzac Road, Oxford, Salisbury and Shakespeare Streets, Leederville as Crown Land	CEO	Public advertising period has closed, and acquisition request presented to Department Planning, Lands and Heritage.
9.2.13	Request to the Minister for Lands for the Acquisition and Reversion to 'Crown Land' of the Right of Way Named Luce Lane, North Perth (TES0225)	CEO	Public advertising period has closed, to be presented to Council to consider the responses.

**8.4 PUBLIC RELEASE OF THE CHIEF EXECUTIVE OFFICER'S KEY PERFORMANCE INDICATORS 2019-2020**

**TRIM Ref:** D19/128382

**Author:** Meluka Bancroft, Manager Governance, Property and Contracts

**Authoriser:** David MacLennan, Chief Executive Officer

**Attachments:** 1. CEO Key Performance Indicators for 2019 - 2020  

**RECOMMENDATION:**

That Council **APPROVES** the publication of the Chief Executive Officer's Key Performance Indicators for 2019 – 2020 as adopted at the 20 August 2019 Council meeting, at Attachment 1.

**PURPOSE OF REPORT:**

To consider the publication of the Chief Executive Officer's (CEO) Key Performance Indicators for 2019 – 2020 (CEO KPIs).

**BACKGROUND:**

At its meeting held on 20 August 2019, in confidential session, Council approved the proposed CEO KPIs, at **Attachment 1**. The Council decision to approve the CEO KPIs is included in the minutes of that Council meeting, but the CEO KPIs are not currently publicly available.

**DETAILS:**

To ensure the City remains a leader in good governance, transparency and accountability, and to align with the City's Strategic Community Plan innovative and accountable objectives it is recommended that the CEO KPIs are published on the City's website. This will enable the community to better understand the City's priorities in service and project delivery over the next year.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

There is no statutory requirement to publish the CEO KPIs. The City's Policy 4.2.16 – CEO Annual Performance Review requires a review the CEO's KPI's to be conducted as part of the performance review. It does not require the CEO KPIs to be made public.

**RISK MANAGEMENT IMPLICATIONS:**

Low: The CEO KPIs govern the City's service and project delivery over the next year and publication increases accountability and transparency for the community.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

*We are open and accountable to an engaged community.*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.





CEO KPIS 2019 – 2020	KEY RESULT AREAS	MEASUREMENTS
<b>Leadership and Strategy</b> Provide innovative and inspirational leadership and smart strategy to assist in achieving the vision and expectations of Council and the community.	1.1 Effective implementation of <b>Strategic Community Plan (SCP)</b> .	1.1.1 Provide updated <b>Corporate Business Plan (CBP)</b> to Council aligned to Strategic Community Plan (SCP) by June 2020.
	1.2 Update <b>Corporate Business Plan</b> to align with SCP and provide accurate information on City services.	1.2.2 Report to Council on continued implementation of <b>Strategic Management Framework</b> with updates on Business Plans.
		1.2.3 Develop the next stage of <b>place management</b> for approval by Council including through organisational structure, processes, reporting and advisory groups by December 2019.
<b>Service Delivery</b> Foster and drive a culture of innovation, can-do attitude and openness in the delivery of services to our community and stakeholders, with a focus on providing an exceptional customer experience.	2.1 Transition to an <b>enabling operating model</b> .	2.1.1 <b>Benchmark</b> City of Vincent operations through LG Performance Excellence Program.
		2.1.2 Provide a report to Council on transitioning to an <b>enabling model for service delivery</b> and best practice regulation, red tape reduction and streamlining local government approval processes.
	2.2 Improve <b>service delivery</b> in City	2.2.1 A minimum of 85% of <b>development applications</b> determined within statutory timeframes.
		2.2.2 Provide Council with a progress report on improvement in City <b>service delivery</b> .
	2.3 Ensure <b>consultation and communications</b> tailored for Vincent.	2.3.1 Work with Council to redefine the <b>consultation policy and engagement strategy</b> in line with Imagine Vincent.
		2.3.2 Deliver <b>community engagement and consultation</b> processes tailored for City of Vincent residents and ratepayers.
<b>Organisational Capability and Performance</b> Build the capability, capacity and resilience and align the culture and behaviour to the vision and expectations of Council and the community.	3.1 Develop a <b>clever, creative and courageous</b> organisation.	3.1.1 Demonstrated improvement in <b>employee engagement</b> survey results.
		3.1.2 Demonstrate how the City has moved towards being a <b>clever, creative and courageous organisation</b> in its operations.
		3.1.3 Support the transition to an enabling service delivery model by <b>adopting technologies</b> for mobile, automatic and efficient work practices.
		3.1.4 Embed new <b>Project Management Framework</b> in City Operations with regular reporting to Council on major projects.
	3.2 Maintain and build <b>positive and effective relationships</b> with Council and Administration.	3.2.1 Provision of <b>timely and accurate information</b> to enable the Mayor and Elected Members to fulfil their obligations.
		3.2.2 Early engagement with Council on <b>policy and strategy development</b> with updates at key milestones.
<b>Financial and Risk Management</b> Lead the management and implementation of appropriate frameworks, systems and procedures to identify, assess and address risks.	4.1 Deliver improvements in <b>risk management</b> .	4.1.1 Update <b>risk management framework</b> and registers to improve risk management maturity and report to Audit Committee by March 2020.
		4.1.2 Provide Council with an <b>Asset Management Strategy</b> linked to budget strategy and LTFP by December 2019.
	4.2 Manage the City's finances operationally and strategically to maintain and improve the City's <b>financial sustainability</b> .	4.2.1 Deliver a high-quality <b>annual budget</b> process in collaboration with Council.
		4.2.2 Provide Council with a draft <b>budget strategy</b> to support the update to the <b>Long Term Financial Plan (LTFP)</b> by December 2019.
		4.2.3 Improve <b>property management and occupancy arrangements</b> as part of new Property Management Framework.
<b>Innovation, Accountability and Sustainability</b> Ensure innovation is demonstrated in an environment of transparency, trust, openness and honesty	5.1 Ensure City remains a leader in <b>transparency, accountability and sustainability</b> .	5.1.1 Ensure City of Vincent remains a leader in <b>good governance, transparency and accountability</b> including through budget process.
		5.1.2 Develop a new <b>Governance Framework</b> and supporting capability which promotes quality, timely and transparent decision making by December 2019.
		5.1.3 Demonstrate the City's leadership in <b>sustainability</b> with reporting to Council on implementation of key strategies.
		5.1.4 Ensure implementation of <b>Inner City Mayors MOU</b> which demonstrates tangible benefits to City of Vincent and other members.
	5.2 Increase <b>innovation and strategic thinking</b> capability across the organisation.	5.2.1 Establish <b>new innovation program</b> at City of Vincent which improves City operations and benefits community.

## 8.5 AMENDMENTS TO COUNCIL DELEGATIONS

TRIM Ref: D19/128393

Author: Meluka Bancroft, Manager Governance, Property and Contracts

Authoriser: David MacLennan, Chief Executive Officer

Attachments: 1. Council Delegations Register 2019/20 (in mark up)    
 2. Legal Advice - Council Delegations and Authorisations - Confidential  
 3. OAG's Audit Results Report 2017-18 - Financial Audits of Local Government Entities  

### RECOMMENDATION:

That Council:

1. **APPROVES BY ABSOLUTE MAJORITY** the following amendments to the Council delegations, as shown in mark up in the Council Delegations Register at Attachment 1;
  - 1.1 amendment of delegation 4.4 to include reference to section 112(2) *Building Act 2011*, which sets out what a building order can require a person to do;
  - 1.2 inclusion of a new delegation to enable the CEO to commence prosecutions for any offences under the *Building Act 2011*;
  - 1.3 amendment of delegation 10.1 to allow appointment of designated officers under the *Tobacco Products Control Act 2006* and *Criminal Procedures Act 2004*;
  - 1.4 inclusion of a new delegation to allow the CEO to enforce compliance with a planning direction notice issued under section 214 of the *Planning and Development Act 2005*;
2. **REVOKES BY ABSOLUTE MAJORITY** delegation 2.1.1 - Delegation to audit and risk committee; and
3. **NOTES** that the following amendments will be made to the Council Delegations Register as shown in mark up at Attachment 1:
  - 3.1 appointment of authorised persons under the *Caravan Parks and Camping Grounds Act 1995* (Delegation 15.1) will be removed, as this Act is not relevant to the City; and
  - 3.2 issue of certificates under sections 39 and 40 of the *Liquor Control Act 1988* (Delegation 16.1) will be removed as this is an administrative function.

### PURPOSE OF REPORT:

To consider amendments to the City's Council Delegations Register (Register) in accordance with the legal advice at **Attachment 2** and to revoke the delegation of a duty to the City's Audit Committee.

### BACKGROUND:

The City is required to review its delegations from Council to the Chief Executive Officer annually. The City completed this review in June 2019. At its 25 June 2019 Meeting (Item 12.5) Council resolved as follows:

"That Council:

1. *RECEIVES* the annual review of the delegations made by Council to the Chief Executive Officer in accordance with section 5.46(2) of the *Local Government Act 1995*; and
2. *DELEGATES BY ABSOLUTE MAJORITY* the local government functions listed in the City's Council Delegations Register 2019/20 included as Attachment 1."

As part of the review Administration identified some inconsistencies with the delegations under the *Building Act 2011*, *Tobacco Products Control Act 2006* and issuing notices under the *Planning and Development Act 2005*. The City requested legal advice on these issues, which was received on 25 June 2019, and is at **Attachment 2**.

In accordance with the legal advice, Administration is proposing amendments to delegations 4.4 and 10.1 and the inclusion of two new delegations, as shown in mark up in **Attachment 1**.

As part of the review Administration also recommended the delegation of the duty to meet with the City's auditor to the Audit Committee, in accordance with section 7.12A of the *Local Government Act*. The implications of this delegation were not raised with Council at the 25 June Meeting.

#### **DETAILS:**

The following amendments to Council delegations are proposed:

##### Delegation 2.1.1

The purpose of this delegation is to enable the Audit Committee to meet with the City's auditor on behalf of the Council. It is a statutory requirement for the auditor to meet with Council each year in accordance with section 7.12A of the *Local Government Act 1995 (Act)*, unless the duty is delegated to the Audit Committee. Section 5.23(b) of the Act requires all meetings of any committee to which a local government power or duty has been delegated to be open to members of the public. Therefore the delegation of this duty to the Audit Committee means the Audit Committee meetings must be open to the public, in accordance with the *Local Government Administration Regulations 1996*. This contradicts the current Audit Committee meeting process.

An open Audit Committee would change the nature of the Audit Committee. The meetings would need to include public question time, the agenda would need to be published and the meeting closed for confidential matters. While publishing the agenda increases transparency, it would result in a higher level of scrutiny being applied to the reports, and could lead to a majority of reports and attachments being confidential. This would result in more administrative work. Open meetings would change the nature of the discussions, and could impact the comments made by committee members, especially the external members. The likelihood is that meetings would have a public question time followed by the consideration of a number of items behind closed doors, which would not result in greater transparency.

The Office of the Auditor General's 'Audit Results Report 2017-18 - financial audits of local government entities', at **Attachment 3**, recommends that an in-depth audit exit meeting is held with the audit committee in advance of the Council meeting, to provide the auditor with the opportunity to highlight key issues and for the CEO to comment on and discuss the findings. A public meeting would not facilitate this. Furthermore, the report recommends that the exit meeting includes only a few council members, rather than the entire Council.

The minutes of each Audit Committee are presented to Council for adoption, and therefore become part of the public record. It is recommended that delegation 2.1.1 be revoked.

##### Delegation 4.4

Section 127(1) of the *Building Act 2011* provides that a local government may delegate its powers under the *Building Act 2011* to a local government employee. Delegation 4.4 of the City's Council Delegations Register contains the delegation of power to the CEO in relation to sections 110, 111, 117, 118 and 133 of the *Building Act 2011*.

Section 112(2) of the *Building Act 2011* sets out what a building order can require a person to do. The current Council Delegations Register does not reference this, and therefore it should be included as part of the delegation, as recommended by part 3.2(a) of the legal advice.

##### New Delegation 4.10

Section 133 of the *Building Act 2011* permits a local government to prosecute for an offence against the *Building Act 2011*.

Delegation 4.4 of the City's Council Delegations Register delegates the power to prosecute for non-compliance with a building order to the CEO. The Council Delegations Register does not delegate the power to prosecute for any other offence against the *Building Act 2011*.

In accordance with part 3.2(c) of the legal advice Administration recommends the addition of a separate delegation to enable the CEO to commence prosecutions for any other offences against the *Building Act 2011*.

#### Delegation 10.1

Section 77 of the *Tobacco Products Control Act 2006* enables a local government to appoint a person to be a restricted investigator. It is recommended that the Council Delegations Register is amended to include this delegation, to enable the CEO to appoint a restricted investigator.

In order for the CEO to appoint officers as authorised officers for the purposes of the *Tobacco Products Control Act 2006* a designation needs to be made in accordance with section 24 of the *Public Health Act 2016*. Similarly, to enable the CEO to appoint authorised officers for the purpose of the *Criminal Procedure Act 2004* a designation needs to be made in accordance with section 24 of the *Public Health Act 2016*. Part 4.1 of the legal advice addresses this.

In accordance with the legal advice it is recommended that delegation 10.1 be amended to reference the *Public Health Act 2016* as the source of power to enable the designation of an authorised officer for the purposes of the *Tobacco Products Control Act 2006* and *Criminal Procedure Act 2004*.

#### New Delegation 17.1.3

There is not currently a delegation under section 215 of the *Planning and Development Act 2005* to allow the CEO to enforce compliance with a planning direction notice issued under section 214.

In accordance with part 3.1(a) of the legal advice it is recommended that a new delegation is included under sub sections 215(1) and (2).

#### Removal of Delegation 15.1

As there are no caravan parks or camping grounds within the City of Vincent this delegation is not required.

#### Removal of Delegation 16.1

The *Liquor Control Act 1988* provides that the local government may issue certificates pursuant to sections 39 and 40 of this Act. The section 39 certificate is to confirm that the premises complies with all relevant legislative requirements, and the section 40 certificate relates to changing a condition of use of the premises. As this is an administrative function delegation to the Chief Executive is not required.

### **CONSULTATION/ADVERTISING:**

Nil.

### **LEGAL/POLICY:**

Section 5.46(2) of the *Local Government Act* requires Council to review its delegations at least once every financial year.

### **RISK MANAGEMENT IMPLICATIONS:**

**Medium:** The proposed amendments to the Council Delegations Register will correct issues previously identified in the Council delegations register, and align with the legal advice obtained by the City. It will also ensure alignment with the current Audit Committee meeting process.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

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*We are open and accountable to an engaged community.*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.



## **CITY OF VINCENT**

### **DELEGATIONS REGISTER**

#### **Delegations from Council to the CEO**

Adopted at the Ordinary Meeting of Council held on 25 June 2019



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City of Vincent

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## 1 Introduction

This document is the Register of Delegations of the City of Vincent. It also contains authorisations made.

Some Acts of Parliament which confer powers on local governments allow a Council to delegate to a committee of the local government, the local governments CEO or in limited circumstances other persons or employees.

The purpose of delegating a power is aimed at dealing with matters that are routine, may have a time constraint, can change rapidly, or is simply more efficient.

The extent of delegation, conditions that may be applied and records that must be kept depend on the various heads of power in the Acts themselves as does the obligation to review and/or amend which may be either the council or the CEO.

Western Australian legislation may be accessed online at the State Law Publisher's website at <https://www.legislation.wa.gov.au/>.

This document deals primarily with delegations. In order to draw together associated matters it combines into one document:

- Delegations from Council to committees;
- Delegations from Council to the CEO;
- Sub delegations from CEO to other employees; and
- Appointments of authorised persons under different legislation.

### 1.1 The difference between a delegation, 'acting through' another person and an 'authorised person'

#### *A Delegation*

Simply put, a delegation is the process prescribed in legislation for assigning authority to exercise an express power or duty from the delegate to another person (named by position title or office) or an entity (the delegate).

Some legislation confers a power directly on a person. A person appointed to a statutory office does not need any further delegation or authorisation in order to fulfil those assigned powers and duties. For example:

- The *Local Government Act 1995* lists statutory offices including Mayor, CEO and Returning Officer;
- The *Public Health Act 2016* assigns duties to Environmental Health Officers;
- The *Building Act 2011* to Building Surveyors; and
- The *Local Government Act 1995*, *Cat Act 2011* and *Graffiti Vandalism Act 2016* also allow a local government CEO to delegate any powers or duties assigned to their office.

This document details the delegations of authority made by Council to a committee, the CEO and where applicable, from the CEO to another employee of the City.

#### *Acting through another person*

Employees do not always need delegations or sub delegations to carry out their tasks and functions on behalf of the local government. Basically a function may be undertaken through the "acting through" concept where a person has no discretion in carrying out that function – the outcome will not be substantially different regardless of the circumstances or who exercised the power.

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Section 5.16(4) of the *Local Government Act 1995* provides that:

- (4) *Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.*

Similarly, s5.45(2) Act provides that:

- Nothing in this Division (Division 4 - Local Government Employees) is to be read as preventing –*
- a) *a local government from performing any of its functions by acting through a person other than the Chief Executive Officer; or*
  - b) *a Chief Executive Officer from performing any of his or her functions by acting through another person.*

The key difference between a delegation and acting through is that a delegate exercises a decision making function in his or her own right. For example, an employee may pay an account or issue an approval if directed to do so by another employee who has the authority to make such a decision and chooses to “act through” another employee.

#### *Authorised persons*

Authorised persons (and who under some Acts do not necessarily have to be employees of the local government but often are) are given powers to do certain things under an Act, Regulation or local law; usually to issue an infringement, make inquiries, enter on to property, issue a notice or to enforce a provision.

Note that a council can delegate authority to its CEO to appoint authorised persons under the *Local Government Act 1995* and other legislation; in some Acts an employee or other person holding an office are directly authorised under that Act itself. Provisions vary by Act.

An authorised person, once appointed, is responsible for fulfilling the powers and duties assigned under law to an authorised person, which may be specified or limited in an Act or Regulation, or the certificate of authorisation. An authorised person cannot delegate their powers and duties to another person.

Who may appoint authorised persons depends on the enabling legislation. Section 9.10 of the *Local Government Act 1995* provides that:

- (1) *The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.*
- (2) *The local government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.*

Authorised persons may or may not have delegated authority to undertake certain actions – the delegation of authority is a separate matter, although they are included in this register for ease of reference and review.

### **1.2 The *Interpretation Act 1984* – principles of delegation**

Section 59 of the *Interpretation Act 1984* prescribes the framework for how delegated authority must be structured in Western Australian law.

In summary:

- 1. The written law (head of power) must include an express power to delegate, which specifically enables a person (the delegator) to make a delegation;



- 
2. In that same written law, there must be an express power or duty conferred or imposed on the delegator and it must be capable of being delegated. This means that:
    - a. The power or duty proposed for delegation must be written in the same law as the express power to delegate; and
    - b. That written law must not prohibit the power or duty from being delegated or contain limitations or conditions, which the proposed delegation exceeds.
  3. The power to delegate cannot be delegated;
  4. Delegations must be in writing (the instrument of delegation); and
  5. Delegations must be advised to the delegate in writing.

Note that nothing prevents the delegating body or person from taking back a delegation or sub delegation, or actually making the relevant decision on a particular issue. Similarly, a delegator does not have to exercise the delegation and may refer the decision back to the delegator.

Similarly, section 59(2) provides that:

*The delegation of a power shall be deemed to include the delegation of any duty incidental thereto or connected therewith and the delegation of a duty shall be deemed to include the delegation of any power incidental thereto or connected therewith.*

#### *Delegation by office or by name*

Section 53 of the *Interpretation Act 1984* provides that a delegation can be to the holder of an office (whether acting or permanent) or by naming an individual:

*Where a written law confers a power or imposes a duty upon a person to appoint or designate a person to —*

- (a) *perform any function; or*
- (b) *be a member of any board, tribunal, commission, committee, council, or other similar body, whether corporate or unincorporate; or*
- (c) *be or do any other thing,*  
*that person may make the appointment or designation either by appointing or designating a person by name or by appointing or designating the holder of an office by the term designating his office; and any such appointment or designation of the holder of an office shall be construed as the appointment or designation of the person from time to time holding, acting in, or lawfully performing the functions of the office.*

Delegations made by the City are to the holder of an office.

### **1.3 How this document is structured**

Matters that apply generally to delegations and authorisations are set out in this introduction. As there can be differences in legislation, delegations that may be made under various Acts are set out by Act, rather than by employee or organisational structure.

While generally prohibited, some legislation does allow sub-delegation (mainly the Local Government Act) from Council to the CEO, and from the CEO to other employees. Delegations from the CEO to other employees and appointments of authorised persons are listed in other documents.

Each section of this document is structured as follows:

- Guidance notes, including any particular requirements of the enabling legislation of unusual features;
- Delegations from Council to a committee (if allowed by the enabling legislation and if the City has any committees established to deal with the power to be exercised);
- Delegations from the CEO to an employee (or other person if allowed by the enabling legislation); and
- A list of persons authorised to perform certain functions under the enabling legislation.

The individual delegations are set out as follows. Explanatory notes are shown in red.

#### Heading

*A snapshot of what it is that is delegated*

#### Delegation from Council to CEO

*Most legislation refers to a 'local government'. This heading makes it clear that in this case, this is a delegation from Council to the CEO. Under most Acts, Council can only delegate to the CEO.*

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<i>'Local Government' will be the entity in most cases.</i>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>This sets out the head of power in the Act or regulation that allows a power to be delegated; eg</i>  Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>The section or part of the Act that is being delegated; eg:</i>  Local Government Act 1995: s.5.50 Making payments to employees in addition to contract or award.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<i>A summary of what is delegated; eg:</i>  The Chief Executive Officer is delegated the power to approve of making payment to employees in addition to their contract or Award.
<b>Council Conditions on this Delegation:</b>	<i>This sets out any conditions or limitations; e.g.:</i>  Payments must be in accordance with Council policy 1234
<b>Express Power to Sub-Delegate:</b>	<i>Some legislation allows sub-delegation from the CEO to another employee and some does not.</i>  Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

#### Delegation by CEO to other employees

*Where subdelegation is allowed, this section sets out who it is to, and what additional conditions might apply.*

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

#### Notes

*This sets out any matters that might relate to the power delegated not covered above, links to policies, local laws or administrative procedures that might apply.*

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#### 1.4 Exercising delegated authority

##### *Overall requirements*

Before using a delegated authority a delegate must familiarise themselves with the legislative framework, conditions and limitations relevant to the statutory power or duty that informs the decisions they will make.

The delegate must also consider and apply local laws, Council decisions, policy, procedures or standards that are relevant to the decisions they are empowered to make.

##### *Conflicts of interest*

The City requires persons to whom authority has been delegated to deal appropriately with conflicts of interest.

Section 5.71 of the *Local Government Act 1995* provides that employees must disclose interests relating to delegated functions:

**5.71. Employees to disclose interests relating to delegated functions**

*If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —*

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and*
- (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.*

*Penalty: \$10 000 or imprisonment for 2 years.*

A conflict of interest arises where a personal interest is in conflict with the public interest. Delegates must disclose any conflict of interest which may require them to be removed from the decision making process.

A delegate may also refer the decision making back to the delegator, where they consider there is a risk or sensitivity, which makes it more appropriate for the delegator to make that decision.

The City's Code of Conduct also applies.

##### *Requirement for annual return and disclosures by delegate*

An employee to whom a duty or power is delegated under the *Local Government Act 1995* is considered a 'designated employee' under section 5.74(1) of the Act and is required to complete a primary and annual return each year.

##### *Keeping a record of decisions made under delegated authority*

In accordance with Section 5.46(3) of the *Local Government Act 1995*, a person to whom a power or duty is delegated is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Regulation 19 of the Local Government (Administration) Regulations 1996 requires a delegate to keep a written record of:

- (a) how the person exercised the power or discharged the duty;
- (b) when the person exercised the power or discharged the duty; and
- (c) the person or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

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The City has decided that this applies regardless of the enabling legislation.

A central record of decisions made under a delegation is unnecessary but a record must be kept by the person exercising the power.

A record made that complies with the City's record keeping policy (e.g. a letter or email sent in accordance with that policy) is sufficient.

## 2 Delegations made under the *Local Government Act 1995*

The *Local Government Act 1995* (the Act) is the legislation most widely used for delegations by local governments.

The Act confers some powers directly on a CEO, and s5.44 sets out the duties of a CEO.

This part of the manual deals with delegations from Council under the Act. Under this Act, Council may delegate authority to a committee or to the CEO.

Council may place restrictions or conditions on the exercise of that power or duty such as a financial amount, to take into account a policy or direction from Council, or something particular only to the matter delegated.

### Delegation from Council to a committee

Section 5.16 of the *Local Government Act 1995* allows Council to delegate by an absolute majority vote some powers and duties to certain committees. This is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Subject to sections 58 and 59 of the *Interpretation Act 1984* —

- (a) A delegation made to a committee under s5.16 has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
- (b) Any decision to amend or revoke a delegation under this section is to be by an absolute majority.

There are limits on delegation of powers and duties to certain committees set out in s5.17:

- (1) *A local government can delegate —*
  - (a) *to a committee comprising council members only, any of the council's powers or duties under this Act except —*
    - (i) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and*
    - (ii) *any other power or duty that is prescribed;*
  - and*
  - (b) *to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and*
  - (c) *to a committee referred to in section 5.9(2)(c), (d) or (e)\*, any of the local government's powers or duties that are necessary or convenient for the proper management of —*
    - (i) *the local government's property; or*
    - (ii) *an event in which the local government is involved.*
- (2) *A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f)\*\*.*

\* A committee comprising:

- (a) council members, employees and other persons; or
- (b) council members and other persons; or
- (c) employees and other persons.

\*\* A committee comprising of other persons only.

### Delegation from Council to the CEO

Section 5.42 allows Council to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act.

It cannot delegate to any other person or employee unless expressly provided for in legislation.

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All delegations made by Council to the CEO must be by an absolute majority decision, and must be reviewed at least annually.

#### Restrictions on delegations from the Council to the CEO

Section 5.43 of the Act restricts what can be delegated by Council to the CEO:

- A power under sections 214(2), (3) or (5) of the *Planning and Development Act 2005* (which relate to a local government's powers to deal with illegal development);
- Any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- Accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- Appointing an auditor;
- Acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- Any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100 (which relate to fees for elected members, an allowance for the Deputy Mayor, meeting fees and reimbursement of expenses, and payments for certain committee members);
- Borrowing money on behalf of the local government;
- Hearing or determining an objection of a kind referred to in section 9.5 (which relates to an objection or appeal in response to a decision to grant a person an authorisation under Part 3 or under any local law or regulation that is to operate as if it were a local law; or to renew, vary, or cancel an authorisation that a person has under any of those provisions);
- The power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- Any power or duty that requires the approval of the Minister or the Governor;
- Such other powers or duties as may be prescribed under the Local Government (Administration) Regulations 1996, and which are under :
  - section 7.12A(2), (3)(a) or (4) of the Act (which relate to duties of local government with respect to audits, determine if any matters raised by the audit report, require action to be taken by the local government, prepare a report addressing any matters identified as significant by the auditor in the audit report and advise the Minister); and
  - Regulations 18C and 18D which relate to the selection and appointment process for CEOs and the local government's duties in relation to a performance review of CEO.
- Regulation 6 of the Local Government (Financial Management) Regulations 1996 prohibits the delegation of the duty to conduct an internal audit to an employee (including a CEO) who has been delegated the duty of maintaining the local government's day to day accounts or financial management operations.

#### Delegation from the CEO to another employee

Under s5.44 the CEO may sub-delegate any of these powers and duties functions to another employee, other than the power of delegation itself.

Those delegations are also subject to any restrictions or conditions that the Council may have placed on the delegation to the CEO. The CEO may add further conditions or restrictions, and which also must be reviewed annually.

Parameters are summarised below, as are the delegations themselves. More detail about the particular sections of the Act that apply is also made under each heading.



## 2.1—Delegations from Council to committees

### 2.1.1—Delegation to audit and risk committee

<b><del>Head of power to Delegate:</del></b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> <del>s.5.16 Delegation of some powers and duties to certain committees</del> <del>s.7.1B Delegation of some powers and duties to audit committees</del>
<b><del>Express Power or Duty Delegated:</del></b>	<i>Local Government Act 1995:</i> <del>s.7.12A(2), (3) &amp; (4) Duties of Local Government with respect to audits</del>
<b><del>Function:</del></b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<del>1. Authority to meet with the City's Auditor at least once every year on behalf of the Council [s.7.12A(2)].</del> <del>2. Authority to:</del> <del>i. examine the report of the Auditor and determine matters that require action to be taken by the City; and</del> <del>ii. ensure that appropriate action is taken in respect of those matters [s.7.12A(3)].</del> <del>3. Authority to review and endorse the City's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister [s.7.12A(4)].</del>
<b><del>Council Conditions on this Delegation:</del></b>	<del>a. This delegation is not to be used where a Management Letter or Audit Report raises significant issues and the meeting with the Auditor must be held with the Council.</del>
<b><del>Express Power to Sub-Delegate:</del></b>	<del>Nil. Sub-delegation is prohibited by s.7.1B.</del>

#### Notes:

See Department of Local Government, Sport and Cultural Industries [Operational Guideline No. 09 – The appointment, function and responsibilities of Audit Committees](#)

[Audit and Risk Committee Terms of Reference –](#)

<https://www.vincent.wa.gov.au/Profiles/vincent/Assets/ClientData/Documents/Council/Committees/Audit/Audit Committee Terms of Reference Adopted 21 August 2018.pdf>

## 2.2 Delegations from Council to the CEO

### 2.2.1 Appointment of an acting CEO

#### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	Section 5.42 <i>Local Government Act 1995</i>
<b>Express Power or Duty Delegated:</b>	Power to appoint an Acting Chief Executive Officer under s5.36(1)(a).
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Power to appoint an Acting Chief Executive Officer under s5.36(1)(a).
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>• The Employee being designated a "Senior Employee", as prescribed by the Local Government Act;</li> <li>• Appointments being no longer than 30 days;</li> <li>• Council Members to be advised of acting Chief Executive Officer;</li> <li>• The acting role to be rotated between the Executive Directors of the City where practicable.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

#### Notes:

Previously Delegation 1.1 of the City's 2018/19 Register.

## 2.2.2 Serving of notices requiring certain things to be done by owner or occupier of land

### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> Sections 3.25(1) and 3.26
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The Chief Executive Officer is delegated the power to: <ol style="list-style-type: none"> <li>1) Issue a notice in writing relating to the land requiring the person to do anything specified in Schedule 3.1, Division 1 or for the purpose of remedying or mitigating the effects of any offence prescribed in Schedule 3.1, Division 2; and</li> <li>2) do anything that he considers necessary to achieve, so far as is practicable, the purpose for which the notice was given, including recovering the cost of anything it does as a debt due from the person who failed to comply with the notice.</li> </ol>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

#### Notes:

Previously delegation 1.3 of the City's 2018/19 Register.

### 2.2.3 Performing particular things on land which is not local government property

#### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> Section 3.27  A local government may perform its general functions of the things prescribed in Schedule 3.2 of the Act on land, even though the land is not local government property and the local government does not have consent to do it.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The Chief Executive Officer is delegated the power to carry out things prescribed in Schedule 3.2 even though the land is not local government property and the local government does not have consent to do it.
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

## 2.2.4 Powers of entry

### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to exercise powers of enter to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28].</li> <li>2. Authority to give notice of entry [s.3.32].</li> <li>3. Authority to seek and execute an entry under warrant [s.3.33].</li> <li>4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</li> <li>5. Authority to give notice and effect entry by opening a fence [s.3.36].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Compliance Links:	<a href="#"><u>Local Government Act 1995:</u></a> s.9.10 Appointment of authorised persons – refer also s.3.32(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry s.3.34(2) Entry in an emergency

#### Notes:

Previously delegation No 1.5 of the City's 2018/19 Register.

Powers of entry to enter property to seize dogs are dealt with under the *Dog Act 1976*.

## 2.2.5 Declare vehicle is abandoned vehicle wreck

*Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
<b>Council Conditions on this Delegation:</b>	The declaration is to be recorded in the appropriate record to meet legislative requirements.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Notes:

Previously delegation No 1.6 of the City's 2018/19 Register.



## 2.2.6 Confiscated or Uncollected Goods

### Guidance note

Section 3.47 of the Act specifies that s.3.58 applies to disposal of goods under s.3.47.

Note however, that the s.3.57 tender requirements do not apply to either the disposal of confiscated or uncollected goods OR the Disposal of Property under s.3.58. (s.3.57 applies only to "contracts... under which another person is to supply goods or service") .

### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.46 Goods May be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46]</li> <li>2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47].</li> <li>3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Compliance Links:	<a href="#">Local Government Act 1995</a> : Part 3, Division 3, Subdivision 3 s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section.

### Notes:

Previously delegation No 1.7 of the City's 2018/19 Register.

## 2.2.7 Disposal of Sick or Injured Animals

Note that this delegation relates only to animals not covered by the Dog and or Cat Acts.

### *Delegation from Council to CEO*

#### **Head of power to**

#### **Delegate:**

*Power that enables a delegation to be made*

#### **Express Power or Duty Delegated:**

#### **Function:**

*This is a precis only.  
Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*

#### **Council Conditions on this Delegation:**

#### **Express Power to Sub-Delegate:**

#### *Local Government Act 1995:*

- s.5.42 Delegation of some powers or duties to the CEO
- s.5.43 Limitations on delegations to the CEO

#### *Local Government Act 1995:*

- s.3.47A Sick or injured animals, disposal of
- s.3.48 Impounding expenses, recovery of
- 1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)].
- 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].

Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.

#### *Local Government Act 1995:*

- s.5.44 CEO may delegate some powers and duties to other employees

## 2.2.8 Closing Thoroughfares to Vehicles

### Delegation from Council to CEO

#### Head of power to Delegate:

*Power that enables a delegation to be made*

#### Express Power or Duty Delegated:

#### Function:

*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*

#### Council Conditions on this Delegation:

#### Express Power to Sub-Delegate:

#### Local Government Act 1995:

- s.5.42 Delegation of some powers or duties to the CEO
- s.5.43 Limitations on delegations to the CEO

#### Local Government Act 1995:

- s.3.50 Closing certain thoroughfares to vehicles
- s.3.50A Partial closure of thoroughfare for repairs or maintenance
- s.3.51 Affected owners to be notified of certain proposals

1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)].
2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to:
  - give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and
  - consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].
3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].
4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A]
5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].
- a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].
- b. Maintain access to adjoining land [s.3.52(3)]
- c. Permanent closures to be referred to Council for determination.

#### Local Government Act 1995:

- s.5.44 CEO may delegate some powers and duties to other employees

Notes: Previously delegations No 1.10, 1.12 and 1.13 of the City's 2018/19 Register.

## 2.2.9 Control Reserves and Certain Unvested Facilities

### *Delegation from Council to CEO*

**Head of power to**
**Delegate:**

*Power that enables a delegation to be made*

**Express Power or Duty Delegated:**
**Function:**

*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*

**Council Conditions on this Delegation:**
**Express Power to Sub-Delegate:**

*Local Government Act 1995:*

s.5.42 Delegation of some powers or duties to the CEO

s.5.43 Limitations on delegations to the CEO

*Local Government Act 1995:*

s.3.53(3) Control of certain unvested facilities

s.3.54(1) Reserves under control of local government

1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)].
2. Authority to do anything for the purpose of controlling and managing land under the control and management of the City that the City could do under s.5 of the [Parks and Reserves Act 1895](#). [s.3.54(1)].

Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.

*Local Government Act 1995:*

s.5.44 CEO may delegate some powers and duties to other employees

## 2.2.10 Obstruction of Footpaths and Thoroughfares

### Delegation from Council to CEO

#### Head of power to

#### Delegate:

*Power that enables a delegation to be made*

#### Express Power or Duty Delegated:

#### Function:

*This is a precis only.  
Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*

#### Council Conditions on this Delegation:

#### Local Government Act 1995:

- s.5.42 Delegation of some powers or duties to the CEO
- s.5.43 Limitations on delegations to the CEO

#### Local Government (Uniform Local Provisions) Regulations 1996:

- r.5(2) Interfering with, or taking from, local government land
  - r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
  - r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b)
  - r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to:
    - a. prevent damage to the footpath; or
    - b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].
  2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].
  3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].
  4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].
  5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].
- a. Actions under this Delegation must comply with procedural requirements detailed in the [Local Government \(Uniform Local Provisions\) Regulations 1996](#).
  - b. Permission may only be granted where, the proponent has:
    - i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.
    - ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.
    - iii. Provided evidence of sufficient Public Liability Insurance.
    - iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.

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<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Compliance Links:	Determination of Bond Value and Conditions - refer to CEO Delegation Public Thoroughfare Obstruction – Determine Conditions <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>



## 2.2.11 Public Thoroughfares – Dangerous Excavations

### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)].</li> <li>2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.11(6)].</li> <li>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#"><i>Local Government (Uniform Local Provisions) Regulations 1996</i></a>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

## 2.2.12 Crossovers - Construction, Repair and Removal

### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r.12(1)].</li> <li>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].</li> <li>3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)].</li> <li>4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> .
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Compliance Links:</b>	<a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures  Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>

#### Notes:

Previously delegation 2.5B (part) of City's 2018/19 Register.

### 2.2.13 Private Works on, over or under Public Places

#### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> r.17 Private works on, over, or under public places – Sch.9.1 cl.8
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)].</li> <li>2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Compliance Links:	<a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures  Determination of Bond Value and Conditions - refer to CEO Delegation to Determine and Manage Conditions on Permission for Private Works 2.2.14 on, over, or under Public Places  Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>

## 2.2.14 Expressions of Interest for Goods and Services

### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&amp;G r.21].</li> <li>2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&amp;G r.23].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Compliance Links:	<a href="#"><u>Local Government (Functions and General) Regulations 1996</u></a> – prescribe applicable statutory procedures

## 2.2.15 Tenders for Goods and Services

Guidance notes:

### *Contract Variations*

The Local Government ([Functions and General \) Regulations](#) (R21A) enables contract variations applying only to contracts formed with a successful tenderer. A delegation of R.21A is required for the CEO (or any sub-delegate) to vary a tender contract.

Making, varying or discharging contracts formed through mechanisms other than a tender, are not subject to R.21A. Section.9.49B9 of the Act applies to non-tender contracts and requires that any person making decisions to make, vary or discharge a contract must do so under the authority of the Local Government. Meaning there must either be an express Council resolution enabling the CEO to administer the contract OR the contract is operational in nature and may be administered by the CEO (or officers by Acting Through).

### *Contract Management*

In addition, the CEO may assign operational responsibilities for contract administration via position descriptions or documented procedures.

### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to call tenders [F&amp;G r.11(1)].</li> <li>2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&amp;G r.11(f)].</li> <li>3. Authority to invite tenders although not required to do so [F&amp;G r.13].</li> <li>4. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>5. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G r.14(4)(a)].</li> <li>6. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&amp;G r.14(5)].</li> <li>7. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&amp;G r.18(4)] and either:</li> </ol>

	<ul style="list-style-type: none"> <li>i. Accept, or reject tenders under a value of \$250,000 in accordance with the requirements of the Functions and General Regulations [F&amp;G r.18(2) and (4)]; or</li> <li>ii. Recommend to council acceptance or rejection of all other tenders.</li> </ul> <p>8. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, and to then negotiate minor variations with the successful tenderer before entering into a contract [F&amp;G r.20(1) and (3)].</p> <p>9. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r.18(4a)].</p> <p>10. Authority to decline any tender [F&amp;G r.18(5)].</p> <p>11. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&amp;G r.20(2)]</p> <p>12. Authority to:</p> <ul style="list-style-type: none"> <li>i. Vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract or increase the contract value beyond 10%.</li> <li>ii. Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&amp;G r.21A].</li> </ul> <p>13. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&amp;G r.18(6) &amp; (7)].</p>
<b>Council Conditions on this Delegation:</b>	<p>The invitation to tender is to be entered into the Tender Register in the prescribed manner.</p> <p>Selection criteria must be recorded in the appropriate record and comply with the requirements of the Regulations.</p> <p>Details of the minor variations must be recorded in the appropriate record.</p> <p>Details of the calling of expressions of interest must be recorded in the appropriate record and in the Tender Register.</p> <p>The delegation is subject to:</p> <ul style="list-style-type: none"> <li>1. tenders called to comply with Council's Policy No. 1.2.2 – "<i>Code of Tendering</i>" and Policy No. 1.2.3 – "<i>Purchasing Policy</i>"; and</li> <li>2. tenders can only be invited for those goods and services identified in the Annual Budget, Plan for the Future or where the expenditure has been approved in advance by Council;</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>



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Compliance Links:	<a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures
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Notes:

Previously delegation 1.19 of the City's 2018/19 register.

## 2.2.16 Panels of Pre-Qualified Suppliers for Goods and Services

### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Functions and General) Regulation 1996:</i> r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine that a there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&amp;G r.24AC(1)(b)].</li> <li>2. Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&amp;G r.24AD(3)].</li> <li>3.. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&amp;G r.24AD(6)].</li> <li>4. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&amp;G r.24AH(2)].</li> <li>5. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&amp;G r.24AH(3)].</li> <li>6. Authority to request clarification of information provided in a submission by an applicant [F&amp;G r.24AH(4)].</li> <li>7. Authority to decline to accept any application [F&amp;G r.24AH(5)].</li> <li>8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&amp;G r.24AJ(1)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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Compliance Links:	<a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures Council Policy 1.2.3 Purchasing Policy
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## Notes:

Previously delegation 1.27 of the City's 2018/19 register.

### 2.2.17 Disposing of Property

Note that s.3.57 tender requirements do not apply to the Disposal of Property under s.3.58 (s.3.57 applies only to "contracts ... under which another person is to supply goods or service").

#### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to dispose of property to: <ol style="list-style-type: none"> <li>(a) to the highest bidder at public auction [s.3.58(2)(a)].</li> <li>(b) to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)]</li> </ol> </li> <li>2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.</li> <li>b. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$250,000 or less.</li> <li>c. When determining the method of disposal: <ul style="list-style-type: none"> <li>• Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> <li>○ Reserve price has been set by independent valuation.</li> <li>○ Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price.</li> </ul> </li> <li>• Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method.</li> <li>• Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> <li>○ Negotiate the sale of the property up to a -10% variance on the valuation; and</li> <li>○ Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded.</li> </ul> </li> </ul> </li> </ol>

	<p>d. Where the market value of the property is determined as being less than \$20,000 (F&amp;G r.30(3) excluded disposal) may be undertaken:</p> <ul style="list-style-type: none"> <li>• Without reference to Council for resolution; and</li> <li>• In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value, then the disposal must ensure environmentally responsible disposal.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Compliance Links:	<p><a href="#">Local Government Act 1995</a> – s.3.58 Disposal of Property <a href="#">Local Government (Functions and General) Regulations 1995</a> – r.30 Dispositions of property excluded from Act s. 3.58</p>

## Notes:

Previously delegation 1.23 of the City's 2018/19 register.

## 2.2.18 Payments from the Municipal or Trust Funds

### Guidance notes

#### *The difference between incurring liabilities and making payments*

The following information will assist in understanding the legislative framework that informs:

- Incurring a liability as a procedural matter subject to CEO authorisations; and
- Making payments as an express (written) statutory power which is capable of being delegated.

#### *Incurring liabilities (procedures and administrative authorities)*

Incurring liabilities is not described in the Local Government Act or Regulations as an express power or duty, rather it is only described as a requirement for the Local Government and the CEO to control by developing "systems and procedures" [see FM Regs 5 and 11].

Incurring liabilities is therefore not an express (written) power or duty which is capable of being delegated. The CEO must establish systems and written procedures which give effect to compliance with legislation and purchasing policy and provide appropriate internal controls and risk mitigation for incurring liabilities.

- Issuing a requisition – a requisition is only a proposal to purchase (FM Regs 5 & 11) describing the goods or services required to enable a decision to issue a purchase order. It does not incur a liability as the goods / services may only be provided on the basis of an appropriately issued purchase order. Administrative procedures should establish which positions are authorised to issue requisitions.

A decision to issue a requisition and therefore a purchase order is informed by other, previous Council decisions, for example – the budget adopted by Council, Council decisions to approve projects or implement policies.

The decision to incur a liability where a budget provision has been made is part of implementing a Council decision and therefore accords with the CEO's duties under s.5.41(c).

- Issuing a purchase order – a purchase order creates a contract between the supplier and the local government. It incurs a liability (FM Regs 5 & 11) provided that the goods or services are ultimately supplied in accordance with the requirements specified in the purchase order. Administrative procedures should establish which positions are authorised to issue purchase orders, with pre-requisite requirements for a purchase order to only be issued, where due diligence confirms:
  - Compliance with the local governments purchasing policy;
  - The committal value of the purchase order is within an appropriate and available budget allocation; and
  - The proposed goods / services / works are within the scope of implementing a Council decision, either specific or generally.
- Using a credit or transaction card (store card, fuel card or corporate credit card) – transaction cards are a method of incurring a liability, with the goods or services received and a statement provided to the local government for acquittal on at least a monthly basis. Procedures should prescribe the positions which are authorised to use transaction cards and the limits and obligations for use for their use when incurring liabilities and the requirements for acquittal of statements to enable payment.
- Verification of a liability
  - Goods / services received – a record that evidences that the goods or services have been received in accordance with the purchase order.
  - Verification of invoice – the charges align with the accepted quote or the contracted schedule of rates as relevant, which have been checked against the record of goods / services received.
  - Verification of transaction card statements – transactions accord with the card holder limits and conditions, transactions are for a proper purpose (not personal) and the goods / services obtained are within the scope of implementing a Council decision either specific or generally.



An element of the internal control is the separation of roles from employees who incur liabilities and those who make payments. This means that a person who has responsibility for incurring a liability should not also be responsible for verifying the liability or approving the relevant payment.

In addition, Council (and also through its audit committee) may form an opinion as to its satisfaction the procedures prepared in accordance with FM 11, when it undertakes its biennial review of Internal Controls in accordance with Audit Reg. 17(1)(b).

*Making payments (delegated authority)*

Financial Management Reg.12(1)(a) prescribes the ability for the Council to delegate to the CEO its power to make payments from the Municipal or the Trust Fund. Financial Management Reg.13 prescribes the procedural matters that the CEO must comply with if the power to make payments is delegated.

A payment can only be made, where an opinion has been formed (delegated authority decision FM Reg12(1)(a)) that the goods or services specified in the purchase order have been satisfactorily received.

*Procedural reviews*

Audit Regulations [r.17(1)(b) & (2)] require the CEO to review procedures and report the outcomes of the review to the Audit Committee at least once in every 3 financial years.

*Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)]. 2. Authority to transfer funds held in the Trust Fund for over 10 years to the Municipal Fund.
<b>Council Conditions on this Delegation:</b>	a. Authority to make payments is subject to annual budget limitations.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Compliance Links:	<a href="#">Local Government Act 1995</a> <a href="#">Local Government (Financial Management) Regulations 1996</a> - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. <a href="#">Local Government (Audit) Regulations 1996</a> Department of Local Government, Sport and Cultural Industries <a href="#">Operational Guideline No.11 – Use of Corporate Credit Cards</a> Department of Local Government, Sport and Cultural Industries: <a href="#">Accounting Manual</a>
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**Notes:**

Previously delegations 1.14 and 1.24 of the City's 2018/19 register.

## 2.2.19 Defer payment, grant discounts, waive fees or write off debts

### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Waive a debt which is owed to the City [s.6.12(1)(b)].</li> <li>2. Grant a concession in relation to money owed to the City [s.6.12(1)(b)].</li> <li>3. Write off an amount of money owed to the City [s.6.12(1)(c)]</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. This delegation does not apply to writing off rates or service charges.</li> <li>b. The power to waive fees or write off money is subject to the amount not exceeding \$5000.</li> <li>c. The power to waive fees or write off debts relating to infringements is subject to the debt not exceeding \$270.</li> <li>d. The power to waive or write off library fees is subject to the debt not exceeding \$50.</li> <li>e. This delegation is not applicable to writing off or waiving rates or service charges.</li> <li>f. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated continued action to recover the debt will outweigh the net value of the debt if recovered by the City.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

#### Notes:

Previously delegation 1.15 of the City's 2018/19 register.

## 2.2.20 Amendment of a rate record

### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.39(2)(b) Rate record
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
<b>Council Conditions on this Delegation:</b>	Delegates must comply with the requirements of s.6.40 of the Act.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Compliance Links:	<a href="#">Local Government Act 1995</a> – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record.  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal

#### Notes:

Previously delegation 1.18 of the City's 2018/19 register.

### 2.2.21 Agreement as to payment of rates and service charges

#### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
<b>Council Conditions on this Delegation:</b>	Subject to Council Policy No. 1.2.12 – Rates and Service Charges.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

**Notes:**

Previously delegation 1.16 of the City's 2018/19 register.

## 2.2.22 Determine Due Date for Rates or Service Charges

### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.50 Rates or service charges due and payable
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine the date on which rates or service charges become due and payable to the City [s.6.50].
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

### 2.2.23 Recovery of Rates or Service Charges

#### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)].
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

**Notes:**

Previously 1.25 in the City's 2018/19 register.



## 2.2.24 Recovery of Rates Debts – Require Lessee to Pay Rent

### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.60 Local Government may require lessee to pay rent
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the City [s.6.60(2)].</li> <li>2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Subject to Council Policy No. 1.2.13 – Collection of Rates and Service Charges.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Compliance Links:	<a href="#">Local Government Act 1995</a> – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60.  Council Policy No. 1.2.12 – Rates and Service Charges.

#### Notes:

Previously delegation 1.17 of the City's 2018/19 register.

## 2.2.25 Recovery of Rates Debts - Actions to Take Possession of the Land

### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.64(1) & (3) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land revested in Crown if rates in arrears 3 years
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: <ol style="list-style-type: none"> <li>i. lease the land, or</li> <li>ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> <li>I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or</li> <li>II. cause the land to be transferred to the City [s.6.71].</li> </ol> </li> </ol> </li> <li>2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].</li> <li>3. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale without having, within the previous 3-years attempted to recover the outstanding rates / charges through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Compliance Links:</b>	<p><a href="#">Local Government Act 1995</a> – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.</p> <p><a href="#">Local Government (Financial Management) Regulations 1996</a> – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</p> <p>Subject to Council Policy No. 1.2.13 – Recovery of Debts and Service Charges</p>

## 2.2.26 Rate Record – Objections

### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.76 Grounds of objection
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)].</li> <li>2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal

#### Notes:

Previously delegation 1.26 of the City's 2018/19 register.

## 2.2.27 Power to Invest and Manage Investments

### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)].</li> <li>2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy 1.2.4.</li> <li>b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports.</li> <li>c. Procedures are to be systematically documented and retained in accordance with the Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</li> <li>d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once each financial year. [Audit r.17]</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Compliance Links:	<a href="#"><i>Local Government (Financial Management) Regulations 1996</i></a> – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a))

## 2.2.28 Dealing with objections under Part 9 of *Local Government Act 1995*

### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> Section 9.5(2), Section 9.6(5) and 9.9(1)(b)
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The Chief Executive Officer is delegated the power to: <ul style="list-style-type: none"> <li>• receive an objection and grant an extension of time for an objection to be lodged (Section 9.5(2)).</li> <li>• give notice in writing of how it has been decided to dispose of the objection and the reasons for disposing of it in that way.</li> <li>• determine that there are reasons why the effect of a decision should not be suspended in line with the provisions of the Local Government Act 1995 Section 9.9(1)(b).</li> </ul>
<b>Council Conditions on this Delegation:</b>	This delegation may not be exercised to dispose of an objection to a decision originally made by the CEO.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

#### Notes:

Previously 1.21 in 2018/19 register of delegations.

## 2.2.29 Execution of documents

*Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> Section 9.49A (4) and (5)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. The Chief Executive Officer is delegated authority to sign documents in relation to the administration of leases, licences, or other land agreements.</li> <li>2. The Chief Executive Officer is delegated authority to sign sponsorship or grant agreements and acquittals where the City's contribution falls within budget or is consistent with a Council resolution.</li> <li>3. The Chief Executive Officer is delegated authority to provide consent and execute documents in relation to any assignment or sublease where there is a request by a lessee operating under a lease agreement.</li> <li>4. The Chief Executive Officer is delegated authority to sign Memorandums of Understanding (MOU) if they satisfy the following conditions: <ol style="list-style-type: none"> <li>a) There is no additional financial contribution in excess of existing budgets required to give effect to the City's obligations under the MOU.</li> <li>b) Formalises an existing working relationship between the City and a government agency or department or another local government.</li> </ol> </li> <li>5. The Chief Executive Officer is delegated authority to lodge, remove, withdraw, surrender or modify relating to notifications, covenants, easements and caveats under the <i>Transfer of Land Act 1893</i>.</li> <li>6. The Chief Executive Officer is delegated authority to execute easements or deeds of easement under the <i>Land Administration Act 1997</i> and/or <i>Strata Titles Act 1985</i>.</li> <li>7. Documents required to satisfy conditions of subdivision and/or development approval.</li> <li>8. The Chief Executive Officer is delegated authority to sign Finance Leases, Contracts, Service Level agreements, and any other agreement that does not require the Common Seal of the City.</li> </ol>
<b>Council Conditions on this Delegation:</b>	Execution of all documents must be in accordance with Policy 4.1.10 - Execution of Documents.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Notes:

Previously delegation 1.22 of the City's 2018/19 register.



## 2.2.30 Appointment of Authorised Persons

### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the <a href="#">Local Government Act 1995</a> and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the Local Government Act. [s.3.24 and s.9.10] and any other Act under which a local law can be made.
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>a. A register of authorised persons is to be maintained as a local government record.</li> <li>b. Only persons who are appropriately qualified and trained may be appointed as authorised persons.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

## 2.3 Delegation of powers conferred by the Act on the CEO to employees

There are a limited number of provisions in the *Local Government Act 1995* where power is conferred directly on a local government's CEO.

This section sets out where the CEO has sub-delegated those powers to another employee of the City and any conditions that might apply

### 2.3.1 Determine if an Emergency for Emergency Powers of Entry

#### *Delegation from the CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.34(2) Entry in emergency
<b>Delegate/s:</b>	All Executive Directors
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
<b>CEO Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	Nil.

### 2.3.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare

#### Delegation from the CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
<b>Delegate/s:</b>	All Executive Directors
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 2.2.10:  <ol style="list-style-type: none"> <li>1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)].</li> <li>2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)].</li> <li>3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 2.2.10 Obstruction of Footpaths and Thoroughfares.</li> <li>b. Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil.
<b>Compliance Links:</b>	<p>This delegated authority is effective only in alignment with Delegated Authority 2.2.10 Obstructions of Footpaths and Thoroughfares.</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a></p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i></p>

### 2.3.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares

#### Delegation from the CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	Local Government (Uniform Local Provisions) Regulations 1996: r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
<b>Delegate/s:</b>	All Executive Directors
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to for a dangerous excavation under Delegated Authority 2.2.12: <ol style="list-style-type: none"> <li>1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)].</li> <li>2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)].</li> <li>3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 2.2.11 Public Thoroughfares – Dangerous Excavations.</li> <li>b. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil.
<b>Compliance Links:</b>	<p>This delegated authority is effective only in alignment with Delegated Authority 2.2.11 Public Thoroughfares – Dangerous Excavations.</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a></p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i></p>

### 2.3.4 Appoint persons (other than employees) to open tenders

#### *Delegation from the CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	Local Government (Functions and General) Regulations 1996: r.16(3) Receiving and opening tenders, procedure for
<b>Delegate/s:</b>	Executive Director Community and Business Services
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to appoint one person (other than employees) to be present with an employee of the Local Government to open tenders, when two employees are unable to attend then tender opening [F&G r.16(3)].
<b>CEO Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	Nil.

### 2.3.5 Electoral Enrolment Eligibility Claims and Electoral Roll

#### Delegation from the CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election <i>Local Government (Elections) Regulations 1995:</i> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register - s.4.32(6)
<b>Delegate/s:</b>	Manager Governance, Property and Contracts
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)].</li> <li>2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)].</li> <li>3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)].</li> <li>4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)].</li> <li>5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13(2)].</li> <li>6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)].</li> <li>7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34].</li> <li>8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination.</li> <li>9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)].</li> <li>10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].</li> </ol>



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<b>CEO Conditions on this Delegation:</b>	a. Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).
<b>Express Power to Sub-Delegate:</b>	Nil.
<b>Compliance Links:</b>	Department of Local Government, Sport and Cultural Industries: <a href="#">Returning Officer Manual</a>

### 2.3.6 Destruction of Electoral Papers

#### *Delegation from the CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Elections) Regulations 1996:</i> r.82(4) Keeping election papers – s4.84(a)
<b>Delegate/s:</b>	Manager Governance, Property and Contracts
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
<b>CEO Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	Nil.
<b>Compliance Links:</b>	Department of Local Government, Sport and Cultural Industries: <a href="#">Returning Officer Manual</a>

### 2.3.7 Information to be Available to the Public

#### Delegation from the CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	Local Government (Administration) Regulations 1996: r.29(2) &(3) Information to be available for public inspection (Acts s.5.94) r.29B Copies of certain information not to be provided (Act s.5.96) <i>Local Government Act 1995:</i> s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information
<b>Delegate/s:</b>	Manager Governance, Property and Contracts
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine the public right to inspect information, by determining if the information requested relates to a part of a meeting that could have been closed to members of the public but was not [Admin. r.29(2)].</li> <li>2. Authority to determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin. r.29(3)].</li> <li>3. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s.5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B].</li> <li>4. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s.5.95(1)(b)].</li> <li>5. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	Nil.

### 2.3.8 Financial Management Systems and Procedures

Guidance note:

The Audit Regulations [r.17(1)(b) & (2)] require the CEO to review procedures and report the outcomes of the review to the Audit Committee at least once in every 3 financial years.

#### Delegation from the CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	Local Government (Financial Management) Regulations 1996: r.5 CEO's Duties as to financial management
<b>Delegate/s:</b>	Executive Director Community and Business
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to establish systems and procedures which give effect to internal controls and risk mitigation for the: <ol style="list-style-type: none"> <li>i. Collection of money owed to the City;</li> <li>ii. Safe custody and security of money collected or held by the City;</li> <li>iii. Maintenance and security of all financial records, including payroll, stock control and costing records;</li> <li>iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities;</li> <li>v. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards;</li> <li>vi. Making of payments in accordance with Delegated Authority 2.2.18;</li> <li>vii. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.</li> </ol> </li> </ol> <p>[FM r.5].</p>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</li> <li>b. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once each financial year. [Audit r.17].</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil.
<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a> <a href="#">Local Government (Financial Management) Regulations 1996</a> <a href="#">Local Government (Audit) Regulations 1996</a> Department of Local Government, Sport and Cultural Industries <a href="#">Operational Guideline No.11 – Use of Corporate Credit Cards</a>

### 2.3.9 Audit – CEO review of systems and procedures

#### *Delegation from the CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	Local Government (Audit) Regulations 1996: r.17 CEO to review certain systems and procedures
<b>Delegate/s:</b>	Executive Director Community and Business
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to conduct the review of the appropriateness and effectiveness of the City's systems and procedures in relation to: <ul style="list-style-type: none"> <li>i. risk management; and</li> <li>ii. internal controls; and</li> <li>iii. legislative compliance [r.17(1)].</li> </ul>
<b>CEO Conditions on this Delegation:</b>	Each matter is to be reviewed at least once in every 3 financial years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required.
<b>Express Power to Sub-Delegate:</b>	Nil.
<b>Compliance Links:</b>	<a href="#">Local Government (Audit) Regulations 1996</a>

### 2.3.10 Infringement Notices – Authority to Review, Amend and Withdraw

#### Delegation from the CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.19 Extension of Time s.9.20 Withdrawal of Notice <i>All other legislation where the ability to issue a modified penalty is conferred on the City.</i>
<b>Delegate/s:</b>	All Executive Directors Manager Community Safety Senior Administration Officer – Community Safety
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)].</li> <li>2. Extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19].</li> <li>3. Withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation.
<b>Express Power to Sub-Delegate:</b>	Nil.



### 3 Local Laws

#### Guidance note

Any decision which has the effect of granting, renewing, varying or cancelling a permission or authorisation under a Local Law is a decision that is subject to Part 9, Division 1 of the Local Government Act (objection and appeal rights – see s.9.1) and can be referred to the State Administration Tribunal. Example Local Law decision include approving, refusing, applying a condition, varying an approval or condition or cancelling a permit.

Such decisions are deemed 'quasi-judicial' and imply substantial scope for decision outcomes to differ on each occasion that a decision is made. Therefore, as with other legislation, where a discretionary power or duty is assigned in a local law to the 'Local Government', the power or duty must be delegated to convey the authority to make decisions.

Note that imposition of a fee or charge where mentioned in a local law cannot be delegated and must be set by Council when adopting its budget under Part 6 of the Local Government Act 1995.

#### 3.1 Administer Local Laws

##### 3.1.1 Council to CEO – all Local Laws

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	Sections 3.18 and 5.42 of the <i>Local Government Act 1995</i> All powers under City's local laws: <ul style="list-style-type: none"> <li>• <i>Dogs Local Law</i></li> <li>• <i>Fencing Local Law</i></li> <li>• <i>Health Local Law</i></li> <li>• <i>Local Government Property Local Law</i></li> <li>• <i>Parking &amp; Parking Facilities Local Law</i></li> <li>• <i>Meeting Procedures Local Law</i></li> <li>• <i>Trading in Public Places Local Law</i></li> </ul>
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to administer the City's local laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the City under the City's local laws, including relating to: <ul style="list-style-type: none"> <li>• Permits;</li> <li>• Enforcement framework;</li> <li>• Recovery of costs; and</li> <li>• Adding or changing parking restrictions.</li> </ul>
<b>Council Conditions on this Delegation:</b>	Parking permits are to be issued in accordance with the City's policy number 3.9.3
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

## 4 Delegations made under the *Building Act 2011*

### Guidance note

Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the Building Regulations 2012.

The *Building Act 2011* refers to a 'permit authority', which is the local government in this instance.

### 4.1 Grant or refuse a Building Permit

#### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit  <i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)].</li> <li>2. Authority to grant or refuse to grant a building permit [s.20(1) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and (3)].</li> <li>4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> <li>i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]</li> <li>ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].</li> </ol>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

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Compliance Links:	<p><a href="#">Building Act 2011</a></p> <ul style="list-style-type: none"><li>s.119 Building and demolition permits – application for review by SAT</li><li>s.23 Time for deciding application for building or demolition permit</li><li>s.17 Uncertified application to be considered by building surveyor</li></ul> <p><a href="#">Building Regulations 2012</a> – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</p> <p><i>Building Services (Registration Act) 2011 – Section 7</i></p> <p><i>Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage of Western Australia Act 1990</i></p>
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## Notes:

Previously delegation 5.1 of the City's 2018/19 register.

## 4.2 Demolition permits

### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit  <i>Building Regulations 2012</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)].</li> <li>2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)].</li> <li>4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> <li>i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]</li> <li>ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. The Chief Executive Officer is delegated authority to grant or refuse a Demolition Permit other than for buildings classified by the National Trust and Council's Heritage Register, pursuant to the Building Act 2011, Sections 21, 22.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Compliance Links:</b>	<a href="#">Building Act 2011</a> s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit <i>Building Services (Complaint Resolution and Administration) Act 2011</i> — Part 7, Division 2 <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage of Western Australia Act 1990</i>

#### Notes:

Previously delegation 5.3 of the City's 2018/19 register.

### 4.3 Occupancy Permits or Building Approval Certificates

#### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration  <i>Building Regulations 2012</i> r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55].</li> <li>2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58].</li> <li>3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)].</li> <li>4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].</li> </ol>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Compliance Links:</b>	<a href="#"><i>Building Act 2011</i></a> s.59 time for granting occupancy permit or building approval certificate s.60 Notice of decision not to grant occupancy permit or grant building approval certificate s.121 Occupancy permits and building approval certificates – application for review by SAT <i>Building Services (Complaint Resolution and Administration) Act 2011</i> – Part 7, Division 2 <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage of Western Australia Act 1990</i>

#### Notes:

Previously delegation 5.2 of the City's 2018/19 register.

#### 4.4 Building Orders

##### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) <u>s.112(2) Content of building order</u> s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.133(1) A permit authority may commence a prosecution for an offence against this Act
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>Authority to make Building Orders in relation to: <ol style="list-style-type: none"> <li>Building work</li> <li>Demolition work</li> <li>An existing building or incidental structure [s.110(1)].</li> </ol> </li> <li>Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].</li> <li><u>Authority to issue a building order to require a person to do one or more things within a specified time period, including stopping building or demolition work and demolishing a building or structure [s.112(2)(a)-(h)]:</u></li> <li>Authority to revoke a building order [s.117].</li> <li>If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> <li>take any action specified in the order ; or</li> <li>commence or complete any work specified in the order; or</li> <li>if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)].</li> </ol> </li> <li>Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)].</li> <li>Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>.</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Subject to Sub-Section 112(2)(b) being conditional as follows; "The Order to demolish, dismantle or remove a building or incidental structure that has been, or is being, built or occupied in suspected contravention of a provision of the <i>Building Act 2011</i> , SHALL only be issued where the building is assessed to be in a state that is dangerous and which cannot be easily rectified".



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Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) <del>Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</del> CEO may delegate a power or duty to a local government employee subject to conditions.
Compliance Links:	<a href="#"><i>Building Act 2011:</i></a> Section 111 Notice of proposed building order other than building order (emergency) Section 112 Content of building order Section 113 Limitation on effect of building order Section 114 Service of building order Part 9 Review - s.122 Building orders – application for review by SAT

## Notes:

Previously delegation 5.4 of the City's 2018/19 register.

#### 4.5 Inspection and Copies of Building Records

##### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.131(2) Inspection, copies of building records
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Compliance Links:	<a href="#">Building Act 2011</a> - s.146 Confidentiality

#### 4.6 Referrals and Issuing Certificates

##### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.145A Local Government functions
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)].</li> <li>2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the City's District [s.145A(2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

#### 4.7 Private Pool Barrier – Alternative and Performance Solutions

*Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	Building Regulations 2012: r.51 Approvals by permit authority
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)]</li> <li>2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)]</li> <li>3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

#### 4.8 Smoke Alarms – Alternative Solutions

##### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	Building Regulations 2012: r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55].</li> <li>2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

#### 4.9 Designate employees as authorised persons

##### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.96(3) Authorised persons s.99(3) Limitation on powers of authorised person
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to designate an employee as an authorised person [s.96(3)].</li> <li>2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Compliance Links:	<u><a href="#">Building Act 2011:</a></u> s.97 requires each person designated as an authorised person must have an identity card. r.5A Authorised persons (s.3) – definition



#### 4.10 Prosecutions

##### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Building Act 2011:</u> <u>s.127(1) &amp; (3) Delegation: special permit authorities and local government</u>
<b>Express Power or Duty Delegated:</b>	<u>Building Act 2011:</u> <u>s.133(1) A permit authority may commence a prosecution for an offence against this Act</u>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. <u>Authority to commence a prosecution for an offence against the Building Act 2011 [s.133(1)(b)].</u>
<b>Council Conditions on this Delegation:</b>	<u>Nil.</u>
<b>Express Power to Sub-Delegate:</b>	<u>Building Act 2011:</u> <u>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</u>

## 5 Delegations made under the *Fines, Penalties, and Infringement Notices Enforcement Act 1984*

### 5.1 Designate employees as authorised persons

#### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>
<b>Express Power or Duty Delegated:</b>	Section 13(2) of the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Appointment of officers as Prosecuting Officers for the purposes of the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> , Section 13(2).
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
<b>Compliance Links:</b>	<a href="#"><u>Building Act 2011:</u></a> s.97 requires each person designated as an authorised person must have an identity card. r.5A Authorised persons (s.3) – definition

#### Notes:

This is not in the WALGA model, but previously 2.2 in the City's 2018/19 register, and was a list of persons authorised as designated persons under the FER Act. This delegation is to the CEO to appoint those persons on the City's behalf.

## 6 Delegations made under the *Strata Titles Act 1985*

### 6.1 Granting of a Certificate – Form 26

#### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Strata Titles Act 1985</i> Section 25 Certificate of Commission
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Issue prescribed Strata Title Local Government Certificate Form 26 Certificate of Approval under the <i>Strata Titles Act 1985</i> , Section 25.  Power to determine applications for the issuing of a certificate of approval under the <i>Strata Titles Act 1985</i> , Section 25 for a plan of subdivision, re-subdivision or consolidation, except those applications that:  (a) propose the creation of a vacant lot;  (b) proposed vacant air strata's in multi-tiered strata scheme developments;  (c) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relating to:  (i) a type of development; and/or  (ii) land within an area,  which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Notes:

Previously delegation 5.6 of the City's 2018/19 register.

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## 7 Delegations made under the *Bush Fires Act 1954*

Section 48 of the *Bush Fires Act 1954* provides that:

**48. Delegation by local governments**

- (1) *A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.*
- (2) *Performance by the chief executive officer of a local government of a function delegated under subsection (1) —*
  - (a) *is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and*
  - (b) *is to be treated as performance by the local government.*
- (3) *A delegation under this section does not include the power to subdelegate.*
- (4) *Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.*

Section 59 provides that a local government may delegate to its CEO, bush fire control officer, or other officer to prosecute for offences under the Act:

**59. Prosecution of offences**

- (1) *A person authorised by the Minister, a person employed in the Department for the purposes of this Act, an authorised CALM Act officer, a member of the Police Force, or a local government, may institute and carry on proceedings against a person for an offence alleged to be committed against this Act.*
- (2) *The person instituting and carrying on the proceedings shall be reimbursed out of the funds of the local government within whose district the alleged offence is committed, all costs and expenses which he may incur or be put to in or about the proceedings.*
- (3) *A local government may, by written instrument of delegation, delegate authority generally, or in any class of case, or in any particular case, to its bush fire control officer, or other officer, to consider allegations of offences alleged to have been committed against this Act in the district of the local government and, if the delegate thinks fit, to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district, and may pay out of its funds any costs and expenses incurred in or about the proceedings.*
- (4) *A local government may by written instrument cancel, or from time to time vary, any instrument of delegation conferred under subsection (3).*
- (5) *Notwithstanding that a local government has under subsection (3) conferred authority on a delegate, the local government is not precluded from exercising but may itself exercise the authority.*

## 7.1 *Bush Fires Act 1954* – powers and duties

Council to CEO

<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> S48 Delegation by local governments
<b>Express Power or Duty Delegated:</b>	All powers, duties and functions under the <i>Bush Fires Act 1954</i> .
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The Chief Executive Officer is delegated the power to perform all powers, duties and functions of a Local Government under the <i>Bush Fires Act 1954</i> , including the appointment of a Bush Fire Control Officers and all authorised persons under the Act and Regulations.
<b>Council Conditions on this Delegation:</b>	Decisions under s17(7) (variation of prohibited burned times) must be undertake jointly by both the Mayor and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).  Excludes powers and duties that are prescribed in the Act with the requirement for a resolution by the local government.
<b>Head of power to Sub-Delegate:</b>	Nil – subdelegation is prohibited under s48(3) of the <i>Bush Fires Act 1954</i> .

Notes:

Previously delegation 3.3 of the City's 2018/19 register.

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## 8 Delegations made under the *Cat Act 2011*

Section 44 of the *Cat Act 2011* operates in a similar manner to the delegation provisions of the Local Government Act:

- 44. Delegation by local government**
- (1) *The local government may delegate to its CEO the exercise of any of its powers or the discharge of any of its duties under another provision of this Act.*
  - (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
  - (3) *A decision to delegate under this section is to be made by an absolute majority.*
- 45. Delegation by CEO of local government**
- (1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of this Act.*
  - (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
  - (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 44, but in the case of such a power or duty —*
    - (a) *the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
    - (b) *the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.*
  - (4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
  - (5) *In subsections (3) and (4) —*  
**conditions** *includes qualifications, limitations or exceptions.*
  - (6) *A power or duty under section 63, 64 or 65 cannot be delegated to an authorised person.*
- 46. Other matters relevant to delegations under this Division**
- (1) *Without limiting the application of the Interpretation Act 1984 sections 58 and 59 —*
    - (a) *a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
    - (b) *any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
  - (2) *Nothing in this Division is to be read as preventing —*
    - (a) *a local government from performing any of its functions by acting through a person other than the CEO; or*
    - (b) *a CEO from performing any of his or her functions by acting through another person.*
- 47. Register of, and review of, delegations**
- (1) *The CEO of a local government is to keep a register of the delegations made under this Division to the CEO and to employees of the local government.*
  - (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
  - (3) *A person to whom a power or duty is delegated under this Division is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*



## 8.1 Delegations from Council to CEO

### 8.1.1 Cat Registrations

#### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)].</li> <li>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)].</li> <li>3. Authority to cancel a cat registration [s.10].</li> <li>4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)].</li> <li>5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the City's District [Regs. Sch. 3 cl.1(4)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Compliance Links:</b>	<i>Cat Regulations 2012</i>  r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration. r.12 Period of registration (s.9(7)) r.11 Changes in registration r.14 Registration certificate (s.11(1)(b)) r.15 Registration tags (s.76(2))  Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i> .

#### Notes:

Previously delegation 3.1 of the City's 2018/19 register

### 8.1.2 Cat control notices

#### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s.26 Cat control notice may be given to cat owner
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the City's District [s.26].
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Compliance Links:</b>	Cat Regulations 2012 – r.20 Cat control notice [s.23(3)], prescribes the Form of the notice.

#### Notes:

Previously delegation 3.1 of the City's 2018/19 register.

### 8.1.3 Approval to breed cats

#### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)].</li> <li>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)].</li> <li>3. Authority to cancel an approval to breed cats [s.38].</li> <li>4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Compliance Links:</b>	<i>Cat Regulations 2012:</i> <ul style="list-style-type: none"> <li>r.21 Application for approval to breed cats (s.36(2))</li> <li>r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f))</li> <li>r.23 Person who not be refused approval to breed cats (s.37(5))</li> <li>r.24 Duration of approval to breed cats (s.37(6))</li> <li>r.25 Certificate given to approved cat breeder (s.39(1))</li> </ul>

#### Notes:

Previously delegation 3.1 of the City's 2018/19 register

#### 8.1.4 Recovery of Costs – Destruction of Cats

##### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s.49(3) Authorised person may cause cat to be destroyed
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Notes:

Previously delegation 3.1 of the City's 2018/19 register

### 8.1.5 Applications to keep additional cats

#### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat (Uniform Local Provisions) Regulations 2013:</i> r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to require any document or additional information required to determine an application [r.8(3)]</li> <li>2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)].</li> <li>2. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Notices of decisions must include advice as to Review rights in accordance with r.11 of the Cat (Uniform Local Provisions) Regulations 2013.
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Notes:

Previously delegation 3.1 of the City's 2018/19 register

### 8.1.6 Reduce or Waive Cat Registration Fee

Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	Cat Regulations 2012: Schedule 3 Fees clause 1(4)
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
<b>Council Conditions on this Delegation:</b>	a. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any <u>class of cat</u> within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</i> .
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Notes:

Previously delegation 3.1 of the City's 2018/19 register



### 8.1.7 Appointment of authorised persons

#### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s. 48 Authorised persons
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to appoint authorised persons by issuing a certificate of authorisation [s.48].
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

**Notes:**

Previously delegation 3.1 of the City's 2018/19 register

## 8.2 Delegations direct from CEO to other employees under the *Cat Act 2011*

Sections 61 – 67 of the *Cat Act 2011* deal with infringements, and gives the CEO of local governments some direct powers. In turn the CEO may delegate these powers to another employee.

### 8.2.1 Infringement Notices – Extensions and Withdrawals

#### *Delegation from CEO to other employees*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s.64 Extension of time s.65 Withdrawal of notice
<b>Delegate/s:</b>	Manager Community Safety Senior Administration Officer – Community Safety
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64].</li> <li>2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	Nil.
<b>Compliance Links:</b>	<i>Cat Regulations 2012:</i> r.28 Withdrawal of infringement notice (s.65(1))

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## 9 Delegations made under the *Dog Act 1976*

Section 10AA of the *Dog Act 1976* provides that:

**10AA. Delegation of local government powers and duties**

- (1) *A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, delegate to its chief executive officer any power or duty of the local government under another provision of this Act.*
- (2) *The delegation must be in writing.*
- (3) *The delegation may expressly authorise the delegate to further delegate the power or duty.*
- (4) *A local government's chief executive officer who is exercising or performing a power or duty that has been delegated as authorised under this section, is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.*
- (5) *Nothing in this section limits the ability of a local government's chief executive officer to perform a function through an officer or agent.*

**10AB. Register of, and review of, delegations**

- (1) *The chief executive officer of a local government is to keep a register of —*
  - (a) *delegations made under section 10AA(1); and*
  - (b) *further delegations made under the authority of a delegation made under section 10AA(1).*
- (2) *At least once every financial year —*
  - (a) *delegations made under section 10AA(1); and*
  - (b) *further delegations made under the authority of a delegation made under section 10AA(1), are to be reviewed by the delegator.*

The only restrictions on what can be delegated are those that require an absolute majority decision by council under s1.4 of the *Local Government Act 1995*. These are:

- Under s31 in relation to areas where dogs are prohibited:
  - (2B) *A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited —*
    - (a) *at all times; or*
    - (b) *at specified times.*
- And designation of dog exercise areas under s31(3A):
  - (3A) *A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.*

## 9.1 Refuse or cancel registration of a dog

### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.15(2) and (4A) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)].</li> <li>2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> <li>i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or</li> <li>ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or</li> <li>iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept</li> <li>iv. the dog is required to be microchipped but is not microchipped; or</li> <li>v. the dog is a dangerous dog [s.16(3) and s.17A(2)].</li> </ol> </li> <li>3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the City's District [s15(4A)].</li> <li>4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)]. <ol style="list-style-type: none"> <li>i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

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Compliance Links:	<i>Dog Act 1976</i> s.17A If no application for registration made – procedure for giving notice of decision under s.16(3)  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)
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## Notes:

Previously delegation 3.5B (part) of the City's 2018/19 register.

## 9.2 Recovery of moneys due under the *Dog Act 1976*

### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.29(5) Power to seize dogs
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
<b>Council Conditions on this Delegation:</b>	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties
Compliance Links:	Includes recovery of expenses relevant to: s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense s.33M Local government expenses to be recoverable. s.47 Veterinary service expenses recoverable from local government r.31 Local government expenses as to dangerous dogs (declared)

### 9.3 Dispose of or sell dogs liable to be destroyed

#### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.29(11) Power to seize dogs
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
<b>Council Conditions on this Delegation:</b>	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)



#### 9.4 Declare dangerous dog

Guidance note

Section 33E also provides that this power may be exercised by an Authorised Person. If the Local Government has appointed an Authorised Person for this purpose (specified in the Certificate of Authorisation for the purposes of s.33E), then this Delegation is not required.

##### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared)
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
<b>Council Conditions on this Delegation:</b>	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Compliance Links:</b>	Decisions under this delegation may be referred for review by the State Administration Tribunal

## 9.5 Dangerous dog declared or seized – deal with objections and determine when to revoke

### Guidance note

Delegation of the s.33F power to deal with an objection to a dangerous dog declaration should not be delegated to the same person / position who is delegated / authorised to exercise s.33E powers enabling the declaration of a dangerous dog.

### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1), (2) and (5) Local government may revoke declaration or proposal to destroy
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)].</li> <li>2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)].</li> <li>3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)].</li> <li>4. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties
<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal

### Notes:

Note that this delegation must be exercised by someone other than a person authorised to exercise s.33E powers enabling the declaration of a dangerous dog.

## 9.6 Deal with objection to notice to revoke dangerous dog declaration or destruction notice

### Guidance note

Delegation of the s33H(5) power to deal with an objection should not be delegated to the same person/position who is delegated/authorised to exercise s.33H(1) and (2).

### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.33H(5) Local government may revoke declaration or proposal to destroy
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: (a) a notice declaring a dog to be dangerous; or (b) a notice proposing to cause a dog to be destroyed.
<b>Council Conditions on this Delegation:</b>	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal

## 9.7 Determine recoverable expenses for dangerous dog declaration

### Guidance note

This delegation does not include s33M(1)(b) as the setting of a fixed fee must be Council resolution in accordance with s.6.16 of the Local Government Act 1995.

### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.33M(1)(a) Local Government expenses to be recoverable
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to any maximum amount prescribed, having regard to the expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
<b>Council Conditions on this Delegation:</b>	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal

## 9.8 Appointment of authorised persons

### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.11(1) Staff and Services
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to appoint Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act [s.3].</li> <li>2. Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act [s.11(1)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

#### Notes:

Previously delegation 3.5A (delegations from CEO to employees) of the City's 2018/19 register.

## 10 Delegations made under the *Tobacco Products Control Act 2006*

### 10.1 Appointment of authorised persons

#### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> <i>s.5.42 Delegation of some powers or duties to the CEO</i> <u><i>s.21 Public Health Act 2016;</i></u> <u><i>s.5.43 Limitations on delegations to the CEO</i></u>
<b>Express Power or Duty Delegated:</b>	<i>Tobacco Products Control Act 2006</i> <u><i>s.77 Power to appoint restricted investigators</i></u> <i>Appointment of authorised persons</i> <u><i>Public Health Act 2016</i></u> <u><i>s.24 Power to appoint Authorised Officers under the Public Health Act 2016 to act as Authorised Officers under the Tobacco Products Control Act 2006 by virtue of clause 1 of the Glossary of the Tobacco Products Control Act 2006.</i></u>
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li><u><i>Authority to appoint persons as restricted investigators under s77 of the Tobacco Products Control Act 2006</i></u></li> <li><u><i>Authority to appoint Authorised Officers for the purposes of the Tobacco Products Control Act 2006 by appointing Authorised Officers under section 24 of the Public Health Act 2016</i></u></li> </ol>
<b>Council Conditions on this Delegation:</b>	<i>Nil</i> <u><i>The Chief Executive Officer may further delegate (sub delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</i></u>
<b>Express Power to Sub-Delegate:</b>	<i>Nil</i> <u><i>s.5.44 Local Government Act 1995</i></u> <u><i>s.21(4) Public Health Act 2016</i></u>

## 11 Delegations made under the *Food Act 2008*

### Guidance note

References to 'CEO' in the *Food Act 2008* mean the CEO of the Department of Health. There are no powers or duties assigned to the CEO of a local government in this Act.

There is also no power of sub-delegation available. As such it is important for each delegation under this Act to be made direct to delegates who are most suitable for fulfilling the power or duty.

### 11.1 Determine Compensation

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
<b>Delegates:</b>	Chief Executive Officer Executive Director Planning and Place Manager Regulatory Services
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].
<b>Council Conditions on this Delegation:</b>	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$5,000. Compensation requests above this value are to be reported to Council.
<b>Express Power to Sub-Delegate:</b>	NIL - Food Regulations 2009 do not provide for sub-delegation.
<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal under s35(5) of the Act

### Notes:

Previously delegations 4.1, 4.1A, 4.1B and 4.1C of the City's 2018/19 register.



## 11.2 Prohibition Orders

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
<b>Delegate:</b>	Chief Executive Officer Executive Director Planning and Place Manager Regulatory Services
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)].</li> <li>2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].</li> <li>3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express Power to Sub-Delegate:</b>	NIL - Food Regulations 2009 do not provide for sub-delegation.
<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal

### 11.3 Food Business Registrations

<b>Head of power or Duty Delegated:</b>	<i>Food Act 2008:</i> s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
<b>Delegate:</b>	Chief Executive Officer Executive Director Planning and Place Manager Regulatory Services
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)].</li> <li>2. Authority to vary the conditions or cancel the registration of a food business [s.112].</li> </ol>
<b>Council Conditions on this Delegation:</b>	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.
<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal

#### 11.4 Debt Recovery and Prosecutions

<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Head of power or Duty Delegated:</b>	<i>Food Act 2008:</i> s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
<b>Delegate:</b>	Chief Executive Officer Executive Director Planning and Place Manager Regulatory Services
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)].</li> <li>2. Authority to institute proceedings for an offence under the Food Act 2008 [s.125].</li> </ol>
<b>Council Conditions on this Delegation:</b>	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express Power to Sub-Delegate:</b>	NIL - Food Regulations 2009 do not provide for sub-delegation.

### 11.5 Food Businesses List – Public Access

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> r.51 Enforcement agency may make list of food
<b>Delegate:</b>	Chief Executive Officer Executive Director Planning and Place Manager Regulatory Services
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
<b>Council Conditions on this Delegation:</b>	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express Power to Sub-Delegate:</b>	NIL - Food Regulations 2009 do not provide for sub-delegation.

## 11.6 Appoint authorised officers and designated officers

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s.122(2)].</li> <li>2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)].</li> <li>3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Appointment of Authorised Officers as Meat Inspectors</li> <li>• Appointment of Authorised Officers</li> <li>• Appointment of Authorised Officers – Designated Officers only</li> <li>• Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer</li> </ul>
<b>Express Power to Sub-Delegate:</b>	NIL - Food Regulations 2009 do not provide for sub-delegation.
<b>Compliance Links:</b>	<p>s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers</p> <p>s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed</p>

## 12 Delegations made under the *Graffiti Vandalism Act 2016*

References to 'CEO' in the *Graffiti Vandalism Act 2016* mean the CEO of the Department of Corrective Services. There are no powers or duties assigned to the CEO of a local government within this Act.

Sections 16 and 17 allow for a local government to delegate powers and duties to its CEO however:

- 16. Delegation by local government**
- (1) *The local government may delegate to its CEO the exercise of any of its powers or the discharge of any of its duties under another provision of this Part.*
  - (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
  - (3) *A decision to delegate under this section is to be made by an absolute majority.*
- 17. Delegation by CEO of local government**
- (1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of this Part other than this power of delegation.*
  - (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
  - (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 16, but in the case of such a power or duty —*
    - (a) *the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
    - (b) *the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.*
  - (4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
  - (5) *In subsections (3) and (4) — **conditions** includes qualifications, limitations or exceptions.*

### 12.1 Give Notice Requiring Obliteration of Graffiti

#### *Delegations from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)].</li> <li>2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

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Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal under s23 of the <i>Graffiti Vandalism Act 2016</i>
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## Notes:

Previously delegation 3.4 of the City's 2018/19 register.



## 12.2 Notices – Deal with Objections and Give Effect to Notices

### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to deal with an objection to a notice [s.22(3)].</li> <li>2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> <li>i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and</li> <li>ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal

### 12.3 Obliterate Graffiti on Private Property

*Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s.25(1) Local government graffiti powers on land not local government property
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
<b>Council Conditions on this Delegation:</b>	a. Subject to exercising Powers of Entry. b. Graffiti removal is to be undertaken in accordance with Policy 2.1.3 – Graffiti Control and Removal.
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

Notes:

Previously 3.4 in 2018/19 register of delegations.

## 12.4 Powers of Entry

### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s.28 Notice of entry s.29 Entry under warrant
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28].</li> <li>2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

## 13 Delegations made under the *Public Health Act 2016*

### Guidance note

Section 21 of the *Public Health Act 2016* provides that powers may only be delegated to the CEO or an authorised officer designated under s.24 unless a Regulation enacted under the *Public Health Act 2016* specifically authorises a delegated power or duty of an enforcement agency to be further delegated.

Under s4 of the Act, 'enforcement agency' includes a local government.

### 13.1 Enforcement Agency Reports to the Chief Health Officer

#### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the City [s.22(1)]</li> <li>2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
<b>Compliance Links:</b>	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies.

### 13.2 Determine Compensation for Seized Items

#### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.264 Compensation
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
<b>Council Conditions on this Delegation:</b>	Compensation is limited to a maximum value of \$5,000 with any proposal for compensation above this value to be referred for Council's determination.
<b>Express Power to Sub-Delegate:</b>	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Compliance Links:	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies.  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal

### 13.3 Commence Proceedings

#### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.280 Commencing Proceedings
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to commence proceedings for an offence under the <i>Public Health Act 2016</i> [s.280]
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Compliance Links:	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies.

### 13.4 Appoint Authorised Officer or Approved Officer (Asbestos Regulations)

#### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
<b>Express Power or Duty Delegated:</b>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].
<b>Council Conditions on this Delegation:</b>	Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].
<b>Express Power to Sub-Delegate:</b>	Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.
<b>Compliance Links:</b>	<i>Criminal Procedure Act 2004 – Part 2</i>



### 13.5 Designate authorised officers

#### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ul style="list-style-type: none"> <li>i. The <i>Public Health Act 2016</i> or other specified Act</li> <li>ii. Specified provisions of the <i>Public Health Act 2016</i> or other specified Act</li> <li>iii. Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act.</li> </ul> <p>Including:</p> <ul style="list-style-type: none"> <li>a. an environmental health officer or environmental health officers as a class; OR</li> <li>b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR</li> <li>c. a mixture of the two. [s.24(1) and (3)].</li> </ul>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>a. Subject to each person so appointed being; <ul style="list-style-type: none"> <li>• Appropriately qualified and experienced [s.25(1)(a)]; and</li> <li>• Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31].</li> </ul> </li> <li>b. A Register (list) of authorised officers is to be maintained in accordance with s.27.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
<b>Compliance Links:</b>	<p><i>Public Health Act 2016</i></p> <ul style="list-style-type: none"> <li>s.20 Conditions on performance of functions by enforcement agencies</li> <li>s.25 Certain authorised officers required to have qualifications and experience.</li> <li>s.26 Further provisions relating to designations</li> <li>s.27 Lists of authorised officers to be maintained</li> <li>s.28 When designation as authorised officer ceases</li> <li>s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers</li> <li>s.30 Certificates of authority</li> <li>s.31 Issuing and production of certificate of authority for purposes of other written laws</li> <li>s.32 Certificate of authority to be returned.</li> <li>s.136 Authorised officer to produce evidence of authority</li> </ul> <p><i>Criminal Investigation Act 2006</i>, Parts 6 and 13 – refer s.245 of the <i>Public Health Act 2016</i></p> <p><i>The Criminal Code</i>, Chapter XXVI – refer s.252 of the <i>Public Health Act 2016</i></p>

## 14 Delegations made under the *Health (Miscellaneous Provisions) Act 1911*

Guidance note

Section 26 of the *Health (Miscellaneous Provisions) Act 1911* provides that:

### **26. Powers of local government**

*Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder:*

*Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.*

### **14.1 Discharge of powers and duties under the Act**

*Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Health (Miscellaneous Provisions) Act 1911:</i> Section 26
<b>Express Power or Duty Delegated:</b>	To exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The CEO is appointed as the City's deputy under the Act to exercise and discharge all or any of the powers and functions of the local government.
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	

Notes:

Previously delegation 4.2 of the City's 2018/19 register.

## 14.2 Appoint authorised persons

### *Delegation from Council to CEO*

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Health (Miscellaneous Provisions) Act 1911:</i>
<b>Express Power or Duty Delegated:</b>	To exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The CEO may appoint authorised persons under the Act.
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	

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## ~~15 Delegations made under the Caravan Parks and Camping Grounds Act 1995~~

### ~~15.1 Appointment of authorised persons~~

Section 17 of the Caravan Parks and Camping Grounds Act 1995 provides that:

#### ~~17. Appointment of authorised person~~

~~(1) The chief executive officer of the Department or a local government —~~

~~(a) may appoint such persons to be authorised persons for the purposes of this Act as the chief executive officer or the local government considers necessary; and~~

~~(b) must issue each person appointed under paragraph (a) with an identity card, in the prescribed form, certifying that the person is an authorised person under this Act.~~

~~(2) An authorised person is to produce the identity card referred to in subsection (1)(b) whenever required to do so by any person in respect of whom the authorised person has exercised, or is about to exercise, any of the powers of an authorised person under this Act.~~

~~(3) Production of an identity card referred to in subsection (1)(b) is prima facie evidence that the person to whom the identity card relates is an authorised person for the purposes of this Act.~~

~~(4) Every member of the Police Force is, if so requested by an authorised person, to aid and assist the authorised person enforcing compliance with this Act and has, while so aiding and assisting, all the powers and authorities of an authorised person.~~

## ~~16 Delegations made under the Liquor Control Act 1988~~

### ~~16.1 Issue of certificates under sections 39 and 40, of the Liquor Control Act 1988~~

#### ~~Delegation from Council to CEO~~

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<del>Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</del>
<b>Express Power or Duty Delegated:</b>	<del>Liquor Control Act 1988: s.39 Certificate of local government as to whether premises comply with <i>Health (Miscellaneous Provisions) Act 1911</i>, <i>Public Health Act 2016</i>, the <i>Food Act 2008</i>, the <i>Local Government Act 1995</i> and the <i>Building Act 2011</i>. s.40 Certificate of planning authority as to whether use of premises complies with planning laws.</del>
<b>Function:</b> <i>This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<del>1. The Chief Executive Officer is delegated authority to issue a certificate and determine whether premises comply with <i>Health (Miscellaneous Provisions) Act 1911</i>, the <i>Food Act 2008</i>, the <i>Local Government Act 1995</i> and the <i>Building Act 2011</i>. Where the premises do not comply, provide the manner in which the premises could be made to comply or that the premises could not reasonably be made to comply. [s.39] 2. The Chief Executive Officer is delegated authority to issue a certificate as to whether the use of premises complies with respective planning laws or will not comply with the planning requirements specified for the reasons specified.</del>
<b>Council Conditions on this Delegation:</b>	<del>Nil</del>
<b>Express Power to Sub-Delegate:</b>	

#### ~~Notes:~~

~~Previously delegations 4.3 and 4.4 of the City's 2018/19 register.~~

## 17 Delegations made under the *Planning and Development Act 2005*

Section 5.42 of the Local Government Act provides that:

### **5.42. Delegation of some powers and duties to CEO**

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
  - (a) ...
  - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).
- \* Absolute majority required.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Sections 214 (2), (3) and (5) of the *Planning and Development Act 2005* provide that:

### **214. Illegal development, responsible authority's powers as to**

- (1) ...
- (2) If a development, or any part of a development, is undertaken in contravention of a planning scheme or an interim development order or in contravention of planning control area requirements, the responsible authority may give a written direction to the owner or any other person undertaking that development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements.
- (3) If a development has been undertaken in contravention of a planning scheme or interim development order or in contravention of planning control area requirements, the responsible authority may give a written direction to the owner or any other person who undertook the development —
  - (a) to remove, pull down, take up, or alter the development; and
  - (b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.
- (4) The responsible authority may give directions under subsections (2) and (3)(a) and (b) in respect of the same development and in the same instrument.
- (5) If it appears to a responsible authority that delay in the execution of any work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order, the responsible authority may give a written direction to the person whose duty it is to execute the work to execute that work.
- (6) ...

Regulations 81-84 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provide that:

### **81. Terms used**

In this Division —

absolute majority has the meaning given in the *Local Government Act 1995* section 1.4;

committee means a committee established under the *Local Government Act 1995* section 5.8.

### **82. Delegations by local government**

- (1) The local government may, by resolution, delegate to a committee or to the local government CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties under this Scheme\* other than this power of delegation.
- (2) A resolution referred to in subclause (1) must be by absolute majority of the council of the local government.

- 
- (3) *The delegation must be in writing and may be general or as otherwise provided in the instrument of delegation.*

**83. *Local government CEO may delegate powers***

- (1) *The local government CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's functions under this Scheme other than this power of delegation.*
- (2) *A delegation under this clause must be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *Subject to any conditions imposed by the local government on its delegation to the local government CEO under clause 82, this clause extends to a power or duty the exercise or discharge of which has been delegated by the local government to the CEO under that clause.*

**84. *Other matters relevant to delegations under this Division***

*The Local Government Act 1995 sections 5.45 and 5.46 apply to a delegation made under this Division as if the delegation were a delegation under Part 5 Division 4 of that Act.*

(\*Underlining added - the effect of this is that a power can only be delegated if it exists in a local government's local planning scheme (LPS) in the first instance).



## 17.1 Delegations by Council to the CEO

### 17.1.1 Determination of Various Applications for Development Approval under the City's Local Planning Scheme

#### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	Regulations 81-84 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
<b>Express Power or Duty Delegated:</b>	<p>Determination of an application for development approval under clause 68 of Schedule 2 of the <i>Planning and Development (Local Planning Scheme) Regulations</i>; subclause 29(2) of the <i>Metropolitan Region Scheme</i>; and subsection 31(2) of the <i>State Administrative Tribunal Act 2004</i>.</p> <p>Advertising of applications and proposals under subclauses 18(4), 23(2) and 34(4) of the City of Vincent Local Planning Scheme No. 2; Clauses 18, 34, 50 and 64 and subclauses 66(1) and 77(3) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>; and subclause 30(1) of the <i>Metropolitan Region Scheme</i>.</p> <p>Determining accompanying material requirements for applications for development approval, including refusal to accept an application, under Clauses 11, 63 and 85 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>Amending or cancelling development approval, including waiving or varying a requirement in Part 8 or 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> for minor amendments and temporary works or use, under Clause 77 and subclauses 61(1)(f) and 61(2)(d) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>The Chief Executive Officer is delegated the power to:</p> <ul style="list-style-type: none"> <li>Exercise discretion, determine and apply conditions to all applications for development approval made under the City of Vincent Local Planning Scheme No. 2 and/or Metropolitan Region Scheme;</li> <li>Exercise discretion and affirm, vary or set aside a decision made on an application for development approval following a request by the State Administrative Tribunal for a reconsideration to be made under section 31 of the <i>State Administrative Tribunal Act 2004</i>;</li> <li>Determine the requirement for and extent of advertising of applications and proposals made under the City of Vincent Local Planning Scheme No. 2 and <i>Metropolitan Region Scheme</i>;</li> <li>Determine the type and extent of accompanying material required to be lodged with applications and proposals made under the City of Vincent Local Planning Scheme No. 2 and <i>Metropolitan Region Scheme</i> and whether an application should be accepted or rejected;</li> </ul>

	<ul style="list-style-type: none"> <li>• Exercise discretion, determine and apply conditions to all applications to amend or cancel a development approval previously determined under delegated authority;</li> <li>• Exercise discretion, determine and apply conditions to all applications made to extend the period within which a development approved must be substantially commenced; and</li> <li>• Waive or vary a requirement in Part 8 or Part 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> in respect of an application where that application is considered to relate to a minor amendment to the development approval.</li> </ul>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>The determination of applications for development approval made under City of Vincent Local Planning Scheme No. 2 and the <i>Metropolitan Region Scheme</i>.</p> <p>Reconsidering a decision when invited to do so by the State Administrative Tribunal under section 31 of the <i>State Administrative Tribunal Act 2004</i>.</p> <p>Determining the requirement for and extent of advertising of applications and proposals made under the City of Vincent Local Planning Scheme No. 2 and <i>Metropolitan Region Scheme</i>.</p> <p>Determining the type and extent of accompanying material required to be lodged with applications and proposals made under the City of Vincent Local Planning Scheme No. 2 and <i>Metropolitan Region Scheme</i> and whether an application should be accepted or not;</p> <p>The determination of applications to amend or cancel a development approval made under delegated authority or to extend the period within which the development approved must be substantially commenced.</p> <p>Waiving or varying a requirement in Part 8 or Part 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> in respect of an application where that application is considered to relate to a minor amendment to the development approval.</p>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. This delegation does not extend to applications for development approval that propose to introduce one of the following land uses listed under Local Planning Scheme No. 2: <ol style="list-style-type: none"> <li>a. Cinema/theatre;</li> <li>b. Club premises;</li> <li>c. Corrective institution;</li> <li>d. Exhibition centre;</li> <li>e. Hospital;</li> <li>f. Hotel;</li> <li>g. Motel;</li> <li>h. Nightclub;</li> <li>i. Place of worship;</li> <li>j. Reception centre;</li> <li>k. Residential building;</li> <li>l. Serviced apartment;</li> <li>m. Small bar;</li> <li>n. Tavern;</li> </ol> </li> </ol>

	<ol style="list-style-type: none"> <li>2. This delegation does not extend to applications for development approval that propose a height of three storeys or more and do not meet the applicable Building Height deemed-to-comply standard or Acceptable Outcomes set by State Planning Policy 3.1: Residential Design Codes;</li> <li>3. This delegation does not extend to applications for development approval that propose a new non-conforming use that is proposed to replace and effect the discontinuance of an existing non-conforming use;</li> <li>4. This delegation does not extend to applications for telecommunications infrastructure that have received one or more objections;</li> <li>5. This delegation does not extend to the approval of applications for a billboard sign or directional sign;</li> <li>6. This delegation does not extend to applications for development approval that propose the demolition of buildings identified in the Heritage List, within a Heritage Area, or on the State Register of Heritage Places;</li> <li>7. This delegation does not extend to applications for development approval that propose a greater shortfall than five car parking bays under the minimum parking requirements of Table 1 of Local Planning Policy 7.7.1 Non-Residential Development Parking Requirements;</li> <li>8. Cash-in-lieu of parking or a reciprocal parking arrangement is required for applications for development approval that propose a parking shortfall of 6 bays or more under the minimum parking requirements of Table 1 of Local Planning Policy 7.7.1 Non-Residential Development Parking Requirements;</li> <li>9. This delegation does not extend to applications for development approval for land use that is not listed in Table 1 of Local Planning Policy 7.7.1 Non-Residential Development Parking Requirements;</li> <li>10. This delegation does not extend to applications for development approval that have received more than five (5) objections during the City's community consultation period unless the application is for a billboard sign or directional sign;</li> <li>11. Any application for development approval within a design guideline area, character retention area or heritage area adopted by Council through a local planning policy is to be advertised to all owners and occupiers within that area by the City during the community consultation period, with the exception of the William Street Design Guideline Area and Structures Above or Adjacent to the Graham Farmer Freeway Tunnel Northbridge Design Guideline Area, which shall be advertised in accordance with Policy 4.1.05 - Community Consultation;</li> <li>12. This delegation does not extend to applications to amend a development approval that was determined by Council, unless the amendment relates to an application previously determined by a Development Assessment Panel and the application to amend the development approval is made under regulation 17A</li> </ol>
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	<p>of the Planning and Development (Development Assessment Panels) Regulations 2011;</p> <p>13. This delegation does not extend to requests from the State Administrative Tribunal for a reconsideration of a Council decision under section 31 of the <i>State Administrative Tribunal Act 2004</i>; and</p> <p>14. This delegation does not extend to applications for development approval that propose more than three (3) 'Dwellings (Grouped)' or 'Dwellings (Multiple)' and do not meet the deemed-to-comply standards or acceptable outcomes in relation to car parking of State Planning Policy 3.1: Residential Design Codes.</p>
<b>Express Power to Sub-Delegate:</b>	

## Notes:

Previously delegation 6.2 of the City's 2018/19 register.

### 17.1.2 Deal with illegal development under section 214 of the Act

#### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements;</li> <li>2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> <li>(a) to remove, pull down, take up, or alter the development; and</li> <li>(b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</li> </ol> </li> <li>3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.</li> </ol>
<b>Council Conditions on this Delegation:</b>	Any expenses incurred by the City in carrying out the works specified in a direction notice shall be recovered from the person to whom the direction was given.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Compliance Links:</b>	Part 13 of the <a href="#">Planning and Development Act 2005</a>

#### Notes:

Previously delegation 6.1 of the City's 2018/19 register.

### 17.1.3 Enforce compliance with a direction issued under section 214 of the Act

#### Delegation from Council to CEO

<b>Head of power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development Act 2005:</i> Section 215(1) and (2)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Enforce compliance with a written direction issued under section 214 of the <i>Planning and Development Act 2005</i> to remove, pull down, take up or alter the development, restore the land as nearly as practicable to its condition immediately before the development started and to recover the costs from the person the written direction was given to.
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Compliance Links:</b>	Part 13 of the <a href="#">Planning and Development Act 2005</a>

#### Notes:

Previously delegation 6.1 of the City's 2018/19 register.

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#### 17.1.4 Appointment of authorised persons

##### Guidance note

There is no need for Council to delegate authority to the CEO to appoint persons to undertake certain matters under the *Planning and Development Act 2005* or the LPS as:

- Section 234 of the *Planning and Development Act 2005* confers power directly on the CEO of a 'responsible authority' to appoint 'designated persons'.
- Similarly, Regulation 79 of the Planning and Development (Local Planning Scheme) Regulations provides for the CEO of a local government to appoint authorised persons to undertake certain functions.
- Finally, s20 (3) of the *Criminal Procedures Act 2004* provides that a person authorised in writing by a local government may commence proceedings for an offence under an Act if not specified in that Act.



# Western Australian Auditor General's Report



## Audit Results Report – Annual 2017-18 Financial Audits of Local Government Entities



Report 15: March 2019

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WESTERN AUSTRALIAN AUDITOR GENERAL'S REPORT

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**Audit Results Report – Annual 2017-18  
Financial Audits of Local Government Entities**

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Report 15  
March 2019



THE PRESIDENT  
LEGISLATIVE COUNCIL

THE SPEAKER  
LEGISLATIVE ASSEMBLY

**AUDIT RESULTS REPORT – ANNUAL 2017-18 FINANCIAL AUDITS OF LOCAL  
GOVERNMENT ENTITIES**

Under section 24 of the *Auditor General Act 2006*, this report covers the first year of a 4-year transition for my Office to conduct the annual financial audits of the local government sector, following proclamation of the *Local Government Amendment (Auditing) Act 2017*.

The 2017-18 financial audits of 42 local government entities completed to date include:

- Results of the audits of local government entities' annual financial reports, and their compliance with applicable legislation for the financial year ending 30 June 2018.
- Issues identified during these annual audits that are significant enough to bring to the attention of the Parliament.

I wish to acknowledge the assistance provided by the councils, their chief executive officers, finance officers, and others including my dedicated staff and contract audit firms throughout the annual financial audit program and in finalising this report.

A handwritten signature in black ink, appearing to read 'C. Spencer'.

CAROLINE SPENCER  
AUDITOR GENERAL  
7 March 2019

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## Auditor General's overview

This report summarises the results of 42 local government entities' annual financial report audits completed by my Office to date for the year ending 30 June 2018, following proclamation of the *Local Government Amendment (Auditing) Act 2017*. This was the first of a 4-year transition of local government financial auditing to the Office of the Auditor General.

In addition to reporting the results of the audits to Parliament, this report is intended to provide further insight for Parliament and the local government sector to our approach for performing and reporting on financial audits.



I recognise that we, together with the sector, have only just begun our journey in this new era of local government financial auditing. The 42 audits completed in 2017-18 represent approximately one third of all WA local government entity audits.

During our audits, in addition to routine but important audit findings, we have made other observations about what we found is working well in the sector, where improvements may be considered and where opportunities exist. One such stark governance-related opportunity relates to audit committees.

Audit committees play a key role in assisting boards, councils and chief executive officers with financial management, control, and reporting. In this report, I have included a few preliminary observations about the role of audit committees in the annual reporting and audit process. I recognise the challenges regional local government entities may have in appointing independent members with financial or audit expertise, and intend to report more broadly on the role of audit committees and internal audit in the future.

In our first year auditing local government entities, we were concerned that some local government staff considered an audit finding not worthy of formal reporting if the control weakness did not result in a breach of legislation or misstatement. My Office reports weaknesses in internal controls and governance, so that they can be remedied before they potentially lead to non-compliance with legislation including misstatement due to fraud or error.

We also identified the need for more emphasis on auditor independence. We noted it was often common practice for auditors to perform other work for local government entities, in addition to the annual financial audit. As this can impair an auditor's independence, we have tightened controls around our contracted local government auditors performing this work, as we do for state government, while recognising practical challenges - such as limited availability of alternate skills in some regional areas.

I wish to thank my staff, our contract auditors, and staff in the local government entities we audited who contributed and assisted during our first year of transition into the sector and our first annual financial audits.

I am looking forward to working with the sector over the coming years to deliver high quality audits that contribute to enhancing the financial management and performance of local governments for the benefit of the WA community.

## Executive summary

This Audit Results Report contains findings from the annual financial audits of local government entities (LGs) that we audited for the 2017-18 financial year.

Following proclamation of the *Local Government Amendment (Auditing) Act 2017* (Amendment Act), the Auditor General assumed responsibility for the audits of the 2017-18 annual financial reports of 46 LGs. The annual financial audits of remaining LGs are due to transition to the Auditor General by 2021.

Under the Amendment Act, the Office of the Auditor General (OAG) also assumed responsibility for performance audits of the local government sector. These audits are reported in separate reports to Parliament when they are completed.

## Key findings

- We issued auditor's reports for 42 LGs by 1 March 2019 relating to their 2017-18 financial year. (Page 10)
- All but 2 auditor's reports included clear (unqualified) audit opinions on the financial reports. We issued qualified auditor's reports on the financial reports of the Shire of Brookton and the Town of Cambridge. (Page 10)
- We reported 36 material matters of non-compliance with the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996*, or other written law in 24 of our auditor's reports. (Page 11)
- In addition to material matters of non-compliance reported in auditor's reports, we reported 290 financial management and control matters of varying significance to management in our management letters. (Page 15)
- In accordance with the *Local Government (Audit) Regulations 1996*, we reported adverse trends in the financial position of 24 LGs. (Page 13)
- In our first year of performing annual financial audits in the local government sector, we have made some general observations and included these in the report, with a view to improving audit outcomes in the future. These relate mainly to audit committees and reporting practices. (Page 17)
- The report includes details of our response, in the context of auditor independence, to existing practices where audit firms performed other work at local governments they were auditing. (Page 19)
- We detail our concerns that valuation methodologies used by various valuers to fair value property, plant, equipment and infrastructure, often differ significantly, potentially affecting comparability of asset values across local governments. (Page 20)
- We recommend that LGs make timely preparations for upcoming changes to Australian Accounting Standards and a local government regulation. (Page 22)



## Recommendations

1. LGs should ensure they maintain the integrity of their financial control environment by:
  - a. periodically reviewing and updating all financial, asset, human resources, governance, information systems and other management policies and procedures, and communicating these to staff.
  - b. conducting ongoing reviews and improvement of internal control systems in response to regular risk assessments.
  - c. regularly monitoring compliance with relevant legislation.
  - d. promptly addressing control weaknesses brought to their attention by our audits. (Page 16)
2. In addition to compliance with legislation, management should promote a culture of applying better practice financial management and complying with internal policies. (Page 18)
3. An in-depth audit exit meeting should be held with audit committees, in advance of council meetings. As far as is practicable, the audit committee should include a few council members, rather than the entire council. (Page 18)
4. An audit entrance meeting should be held with the audit committee. (Page 18)
5. Audit exit meetings should provide the auditor the opportunity to highlight the key audit issues, in a structured manner, and the CEO adequate opportunity to comment. (Page 18)
6. LGs should not make interim audit findings public until they are received as part of our Audit Report on completion of the audit, unless specific urgent needs warrant earlier release. (Page 18)
7. The Department of Local Government, Sport and Cultural Industries (the Department) should re-assess the potential advantages if LGs are required to report equipment assets using the cost model. (Page 21)
8. LGs should robustly assess the assumptions and methodology of their valuers, in particular the approach for valuing land assets with restricted use. (Page 21)
9. LGs and the Department should monitor the progress of the Australian Accounting Standards Board and International Public Sector Accounting Standards Board public sector fair value projects. (Page 21)
10. LGs should continue to make timely preparations for implementation of the upcoming accounting standards changes, and the new regulation requiring assets with a value at acquisition below \$5,000 to be expensed. (Page 23)

## Introduction

Under the *Local Government Amendment (Auditing) Act 2017* (Amendment Act), proclaimed in October 2017, a staged transition has commenced for local government entities (LGs) annual financial audits to transition to the Auditor General as and when existing audit contracts between audit firms and LGs expire. The Office of the Auditor General (OAG) assumed responsibility for 46 audits from the 2017-18 financial year, with full take up of all financial audits by 2020-21.

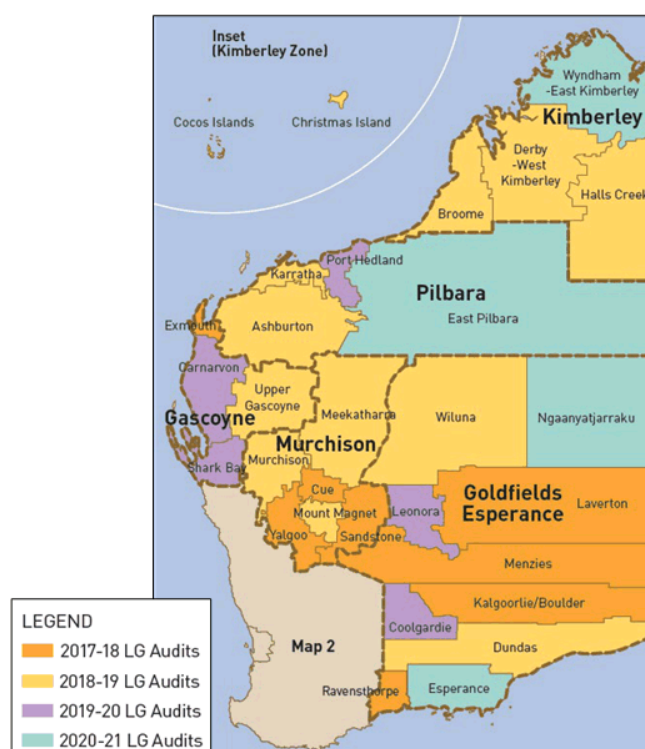
In 2017-18, OAG audit staff performed 3 of the 46 financial audits, with the others performed by contract audit firms on our behalf. Our oversight of these audits, coupled with in-house OAG audits, has provided our staff with valuable insight and understanding of the sector. From 2018-19, we will increase the number of audits performed using in-house audit teams.

For almost all of the contracted audits, we retained the existing audit firm for 2017-18 to maintain some continuity of the audit team. However, to provide open and fair competition and to ensure value for money, for 2018-19 we have now re-tendered most of these audits.

We are also committed to supporting local industry, and where possible and appropriate, we propose to use local financial auditing professionals in regional areas.

## Local government entities audit program: 2017 onwards

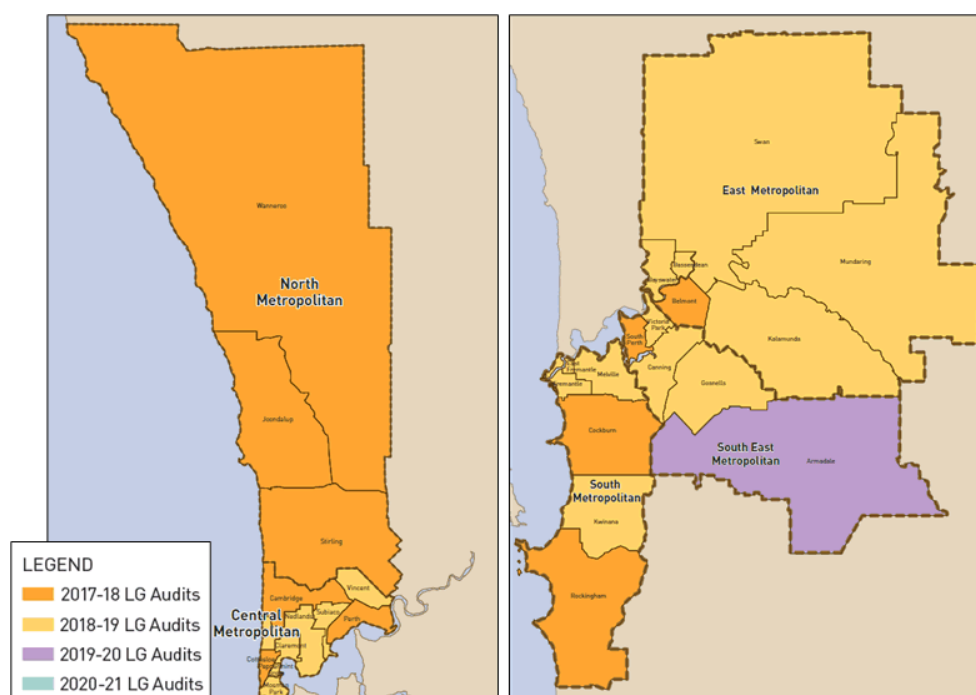
The following maps show the local governments where we performed annual financial audits for 2017-18 (these are also listed at Appendix 1) and the transitioning schedule for other local governments over the next 3 years:



Map 1: Regional WA showing Auditor General's staged transition of audits



**Map 2: South West region showing the Auditor General's staged transition of audits**



**Maps 3 and 4: Metropolitan WA showing Auditor General's staged transition of audits**

## Local government entity annual financial reporting framework and timeline

Each LG is required to prepare an annual financial report that includes:

- a Statement of Financial Position, Statement of Comprehensive Income by Nature or Type, Statement of Comprehensive Income by Program, Statement of Changes in Equity and Statement of Cash Flows
- a Rate Setting Statement
- seven financial ratios required under section 50(1) of the Local Government (Financial Management) Regulations 1996 (LG Financial Management Regulations), to be reported in the Notes to the financial report.

Under section 6.4(3) of the *Local Government Act 1995* (LG Act), a LG must submit its financial report for audit to the OAG by 30 September. Many of the 46 LGs we audited for 2017-18 submitted their financial reports for audit well in advance of this deadline. However, 10 submitted after 30 September 2018.

We completed 38 of the audits by 31 December 2018 as required by section 7.9 of the LG Act. A further 4 were completed after 31 December, and 4 are still being finalised, of which 3 were due to difficulties finalising asset balances.



## Summary of auditor's reports issued

At 1 March 2019, we had issued auditor's reports for 42 LGs for the financial year ending 30 June 2018.

The auditor's report includes:

- the audit opinion on the annual financial report
- a description of significant non-compliance (if any) in relation to the financial report or other financial management practices
- an opinion whether there were any material matters that indicate significant adverse trends in the financial position of the LG.

Under the Amendment Act, the chief executive officer (CEO) is required to publish the annual report, including the audited financial report and the Auditor General's auditor's report, on the LG's website within 14 days of the annual report being accepted by the LG. A table of all auditor's reports issued by the Auditor General for 2017-18 is in Appendix 1.

## Audit opinions on annual financial reports

An unqualified audit opinion in the auditor's report indicates the annual financial report was based on proper accounts and records, and fairly represented performance during the year and the financial position at year end. All but 2 LGs received unqualified (clear) audit opinions.

We issue a qualified opinion in our auditor's report on a LG's annual financial report if we consider it is necessary to alert readers to material inaccuracies or limitations in the financial report that could mislead readers. The following 2 LGs received a qualified opinion:

### Shire of Brookton

We issued a qualified opinion as the Shire did not recognise the 2018-19 financial assistance grant of \$504,598 received from the Commonwealth Government in June 2018 as revenue in accordance with Australian Accounting Standard AASB 1004 'Contributions'.

Instead, the Shire advised that it intended to recognise the revenue in 2018-19, and recorded the grant as Trade and other payables at 30 June 2018.

This resulted in the Shire's net result for the year being understated by \$504,598 in its Statements of Comprehensive Income and its Trade and other payables in the Statement of Financial Position being overstated by the same amount.

In addition, this resulted in understatement of the current, debt service cover and operating surplus ratios disclosed in the Notes to their financial report.

### Town of Cambridge

The opinion of the Town was qualified because in previous years the interest earned on invested trust funds was incorrectly recognised as income instead of being returned to the entitled recipients as required by the LG Act.

In 2017-18, to partially address this, the Town made a prior year adjustment to reduce income and cash balances, and also revised related Notes to the financial report.

The Town's best estimate of the cumulative effect of interest earned on trust funds at 30 June 2018 was approximately \$450,000, of which a portion that had not yet been determined should have already been paid back to entitled recipients.

### Prior year qualified opinion – 2017-18 audit still in progress

In 2016-17 the Shire of Laverton received a qualified opinion on its financial report because the auditor was unable to confirm that land, buildings, plant and equipment, furniture and equipment tools and infrastructure assets were reported at fair value.

The 2017-18 audit is still in progress because key aspects of a valuation, performed during the year, are still being reviewed.

### Material matters of non-compliance with legislation

Regulation 10(3)(b) of the Local Government (Audit) Regulations 1996 (LG Audit Regulations) requires the auditor to report, in the auditor's report, any matters indicating non-compliance with Part 6 of the LG Act, the Local Government (Financial Management) Regulations 1996 (LG Financial Management Regulations) or applicable financial controls in any other written law. These matters may relate to the financial report or to other financial management matters.

In determining which matters to report, we apply the principles of materiality, as required by Australian Auditing Standard ASA 320 *Materiality in Planning and Performing an Audit*. Factors that we consider include the extent and frequency of the non-compliance, and the effect or potential effect.

Some of the matters we have reported relate to non-compliance with specific sections of the LG Act or regulations. We consider regulation 5(1) of the LG Financial Management Regulations to be particularly important, because failure to effectively apply those requirements can result in significant financial loss, inefficiency, financial misreporting or fraud. Regulation 5(1) requires efficient systems and procedures to be established, including:

- for the proper maintenance and security of the financial records of the LG
- to ensure proper accounting for municipal or trust revenue, expenses, assets and liabilities
- to ensure proper authorisation for the incurring of liabilities and the making of payments
- for the maintenance of payroll, stock control and costing records
- to assist in the preparation of .... accounts and reports required by the Act or the regulations.

We considered many of the findings that we reported to represent non-compliance with this important section of the LG Financial Management Regulations.

Our individual findings were included in our auditor's reports which are included in annual reports on each LG's website. For the convenience of Parliament and the public, we have summarised the matters we reported in the following table:

Issue	Finding
Controls over accounting journal entries	At 12 LGs, we found that accounting journal entries were posted with no evidence of independent review and approval by another person.  Accounting journals can represent significant adjustments to previously approved accounting transactions, and could result in, for example, one type of expenditure being re-coded to another type of expenditure. Journals should therefore be subject to independent review.
Quotes not obtained for purchases below the tender threshold	At 4 LGs, 26% to 57% of purchases we sampled below the \$150,000 tender threshold had inadequate or no evidence that a sufficient number of

	<p>quotations was obtained, to test the market. There was no documentation to explain why other quotes were not sought.</p> <p>This practice increases the likelihood of not receiving value for money in procurement. This could also result in favouring of certain suppliers, although our audits did not identify any instances.</p>
Review not performed of systems and procedures	At Bunbury-Harvey Regional Council, a review of the appropriateness and effectiveness of the Council's systems and procedures in relation to risk management, internal controls and legislative compliance was not completed at least once every two years as required by Regulation 17 of the LG Audit Regulations. The last review was in 2014.
Approval to make investments	At City of Cockburn, the officer sending communications to the City's investment advisor, instructing them to make investments, had not been delegated with authority to issue these instructions. Although management advised that another officer with delegation was consulted before making investment decisions, there was no evidence of consultation and no approval of the instructions to invest.
Inadequate recordkeeping for infrastructure assets	<p>A stocktake of infrastructure was conducted at the City of South Perth for the first time in a number of years, and the City found \$21 million of infrastructure assets that was not recorded on the asset register.</p> <p>The asset register has however now been appropriately updated.</p>
System access controls	<p>More employees than necessary at the Shire of Brookton had the ability to make modifications in the system to the rates used for fees and charges. The Shire did not have a system logging process to report and review changes made to fees and charges.</p> <p>In addition, a shared account could be used to modify creditor and debtor details in the system. This increased the risk of unauthorised changes to key information, although our audit sampling did not identify any.</p>
Financial ratio not reported	<p>The Shire of Bruce Rock did not report the Asset Renewal Funding Ratio in the annual financial report as required by regulation 50(1)(c) of the LG Financial Management Regulations, as planned capital renewals and required capital expenditure were not estimated in a long term financial plan and asset management plan respectively.</p> <p>The Shire has advised that the plans are currently being completed.</p>
Financial ratios not reported	<p>The Shire of Denmark did not report the Asset Renewal Funding Ratio in the annual financial report as required by regulation 50(1)(c) of the LG Financial Management Regulations, as planned capital renewals and required capital expenditure were not estimated in a long term financial plan and asset management plan respectively.</p> <p>The Shire also did not report the Asset Consumption Ratio for 2017 and 2016 in the annual financial report as required by regulation 50(1)(c) of the LG Financial Management Regulations, as current replacement cost of depreciable assets was not estimated in previous years.</p>
Financial ratio not reported	The Shire of Kondinin did not report the Asset Renewal Funding Ratio in the annual financial report as required by section 50(1)(c) of the LG Financial Management Regulations, as management considered the available information on planned capital renewals and required capital expenditure was unreliable.
No signed employment contracts for 3 staff	For 3 employees at the Shire of Koorda, there were no signed employment contracts or letters of employment in the Shire's records.



Lack of policies, review not performed of systems and procedures, and financial ratio not reported	<p>The Shire of Nungarin had not developed key policies and procedures, such as purchasing and risk management policies.</p> <p>A review of the appropriateness and effectiveness of the Council's systems and procedures in relation to risk management, internal controls and legislative compliance was not completed at least once every two calendar years as required by Regulation 17 of the LG Audit Regulations.</p> <p>The Shire has not reported the Asset Renewal Funding Ratio for 2016, as planned capital renewals and required capital expenditure were not estimated in a long term financial plan or asset management plan, as required by the LG Financial Management Regulations.</p>
Bank reconciliation	<p>Several monthly bank reconciliations at Shire of Perenjori were not completed in a timely manner, and some were not independently reviewed by management. In addition, one had alterations that were not explained, and one did not have schedules to support the reconciling items.</p>
Review not performed of systems and procedures	<p>A review of the appropriateness and effectiveness of the Council's systems and procedures in relation to risk management, internal controls, and legislative compliance was not completed by the Shire of Tammin at least once every two calendar years as required by Regulation 17 of the LG Audit Regulations.</p>
Approval of payments, bank reconciliations and reporting to Council	<p>For 19 of 26 payments we sampled at Shire of Yalgoo, there was no evidence of the signing officers examining supporting documentation to payments and documenting approval.</p> <p>Several monthly bank reconciliations were not completed in a timely manner, and some were not independently reviewed by management. In addition, the 30 June 2018 bank reconciliation included numerous uncleared payments and deposits in excess of 12 months old.</p> <p>Due to difficulties implementing new accounting software, four statements of financial activity were not presented at an ordinary meeting of Council within two months after the end of the month to which the statement relates, which is not in compliance with Regulation 34(4)(a) of the LG Financial Management Regulations.</p>
Delegations, reporting of financial ratio, and reporting of a separate balance sheet for a trading undertaking	<p>In April 2018 at the Town of Cambridge, Council approved a delegation to the CEO to make payments from the municipal fund. Management was however not able to provide evidence that these powers had been delegated prior to that date. Payments from the municipal fund were approved by the CEO or other staff prior to April 2018.</p> <p>The Town also did not report the Asset Renewal Funding Ratio for 2016 and 2017 as planned capital renewals and required capital expenditure were not estimated in the long term financial plan and asset management plan respectively, as required by the LG Financial Management Regulations.</p> <p>The Town did not report a balance sheet for its major trading undertaking, the Wembley Golf Course, in the Notes to the financial report, as required by regulation 45 of the LG Financial Management Regulations.</p>

**Table 1: Material non-compliance with legislation reported in auditor's reports**

## Adverse trends in the financial position of local government entities

Regulation 10(3)(a) of the LG Audit Regulations requires the auditor to report, in the auditor's report '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'.

A performance audit of adverse financial trends would typically consider numerous aspects of a LG's finances, and inter-relationships between financial ratios. However, for purposes of the annual financial audit process, we have limited our audit to a high level assessment of whether the 7 financial ratios reported in the notes to the financial report achieved the standards set by the Department of Local Government, Sport and Cultural Industries (the Department). When determining whether a trend was significant, in some instances we allowed for a ratio to be slightly lower than the Department's standard, in recognition that failing to meet some standards is more significant than failing to meet others.

LGs report these ratios for the current year and the preceding 2 years. Our trend analysis was limited to these 3 years of information.

The 7 ratios, defined in regulation 50(1) of the LG Financial Management Regulations are:

- current ratio
- asset consumption ratio
- asset renewal funding ratio
- asset sustainability ratio
- debt service cover ratio
- operating surplus ratio
- own source revenue coverage ratio.

We reported that 38 ratios at 24 LGs indicated adverse trends. It is important to note that although most of the ratios are useful indicators, further assessment would be necessary before concluding on the overall financial position of an entity.

## Emphasis of Matter included in auditor's reports

Regulation 16(a) of the LG Financial Management Regulations requires that the financial report of a LG is not to include the value of certain types of land, including land under roads, that are managed by or under the control of the LG. The Department informed us that it considered that the benefits of reporting land under roads did not justify the cost of its periodic valuation. The exclusion of any land under roads acquired on or after 1 July 2008 is inconsistent with Australian Accounting Standard AASB 1051 *Land Under Roads*. Regulation 4(2) of the LG Financial Management Regulations provides that if a provision of the Australian Accounting Standards is inconsistent with a provision of a regulation, then the regulation prevails to the extent of the inconsistency.

We noted that this significant divergence from the accounting standards was not being clearly disclosed in the annual financial reports of LGs. As land under roads is reported for the WA State Government sector and some other LG jurisdictions, we considered it important to alert readers to this different method of reporting. We requested that LGs prominently disclose this in their accounting policy notes to their financial reports. Although we considered that this inconsistency between the regulations and the accounting standards did not warrant a qualified audit opinion, we included an Emphasis of Matter paragraph in our auditor's reports to highlight this accounting treatment for readers:

*Regulation 16 of the Local Government (Financial Management) Regulations 1996 does not allow a local government to recognise some categories of land, including land under roads, as assets in the annual financial report. My opinion is not modified in respect of this matter.*

## Financial and management controls

In addition to the material non-compliance matters reported in our auditor's reports (see Table 1 on pages 11 to 13), we reported other matters to management, including less material non-compliance as well as financial management and information system control weaknesses identified in our audits. These management letters, together with the auditor's report, form part of our overall audit report that we provide under section 7.12AD of the LG Act to the mayor, president or chairperson, the CEO and the Minister for Local Government on completion of the audit.

In our management letters, we provide a rating for each matter reported. We rate matters according to their potential impact, and base our ratings on the audit team's assessment of risks and concerns about the probability and/or consequence of adverse outcomes if action is not taken. We consider the:

- quantitative impact – for example, financial loss
- qualitative impact – for example, inefficiency, non-compliance, poor service to the public or loss of public confidence.

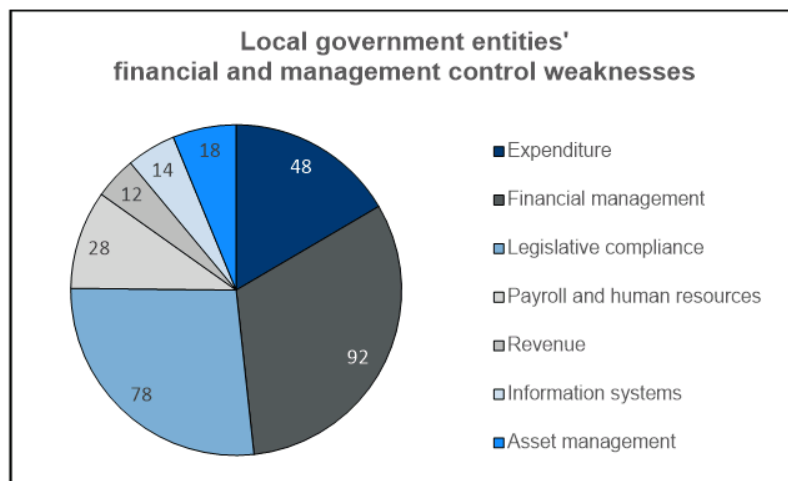
Risk category	Audit impact
Significant	Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly.
Moderate	Those findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable.
Minor	Those findings that are not of primary concern but still warrant action being taken.

**Table 2: Risk categories for matters reported to management**

We give LG management the opportunity to review our audit findings and provide us comments prior to completion of the audit. When management responds to our draft management letters, we request them to set a time frame for remedial action to be completed. Often management improves policies, procedures or practices soon after we raise them and before the audit is completed. Other matters may take longer to remedy and we will follow them up during our subsequent annual audits.

During 2017-18, we alerted 40 LGs to control weaknesses that needed their attention. We reported 290 control weaknesses, of which 56 rated as significant and 186 as moderate.

Figure 4 shows a breakdown of the categories of control weaknesses identified in our 2017-18 management letters.



**Figure 4: Financial and management control weaknesses reported to LGs**

## Recommendations

LGs should ensure they maintain the integrity of their financial control environment by:

- a. periodically reviewing and updating all financial, asset, human resources, governance, information systems and other management policies and procedures and communicating these to staff
- b. conducting ongoing reviews and improvement of internal control systems in response to regular risk assessments
- c. regularly monitoring compliance with relevant legislation
- d. promptly addressing control weaknesses brought to their attention by our audits.

## Observations that may improve audit outcomes

The annual financial audit is focussed on providing assurance over a LG's annual financial report. During the audit we also make audit findings regarding compliance and financial and information system controls.

In this first year of auditing local government we have made some initial observations regarding opportunities for improving audit outcomes which would contribute to improved governance, financial management and performance for enhanced community satisfaction and confidence in LGs. It is important to note that each of the following issues was observed, with differing frequency across the LGs we audited.

### Compliance vs better practice

At some LGs we noted an emphasis on minimum compliance (with the detailed regulations), rather than broader principles of good internal control and governance. In some instances, LG officers questioned why we were reporting their failure to comply with internal policies – it was apparent that some only regarded non-compliance with legislation to be an audit issue.

In our reporting we have made, and intend to continue making recommendations that not only address non-compliance, but which also assist to achieve better practice in financial management and control. This is aimed at remedying weaknesses before they contribute to potential breaches of legislation.

### Internal audit

Only 11 of the 42 LGs we surveyed had an internal audit function. An effective internal audit function is important for ongoing maintenance and improvement of risk management, internal control and governance processes. The internal audit function acts as the independent eyes and ears for council on LG administration in key areas of risk. While recognising the difficulties for regional LGs to maintain an effective, independent internal audit function, we encourage LGs to collaborate with a view to effective internal audit assurance. We propose to cover this topic further in future performance audits.

### Interaction with audit committees - audit entrance and exit meetings

Effective audit entrance and exit meetings are essential to good audit outcomes. These should facilitate informed, respectful and robust exchange between the auditors, management and the audit committee. This was the case for several of the 2017-18 audits.

On other audits however, the exit meeting was held with the entire council and this often hindered detailed discussion of the audit issues, due to the formality of proceedings and number of attendees. Section 7.12A of the LG Act requires the LG to meet with the auditor at least once each year, with the meeting typically occurring on completion of the audit. We strongly support this approach.

However, because of the number of attendees and time pressures at a full council meeting, it is preferable that, in advance of the council meeting, a more detailed exit meeting is held with the audit committee. The committee should preferably include a few council members only, with relevant skills/background in finance, risk management or auditing. We noted that 27 out of 42 LGs we surveyed had audit committees which included 5 or more council members. This is not considered better practice for facilitating effective entity-auditor communication, however we do recognise the potential challenges for regional entities in appointing members with specialist skills to their audit committees and the evident interest of councillors in audit-related matters.



We also made the following observations:

- In the past, it has generally not been common practice for audit entrance meetings to be held with the audit committee or council, and some exit meetings have also not been held with the audit committee or council. Australian Auditing Standard ASA 260 *Communication With Those Charged With Governance* requires the auditor to discuss certain key aspects of the audit planning and the audit results with those charged with governance. As a committee of council, the audit committee is the usual forum to enable effective audit communication.
- It is better practice for the auditors to highlight and explain the key elements of their entrance or closing report to the audit committee and management. Most of the meetings, especially exit meetings, did not follow a format that facilitated this but rather moved straight to councillors questioning the auditors. While this is important and as auditors we are happy to answer questions, as outlined above there are key matters that an auditor should directly communicate to those charged with governance.
- In some exit meetings, CEOs were, in our view, not given adequate opportunity to participate due to the formality of proceedings during audit meetings. CEOs and finance officers provide important information to those charged with governance, including updates on how audit findings have been prioritised and actioned.

At Appendix 3, we have briefly set out better practice guidelines for communications between auditors, management and councils.

#### Disclosure of audit communications

Sometimes during our planning or interim audit visit, we issue interim management letters to the CEO and council, to provide them early advice of our audit findings, to enable them to take timely remedial action.

However, these findings only form part of our report under section 7.12AD of the LG Act when we issue them as part of our report on completion of our audit. For this reason, our interim management letters advise that they may not be suitable for other purposes. They are not intended for public release until we issue them as part of our Audit Report, and indeed in our performance audit processes disclosure of draft findings is prohibited by the *Auditor General Act 2006* (AG Act).

Some LGs have made these interim management letters public. However, we regard them as 'working documents' until we issue them formally to the mayor, president or chairperson, the CEO and the Minister for Local Government as part of our final report.

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## Recommendations

1. In addition to compliance with legislation, management should promote a culture of applying better practice and complying with internal policies.
2. An in-depth audit exit meeting should be held with the audit committee, in advance of the council meeting. As far as is practicable, the audit committee should include a few council members, rather than the entire council.
3. An audit entrance meeting should be held with the audit committee.
4. Audit exit meetings should provide the auditor the opportunity to highlight the key audit issues, in a structured manner, and the CEO adequate opportunity to comment.
5. LGs should not make interim audit findings public until they are received as part of our Audit Report on completion of the audit, unless specific urgent needs warrant earlier release.

## Auditor independence

OAG staff and contractors are required, by the AG Act, the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* and APES 320 *Quality Control for Firms*, and auditing standard ASQC1<sup>1</sup>, to be independent of the entities we audit.

Prior to assuming responsibility for LG financial audits, we were aware that it was often common practice for the existing auditors to perform other work for LGs, in addition to the annual financial audit. This can impair an auditor's independence. We have therefore given careful consideration to this, taking into account factors including:

- limited access to alternate accounting firms in regional areas to perform these other tasks
- the efficiencies that can sometimes be achieved if, for example, the auditor of the annual financial report also audits grant acquittals
- the key principle that auditors should not audit financial reports that they have prepared, to avoid the 'self-review threat to independence'
- whether some of the "other" tasks should be performed as part of the annual financial audit rather than as a separate task.

In 2017-18, we approved our contract auditors to perform various other audit tasks, in addition to the annual financial audit. We require our contractors to seek our approval, in advance. This is mainly to ensure that the nature of the proposed task does not impair their independence, and also to ensure that their fee is not too high in comparison to the fee for the annual financial audit, as that could also impair auditor independence.

For grant acquittals, including Royalties for Regions or Roads to Recovery, we generally permitted our contract auditors to, after obtaining our approval, engage directly with LGs and complete the required acquittals.

We also noted that some other work performed by audit firms was being regarded as separate from the annual financial audit, with separate fees, whereas part of the work should be routinely performed during the annual financial audit. For example, audit firms have often performed reviews of systems and procedures for the CEO as required by regulation 17 of the LG Audit Regulations or regulation 5(2)(c) of the LG Financial Management Regulations. Much of this work should already be covered during the annual financial audit and included in that audit fee. In our view, this had the effect of under-stating the audit fees for annual financial audits. We have taken steps to ensure adequate review of systems and controls as part of our annual financial audit process.

Some LGs also inquired whether our contract auditors could provide training to LGs where they were performing audits on our behalf. It is OAG practice that our contract auditors may provide general training in areas such as accounting principles or new accounting standards to entities, provided the fees are not so high as to impair their audit independence.

Independence can also be impaired through auditors instructing accounting staff on specific accounting entries that the auditors would subsequently audit. All additional work must be considered on a case by case basis for threats to impairment of auditor independence.

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<sup>1</sup> ASQC1 Quality Control for Firms that Perform Audits and Reviews of Financial Reports and Other Financial Information, Other Assurance Engagements and Related Services Engagements



## Financial reporting challenges relating to asset valuations

During our audits we noted a variety of valuation methodologies being used for property, plant, equipment and infrastructure in the WA LG sector. In this first year of our LG financial auditing, we noted several issues relating to these valuations. One issue was the timely completion of valuations – at least 3 audits were completed late because the LGs received their valuation reports too late.

Two other aspects were of particular concern:

- the cost of performing valuations
- inconsistent valuation methods.

### The cost of performing valuations

Australian Accounting Standard 116 *Property, Plant and Equipment* requires entities to elect to measure property, plant and equipment, including infrastructure, using either a revaluation model (at fair value) or a cost model. In the public sector, it is common practice to measure assets such as land, buildings and infrastructure at fair value, requiring periodic valuations. However, it is more common for the public sector to measure assets such as equipment (including computing equipment), some plant, furnishings and motor vehicles at cost less accumulated depreciation, thereby avoiding the often significant expense and effort of periodically valuing the assets and auditing the valuations.

The WA State public sector measures these assets at cost, whereas local governments are required, by Regulation 17A of the LG Financial Management Regulations, to fair value the assets through periodic valuations. A recent revision to the LG Financial Management Regulations, effective 1 July 2018, will remove the requirement to value assets below \$5,000. However, we suggest consideration also be given to requiring local governments to report all assets in these asset sub-classes using the cost model.

### Inconsistent valuation methods

Valuation methodologies used for property, plant, equipment and infrastructure in the LG sector sometimes vary significantly across the different valuers. Some revaluations performed in 2017-18 yielded significant increments or decrements compared to the values of the previous revaluations, which were generally performed between 2013 and 2015. We concluded that most of the revalued assets were reported at amounts that materially represented fair value. However, in some instances, we asked LGs and their valuers to revisit the estimated values, resulting in some amendments.

Of particular concern is the inconsistent approach across different LGs, for valuing land assets that have restricted use. These include sports grounds, parks, gardens, sumps, foreshore, or land reserved as 'bush forever'. One of the reasons for inconsistency is differing interpretations of the principles in Australian Accounting Standard AASB 13 *Fair Value Measurement*. In particular, the standard requires valuers to take into account the highest and best use to which a market participant could put the asset. However, the standard also specifies the need to take into account the characteristics of the asset, including any restrictions on sale or use.

Different valuers are applying different interpretations of these principles, resulting in significant differences in values attributed to these types of restricted use assets. This impacts comparability of the assets of local governments. Both the Australian Accounting Standards Board (AASB) and the International Public Sector Accounting Standards Board

(IPSASB) currently have projects under way relating to fair value of public sector assets, and it is anticipated that they will provide guidance that could then be consistently applied in the LG sector.

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## Recommendations

1. The Department should re-assess the potential advantages if LGs are required to report equipment assets using the cost model.
2. LGs should robustly assess the assumptions and methodology of their valuers, in particular the approach for valuing land assets with restricted use.
3. LGs and the Department should monitor the progress of the AASB and IPSASB public sector fair value projects.

## Upcoming changes to accounting standards and the local government regulations

A number of significant changes to Australian Accounting Standards will be applicable over the next few years, some commencing in 2018-19. These, and a change to the LG Financial Management Regulations are expected to require close attention by entities' finance officers and our audit teams.

### Expensing assets with a value at acquisition under \$5,000

Regulation 17A(5) of the LG Financial Management Regulations requires, with effect from 2018-19, assets with a value below \$5,000 at the time of acquisition, to be excluded from the assets reported in the financial report. These assets will instead be reported as an expense in the statement of comprehensive income in the year of acquisition.

Australian Accounting Standard AASB 108 *Accounting Policies, Changes in Accounting Estimates and Errors*, requires this amendment to the asset values to be treated as a change in accounting policy. The standard requires balances to be adjusted retrospectively, unless it is impracticable to determine the period-specific or cumulative effects of the change.

### Future impact of changes to accounting standards

The following new and revised standards issued by the AASB are expected to impact LGs to varying extent:

- **AASB 9 – *Financial Instruments*** – This standard changed the classification and measurement of financial assets from 1 January 2018 and therefore applies to LGs for the 2018-19 reporting year. Another change is earlier recognition of provisions for bad/doubtful debts based on expected credit losses.
- **AASB 15 – *Revenue from Contracts with Customers*** – This standard requires revenue to be recognised by entities on the fulfilment of the performance obligations of an enforceable contract at a point in time or over time, as applicable. An example for LGs is receiving grant moneys. LGs need to allocate the grant amount to each performance obligation in the contract and recognise the revenue only when the related performance obligations are satisfied. This will be consistent with current practice for the private sector.

Also, authoritative implementation guidance has been issued for not-for-profit public sector licensors reporting transactions involving the issue of licences. This standard applied from 1 January 2018 reporting for for-profit entities, and from 1 January 2019 reporting for not-for-profit entities.

- **AASB 1058 – *Income of Not-for-profit Entities*** – This standard, in combination with AASB 15, establishes new principles for income recognition for not-for-profit entities from 1 January 2019 reporting and will therefore apply to LGs for the 2019-20 reporting year. AASB 1058 applies to transactions where assets are acquired at significantly less than fair value, including rates and grant moneys. It is anticipated that the implementation of these two standards will result in more delayed income recognition.
- **AASB 16 – *Leases*** – For lessees, this standard removes the distinction between operating leases and finance leases, and requires all leases (except short-term leases and leases of low-value assets) to be recognised as lease assets and lease liabilities on the balance sheet. This will result in the grossing-up of the balance sheet and higher expense in the early years of the lease term. Peppercorn lease assets can be elected to

be measured either at cost or at fair value. This standard applies from 1 January 2019 and will therefore apply to local governments for the 2019-20 reporting year.

- AASB 1059 – *Service Concession Arrangements: Grantors* – This standard is applicable to public sector entities (grantors) that enter into service concession arrangements with private sector operators. It requires grantors to recognise a service concession asset and, where applicable, a service concession liability on the balance sheet. The initial balance sheet accounting, as well as the ongoing income statement impacts, will have implications for grantors. AASB 1059 will apply for years beginning on or after 1 January 2020 and will apply to local governments for the 2020-21 reporting year.

We acknowledge that there are varying degrees of readiness and preparation for these new accounting standards. We are preparing and training financial audit staff in the new and revised requirements and updating relevant audit policies and procedures.

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## Recommendation

Local governments should continue to make timely preparations for implementation of the upcoming accounting standards changes, and the new regulation requiring assets with a value at acquisition below \$5,000 to be expensed.

## Appendix 1: Local government entities audited

We have to date completed 42 of the 46 audits for 2017-18. The auditor's reports issued are listed in the table below.

LGs are listed alphabetically.

Local government	Opinion issued
Bunbury-Harvey Regional Council	29/10/2018
City of Belmont	31/10/2018
City of Bunbury	17/10/2018
City of Cockburn	27/11/2018
City of Joondalup	14/11/2018
City of Kalgoorlie-Boulder	29/11/2018
City of Perth	13/12/2018
City of Rockingham	09/11/2018
City of South Perth	29/11/2018
City of Stirling	09/11/2018
City of Wanneroo	15/11/2018
Eastern Metropolitan Regional Council	05/10/2018
Pilbara Regional Council	14/12/2018
Rivers Regional Council	11/12/2018
Shire of Brookton	13/12/2018
Shire of Bruce Rock	13/12/2018
Shire of Capel	29/11/2018
Shire of Cranbrook	01/03/2019
Shire of Cue	11/12/2018
Shire of Cunderdin	Not finalised
Shire of Dandaragan	07/12/2018
Shire of Denmark	18/12/2018
Shire of Exmouth	27/11/2018
Shire of Jerramungup	11/02/2019
Shire of Kellerberrin	05/12/2018
Shire of Kondinin	12/12/2018
Shire of Koorda	18/10/2018
Shire of Laverton	Not finalised
Shire of Menzies	Not finalised
Shire of Moora	30/11/2018
Shire of Morawa	05/12/2018
Shire of Narrogin	20/12/2018
Shire of Northampton	03/12/2018

Shire of Nungarin	31/01/2019
Shire of Perenjori	10/12/2018
Shire of Ravensthorpe	Not finalised
Shire of Sandstone	30/10/2018
Shire of Tammin	31/01/2019
Shire of Three Springs	11/12/2018
Shire of West Arthur	13/12/2018
Shire of Woodanilling	18/12/2018
Shire of Wyalkatchem	18/01/2019
Shire of Yalgoo	18/12/2018
Shire of York	27/11/2018
Town of Cambridge	17/12/2018
Town of Cottesloe	05/12/2018

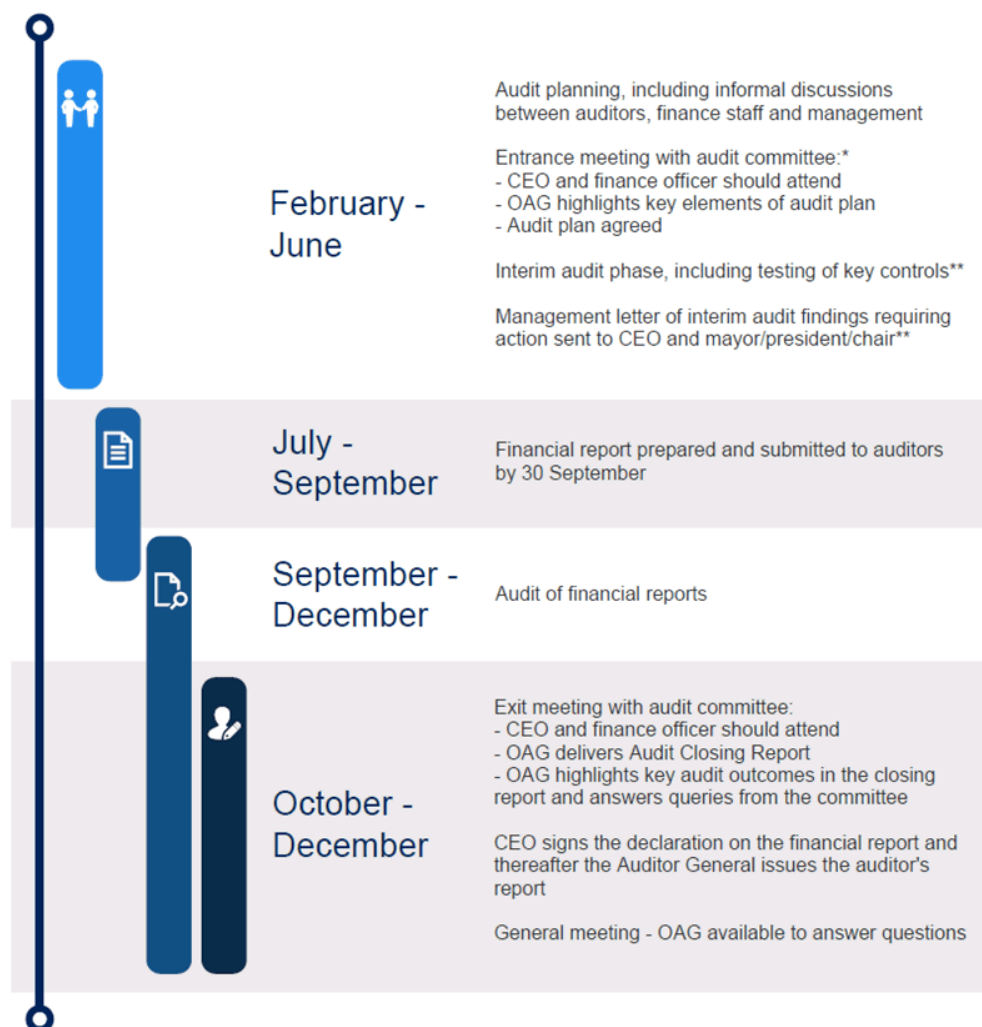
## Appendix 2: Local government entity certifications issued

In addition to annual auditor's reports, some LGs needed to acquit moneys received from other sources under grant agreements or other legislation. We issued the following 3 certifications on statements of income and expenditure of LGs, to help them discharge their financial reporting obligations, some being for Commonwealth grants.

LGs are listed alphabetically.

Local government	Opinions issued
City of South Perth – <i>National Land Transport Act 2014</i> – Roads to Recovery Funding	25/10/2018
Shire of Brookton – Pensioner Deferments	13/12/2018
Town of Cambridge – <i>National Land Transport Act 2014</i> – Roads to Recovery Funding	10/12/2018

## Appendix 3: Timeline of communications between auditors, management and council members



Source: OAG

### Notes

Meetings with some remote LGs will be conducted by teleconference due to cost and logistical reasons.

\* If it is not practicable for the audit committee to meet for an audit entrance meeting, we suggest at least one councillor attends the entrance meeting.

\*\* For small regional LGs, there may not be an interim audit visit. This work is usually completed at the same time as the audit of the financial report, and findings are reported at that time. The extent and proposed timing of interim work will be outlined in the audit plan.



## Glossary and acronyms

AASB	Australian Accounting Standards Board
AG Act	<i>Auditor General Act 2006</i>
Amendment Act	<i>Local Government Amendment (Auditing) Act 2017</i>
Auditor's Report	The Auditor General's Auditor's Report that is published in the local government's annual report by the CEO, in accordance with section 5.55A of the LG Act.
Audit Report	The overall report under section 7.12AD of the LG Act, formally issued to the Mayor, President or Chairperson, the CEO and the Minister for Local Government on completion of the audit, including the Auditor's Report and the management letter(s).
CEO	Chief executive officer
Clear opinion (or unqualified opinion)	Auditor General's opinion expressed when an annual financial audit concludes that in all material respects the financial report is presented fairly in accordance with the <i>Local Government Act 1995</i> and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards.
Contract audit	Audit of a local government undertaken by an appropriately qualified individual or firm, on behalf of the Auditor General, appointed under a contract.
Department	Department of Local Government, Sport and Cultural Industries
Emphasis of Matter	A paragraph included in an auditor's report that refers to a matter that is appropriately presented or disclosed in the financial report but which, in the auditor's judgment, is of such importance that it should be emphasised in the auditor's report.
Financial audit	Work performed to enable an opinion to be expressed regarding a financial report prepared by the party who is accountable for the financial transactions.
IS	Information systems, primarily computerised systems
LG Act	<i>Local Government Act 1995</i>
LG Audit Regulations	Local Government (Audit) Regulations 1996
LGs	Local government entities, being Western Australian local governments and regional councils
LG Financial Management Regulations	Local Government (Financial Management) Regulations 1996
Management letter	A letter to management of a local government that conveys significant audit findings and results of the audit. On completion of the audit, the management letter forms part of the audit report sent to the CEO, to the Mayor, President or Chairperson, and to the Minister for Local Government.
Materiality	The characteristic based on the size and/or nature of an omission or misstatement of accounting or compliance information that, in the light of context or circumstances, has the potential to adversely affect the economic decisions of users of the information or the discharge of accountability by senior management.
OAG	Office of the Auditor General
Qualified opinion	Auditor General's opinion expressed when an audit identifies aspects of the annual financial report that are likely to be misleading to users, there was material conflict with applicable financial reporting frameworks or a limitation of scope on audit work.
Significance	Relative importance in the circumstances, in relation to audit objectives, of an item, event or information, or problem the auditor identifies.

## Auditor General's Reports

Report number	Reports	Date tabled
14	Opinions on Ministerial Notifications	13 February 2019
13	Opinion on Ministerial Notification	23 January 2019
12	Managing Disruptive Behaviour in Public Housing	20 December 2018
11	Opinions on Ministerial Notifications	20 December 2018
10	Opinions on Ministerial Notifications	18 December 2018
9	Treatment Services for People with Methamphetamine Dependence	18 December 2018
8	Opinions on Ministerial Notifications	10 December 2018
7	Audit Results Report – Annual 2017-18 Financial Audits of State Government Entities	8 November 2018
6	Opinion on Ministerial Notification	31 October 2018
5	Local Government Procurement	11 October 2018
4	Opinions on Ministerial Notifications	30 August 2018
3	Implementation of the GovNext-ICT Program	30 August 2018
2	Young People Leaving Care	22 August 2018
1	Information Systems Audit Report 2018	21 August 2018



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

Nil

**10       REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

**11       CLOSURE**