



CITY OF VINCENT

AGENDA

Ordinary Council Meeting

23 July 2024

Time: 6.00pm
**Location: E-Meeting and at the Administration
and Civic Centre,
244 Vincent Street, Leederville**

David MacLennan
Chief Executive Officer

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PROCEDURE FOR PUBLIC QUESTION TIME

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Public Questions will be strictly limited to three (3) minutes per person.

The following conditions apply to public questions and statements:

1. Members of the public present at Council Briefings will have an opportunity to ask questions or make statements during public question time. Questions and statements at Council Briefings must relate to a report contained in the agenda.
2. Members of the public present at Council Meetings, Special Council Meeting or Committee Meeting have an opportunity to ask questions or make statements during public question time in accordance with section 2.19(4) of the City's [Meeting Procedures Local Law](#).
3. Questions asked at an Ordinary Council Meeting must relate to a matter that affects the City of Vincent.
4. Questions asked at a Special Council Meeting or Committee Meeting must relate to the purpose for which the meeting has been called.
5. Written statements will be circulated to Elected Members and will not be read out unless specifically requested by the Presiding Member prior to the commencement of the meeting.
6. Where in-person meetings are not permitted due to a direction issued under the *Public Health Act 2016* or the *Emergency Management Act 2005* questions and/or statements may be submitted in writing and emailed to governance@vincent.wa.gov.au by 3pm on the day of the Council proceeding. Please include your full name and suburb in your email.
7. 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).
8. Questions/statements 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 an Elected Member or City Employee.
9. 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.
10. 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 Act 1992* (FOI Act). The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act.

For further information, please view the [Council Proceedings Guidelines](#).

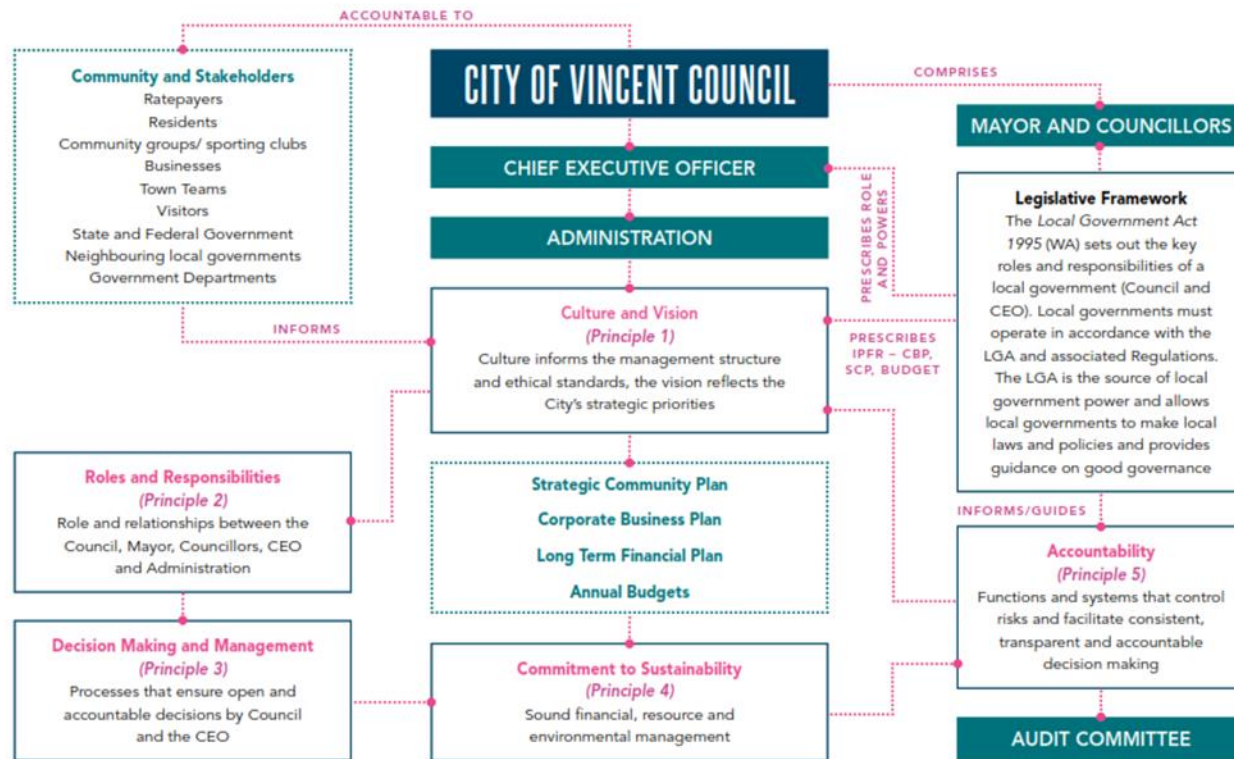
RECORDING AND WEBSTREAMING OF COUNCIL MEETINGS

- All Council proceedings are recorded and livestreamed in accordance with the [Council Proceedings - Recording and Web Streaming Policy](#).
- All recordings are retained as part of the City's records in accordance with the State Records Act 2000.
- All livestreams can be accessed at <https://www.vincent.wa.gov.au/council-meetings/livestream>
- All live stream recordings can be accessed on demand at <https://www.vincent.wa.gov.au/council-meetings>
- 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 Governance Team on 08 9273 6500.

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CITY OF VINCENT GOVERNANCE FRAMEWORK 2020 OVERVIEW



COMMUNITY PRIORITIES AND OUTCOMES WE WILL STRIVE TO ACHIEVE



ENHANCED ENVIRONMENT

- Our parks and reserves are maintained, enhanced and are accessible for all members of the community.
- Our urban forest/canopy is maintained and increased.
- We have improved resource efficiency and waste management.
- We have minimised our impact on the environment.
- Power lines are undergrounded.



CONNECTED & HEALTHY COMMUNITY

- Connected & healthy community
- We have enhanced opportunities for our community to build relationships and connections with each other and the City
- Our many cultures are celebrated
- We recognise, engage and partner with the Whadjuk Noongar people and culture
- Our community facilities and spaces are well known and well used
- We are an inclusive, accessible and equitable City for all



SENSITIVE DESIGN

- Our built form is attractive and diverse, in line with our growing and changing community.
- Our built form character and heritage is protected and enhanced.
- Our planning framework supports quality design, sustainable urban built form and is responsive to our community and local context.
- More people living in, working in, or enjoying our town centres.



ACCESSIBLE CITY

- Our pedestrian and cyclist networks are well designed, connected, accessible and encourage increased use.
- We have better integrated all modes of transport and increased services through the City.
- We have embraced emerging transport technologies.



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.
- Efficiently managed and maintained City assets in the public realm.
- Art, history and our community's living cultures are evident in the public realm.



INNOVATIVE AND ACCOUNTABLE

- We deliver our services, projects and programs in the most inclusive, efficient, effective and sustainable way possible.
- We engage with our community so they are involved in what we are doing and how we are meeting our goals.
- Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.
- We embrace good ideas or innovative approaches to our work to get better outcomes for the City and our community.

THESE PRIORITIES AND OUTCOMES WILL BE MET THROUGH THE DELIVERY OF COUNCIL ADOPTED STRATEGIES, PLANS, PROGRAMS, AND POLICIES.

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 and present”.

2 APOLOGIES / MEMBERS ON LEAVE OF ABSENCE

Cr Sophie Greer on approved leave of absence from 11 July 2024 to 03 August 2024.

3 (A) PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS

(B) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Dudley Maier of Highgate – Item 10.1, 10.2 and 11.2

1. The attachment to the Street Tree Policy item (Item 10.1) shows that 45 responders asked to be kept informed. In addition, there were another 5 submissions made via email. The Community Engagement Policy requires the staff to inform participants of the meeting date, providing as much notice as possible, whenever a subject is determined by Council.

Were the people who responded via the Imagine Vincent web site, and the people who made submissions via email, informed that this item was going to council prior to the 21 May meeting, or prior to the 18 June meeting? If so, when where they informed (date and time)?

Notification of the upcoming meeting was sent to the 44 Imagine Vincent responders who requested to be kept informed on the following dates:

- Tuesday 7 May at 12.57pm, and
- Wednesday 5 June at 4.16pm.

Due to an Administrative error, responders who provided submissions via email were not informed (although their feedback was incorporated in the feedback report). This highlights the importance of feedback being provided via the Imagine Vincent website as this ensures Administration can analyse and report on all feedback received, as well as providing respondents with the option of being kept informed about the project and any future Council meeting dates. When respondents provide submissions via email, they are not necessarily consenting to being kept informed about the project unlike those who tick that option via the Imagine Vincent website.

2. The recording of the Council Briefing of 11 June 2024 shows that Cr La Fontaine asked “when the 100% design of the Norfolk Safe Active Street will go to the community for consultation” (at about 19 minutes 55 seconds).

The manager said that the engineering team is doing up the consultation plan at the moment but then said that the design would come back to a council workshop later in the year. He did not answer Cr La Fontaine’s specific question. When will the Norfolk Safe Active Street design go out for public consultation?

Administration is currently developing the public consultation plan with the intent to go out for public consultation within the coming months, subject to confirmation of State Government funding for project delivery.

3. The Draft Stormwater Drainage Connections policy defines the Average Recurrence Interval (ARI) in terms of flood events rather than rainfall events, and requires residential properties have on-site retention in order to cope with a 1:20 ARI of one hour duration.

I live in Highgate on a 150m² block. If I was to redevelop my property what technical reference would be used to determine the volume of water I needed to retain on-site (i.e. what reference document of software tool would used to calculate an amount in cubic metres)? Would it be on the basis of rainfall or some flood related measure?

Administration, through a Development Application would receive your request and require the applicant to retain all stormwater onsite. The details on required volume of water, documentation and calculations would be worked through with Administration's Engineering and Planning teams at the time of application.

4. Why have the administration included the Community Funding Register in the List of Former Registers? Are they no longer updating this register?

The Community Funding Grants register is updated on a monthly basis and uploaded onto the website.

There was an error in the way the page was formatted, the website has been updated to make it easier to navigate.

5. The list of payments for 12 April 2024 show a payment to Enviroblast Cannington for pressure cleaning in Mt Hawthorn for \$7,500.68 (inc GST), and payments on 24 April 2024 to Enviroblast Cannington for high pressure cleaning of the Angove, Fitzgerald and Beaufort precincts totalling \$21,525.42 (inc GST). When was this cleaning done? Did the staff check the outcome of the cleaning to determine if it was up to standard?

The cleaning was undertaken as follow –

Mount Hawthorn Precinct - 11/3/2024

Angove Street Precinct – 18/3/2024

Fitzgerald Street Precinct 18/03/2024

Beaufort Street Precinct - 25/03/2024

Following the contracted pressure cleaning the precincts are inspected & measured by the Street Cleaning Supervisor to ensure the work is up to standard and aligns with the quoted scope of service.

6. Why isn't there a Business Enhancement Grant register? Which businesses received a Grant under this program? Was this grant program in accordance with the City's Community Funding Policy?

The pilot round of the Business Enhancement Grant was held in the 2023/24 Financial year and is nearing completion. The grant category has now been added to the City's grant register which details the businesses that have received funding to date.

The Business Enhancement Grant is not administered in accordance with the City's Community Funding Policy as this policy applies to –

"City of Vincent based groups, community groups, not-for-profit organisations and charities located in or servicing the local community, schools located within the City of Vincent, organisations and individuals seeking financial support towards projects, programs, events and other initiatives."

Local businesses and commercial property owners were deemed to not fall within the scope of this policy.

The Business Enhancement Grant was adopted by Council in August 2023 as a program within the City's Thriving Places Strategy. In terms of administering funding, as the funding was approved as part of the 2023/24 Annual Budget, Council delegated the authority to make payments subject to the annual budget limitations as per delegation 2.2.19 Payments from the municipal or trust funds and no further decision of Council would be required to administer funding.

Lesley Florey of Mt Hawthorn

1. Why has my pipe been singled out for the UV lining, when there appears to be no significant damage?

As previously provided within the Council Meeting Minutes of 21 May 2024 - Section 3(B) Response to Previous Public Questions Taken on Notice – “Your property is one of several which has pipes located through the property, confirmed by onsite survey. The 900mm pipe is an important piece of stormwater infrastructure which leads into the Lake Monger outlet therefore it is important that the longevity of the asset is maintained.”

Please provide the scope of works for the UV lining for 79 Sasse Ave, Mt Hawthorn and a detailed City of Vincent report on the condition of my pipe including the reason why the City of Vincent decided to single out the stormwater pipe on my property, amongst the extensive stormwater pipe network?

CCTV footage and photos of the pipe have been provided to you as previously requested.

2. How many kilometres of stormwater pipe exist within the City of Vincent?

There is 105km of stormwater drains according to the Asset Management and Sustainability Strategy 2020-2030.

3. Why is procedural fairness and natural justice afforded to the City of Vincent employees but not to a resident with a substantial complaint against the City of Vincent?

As previously stated, although not contemplated within the Local Government Act and not covered by the City’s policies and procedures, should a formal hearing be warranted and relevant, the City would follow the procedures as outlined in the Ombudsman’s guidelines. On this matter however, the City has determined this would not be the case.

4. Why is the City of Vincent not being transparent about the number of properties affected by the stormwater pipes running through ratepayers’ properties?

As previously provided within the Council Meeting Minutes of 18 June 2024 – Section 3 (B) Response to Previous Public Questions Taken on Notice – “There are a total of 40 houses which are being investigated currently which may have stormwater pipes within their property boundary”

5. Since the GHD report in 2022 how much has the City of Vincent spent, until 18 June 2024, on the GHD drainage and technical memorandum report, consultants, contractors, mapping, relining and maintenance?

There has been \$164,620 spent in 2022 – 2023 financial year and \$484,191 spent in 2023-2024 financial year.

6. How much has been allocated in the upcoming budget for stormwater pipe mapping, consultation, contracts, reports, UV lining and maintenance?

Capital and Operating budgets reflect a total of \$785,000.

4 APPLICATIONS FOR LEAVE OF ABSENCE**5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS****5.1 A petition with 17 signatures (and a further 31 received by survey) has been received from Jerome Waddell of West Perth:**

The petition requests that Council:

- 1) Reverse the decision to create a "No Stopping" zone in front of 16 Hammond Street and 14 Hammond Street.
- 2) Reverse the decision to create a one car bay between number 12 and 14 Hammond Street returning it to two bays. This includes the curb to be realigned and lines delineating two car bays to be marked.
- 3) Undertake a full consultation process involving ALL residents/ratepayers on Hammond Street and Janet Street including making available all relevant documentation related to the decision to create the "No Stopping" zone for our review and feedback.
- 4) Review City of Vincent policy to identify how the decision to create the "No Stopping" zone, was made without due diligence or a transparent consultation process being undertaken.
- 5) Ensure that if any individual household requests further changes to the streetscape or parking amenity, that all houses are consulted.

5.2. Petition with 96 signatures from James Walker of North Perth requesting that Council:

1. Acknowledges the ongoing military incursion by Israel within the whole of Palestine, resulting in the tragic and horrific death of at least 38,000 Palestinian civilians, the majority of whom are women and children; injuries exceeding 88,000; displacement of over 1.9 million; and the widespread destruction of the region's civil infrastructure, including deliberate destruction of schools, hospitals, mosques, residences, utilities, and refugee camps.
2. Acknowledges the interim ruling of the International Court of Justice of 26 January 2024, and subsequent reaffirmations on 28 March 2024 and 24 May 2024, requiring Israel to act in accordance with its obligations under the Genocide Convention and take all measures within its power to prevent the commission of acts within Article II of the Convention with respect to Palestinians in Gaza, including:
 - (a) killing members of the group;
 - (b) causing serious bodily or mental harm to members of the group;
 - (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and
 - (d) imposing measures intended to prevent births within the group.
3. Calls for an immediate, unconditional ceasefire and a long-lasting peace.
4. Calls on Israel to immediately lift the land, air and sea blockade of Gaza to allow the transport of food, medicine and construction materials critical for the preservation of Palestinian life.
5. Calls for the Australian Government to recognise a Palestinian state.
6. Writes to the local federal member, the Hon Patrick Gorman MP, and federal Minister for Foreign Affairs, the Hon Penny Wong, calling on the Australian Government to act on the points outlined above.

7. As a representative of our diverse, multicultural, and multi-faith community, the City of Vincent commits to actively standing against all forms of racism, including anti-Palestinian racism, Islamophobia, and antisemitism.

5.3 Petition with 12 signatures from Emma Pegrum of Perth requesting that Council relocate the public artwork, titled "The Globe, that is proposed for installation at the intersection of William and Brisbane streets, for the following reasons:

1. Significant time has passed since the proposal was accepted by Council.
2. It appears there was no direct consultation with the community members, business owners and rate payers most impacted by the proposed artwork at this location at the time the decision was made.
3. The proposed artwork at this location presents significant safety concerns due to its large scale and suspension over an already busy and poorly managed traffic intersection, with the potential to distract drivers.
4. It is unclear whether the suspended installation will be possible without the addition of new obstructive and invasive infrastructure at the street/pedestrian level.
5. The proposed artwork will contribute to significant light pollution for surrounding businesses and homes, and will not enhance the street scape.
6. The proposed site is of great significance to the local community and the overall sense of place of the Northbridge/Highgate neighbourhood. We believe any major additions or changes to public space at this site should be made within a broader developmental/design strategy that is responsive to community need and desire, such as the William Street Town Centre Planning Framework now being developed by the City of Vincent in collaboration with community members.
7. Further to point 7, we are concerned that more desirable design improvements to this site, such as greening and the addition of bike lanes, or potential longer-term changes to traffic flow at the intersection, would actually be impeded or restricted by an artwork of this size.
8. The proposed artwork does not complement or respond to, and in fact diminishes, the evolving authentic character of the neighbourhood.

We recommend The Globe be relocated to a new site, potentially to the Gladstone Street Reserve, which would benefit from a definitive light source. This site would also enable better interaction with the artwork from the public, and would position the reserve well as a new hub for community activations such as night markets or open-air concerts, complementing the area's growing population and neighbourhood amenity

Clause 2.24 'Petitions' of the City of Vincent Meeting Procedures Local Law 2008 provides the following –

- (2) Every petition complying ... shall be presented to the Council by the CEO.
- (3) The presentation of a petition shall be confined to the reading of the petition.
- (4) The only motions that are in order are:
 - (a) that the petition be received; or
 - (b) that the petition be received and a report be prepared; or
 - (c) that the petition be received and be referred to a committee for consideration and report; or
 - (d) that the petition be received and be dealt with by the Council.

6 CONFIRMATION OF MINUTES









Ordinary Meeting - 18 June 2024

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

8 DECLARATIONS OF INTEREST

9 STRATEGY & DEVELOPMENT**9.1 NO. 235 (LOT: 4; D/P: 1189) BRISBANE STREET, PERTH - CHANGE OF USE FROM FAMILY DAY CARE TO CHILD CARE PREMISES**

Ward: South Ward

- Attachments:
1. Location and Consultation Plan [↓](#) 
 2. Development Plans [↓](#) 
 3. Noise Management Plan [↓](#) 
 4. Applicant's Justification [↓](#) 
 5. Site Photographs [↓](#) 
 6. Summary of Submissions - Administration's Response [↓](#) 
 7. Summary of Submissions - Applicant's Response [↓](#) 
 8. 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 Change of Use from Family Day Care to Child Care Premises at No. 235 (Lot: 4; Plan: 1189) Brisbane Street, Perth, in accordance with plans provided in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 8:

1. Development Approval

This approval is for a Change of Use from Family Day Care to Child Care Premises as shown on the plans dated 16 May 2024. No other development forms part of this approval.

2. Use of the Premises

2.1. This approval is for Child Care Premises as defined in the City of Vincent Local Planning Scheme No. 2. The use of the subject land for any other land use may require further approval from the City.

2.2. The Child Care Premises shall be limited to the following hours of operation:

- Monday to Friday: 7:00am to 6:00pm
- Saturday, Sunday and Public Holidays: Closed

2.3. The Child Care Premises shall be limited to providing care for a maximum of seven children at any time.

2.4. The Child Care Premises shall have a maximum of two staff on site at any time.

3. Landscaping

Trees within the external play area shall be maintained at the expense of the owners/operators to provide for a minimum of 30 percent of the external play area as canopy coverage at maturity, to the satisfaction of the City.

4. Bicycle Parking

A minimum of two bicycle parking bays shall be provided on site prior to the commencement of the Child Care Premises use. The design and construction of the bike bays shall be in accordance with Australian Standards AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking, to the satisfaction of the City.

5. Noise Management

The Child Care Premises shall at all times operate in accordance with the operational measures outlined in the approved Noise Management Plan dated 29 May 2024, to the satisfaction of the City.

6. Signage

All signage shall be in strict accordance with the City of Vincent Local Planning Policy: Signs and Advertising, to the satisfaction of the City, unless further development approval is obtained.

EXECUTIVE SUMMARY:

The purpose of this report is to consider an application for a Change of Use from Family Day Care to Child Care Premises at No. 235 Brisbane Street, Perth (the subject site). A location plan of the subject site is included as **Attachment 1**.

The subject site is located on the corner of Brisbane Street and Shule Lane. The subject site and adjoining properties are zoned Residential R50 under the City of Vincent Local Planning Scheme No. 2 (LPS2) and are within the Residential Built Form Area under the City's Local Planning Policy No. 7.1.1 – Built Form (Built Form Policy). The site presents as a two-storey single house to Brisbane Street.

The site has operated as a Family Day Care centre since October 2018. In accordance with the City's Local Planning Policy: Planning Exemptions (Planning Exemptions Policy) development approval was not required to use the subject site as a Family Day Care.

The applicant is seeking a change of use from Family Day Care to Child Care Premises. The applicant seeks this change of use due to restrictions they have experienced under the *Education and Care Services National Regulations 2012*, including the requirement to engage a third-party Family Day Care Coordinator. The change of use would allow for greater flexibility in running their business.

The existing Family Day Care operates with a maximum of seven children in care and two staff members at any time. The proposed Child Care Premises seeks to operate at this same capacity and would therefore provide for the same intensity of use of the land as the existing Family Day Care.

The City has not received any complaints from the community about the operations of the existing Family Day Care on the subject site since it commenced operation in October 2018.

The area of discretion being sought under the planning framework relates to the acceptability of the proposed land use, a shortfall in long-term bicycle facilities and service vehicle parking, and absence of an Acoustic Report provided. The Child Care Premises land use is capable of approval in the Residential zone under LPS2.

The applicant has provided a Noise Management Plan (NMP) which outlines how the operator would manage noise generating activities on the subject site. An Acoustic Report has not been provided to confirm that the use would comply with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations). Due to the scale of the development, and the proposed operational measures, the City's Health Services has advised that the likely noise generated could be managed to ensure it would not have a negative impact on the amenity of the surrounding properties and would be low risk in terms of a noise impact.

The application does not propose any long-term bicycle facilities. A condition of approval is included in Administration's recommendation that two short-term bicycle bays are provided on site. This provision would satisfy the number of bicycle bays required under the Non-Residential Parking Policy and would support a shift towards active transport modes.

The City's Local Planning Policy: Family Day Care and Child Care Premises (Child Care Policy) states that Child Care Premises in the Residential Zone shall be considered where they are adjacent to other non-residential land uses and that external play areas shall be located away from noise sensitive uses. The proposal is immediately surrounded by residential uses and the external play area is adjacent to the outdoor living area of No. 231 Brisbane Street.

The proposal is compatible with the adjoining uses as the proposal will operate at a low scale as well as the same scale and intensity as a Family Day Care, which is exempt from planning approval. The proposal provides sufficient management strategies via a NMP to mitigate noise impacts to surrounding uses, and adequate parking has been provided.

The proposed development is acceptable as considered against the planning framework and is recommended for approval subject to conditions.

PROPOSAL:

The subject site is located at No. 235 Brisbane Street, Perth, as shown on the location plan included as **Attachment 1**.

The application seeks approval for a change of use of the subject site from Family Day Care to Child Care Premises.

The application seeks approval for a maximum of seven children to be cared for on the subject site. The site currently operates as a Family Day Care, which can care for a maximum of seven children under the *Education and Care Services National Regulations 2012* and is exempt from requiring development approval under the City's Planning Exemptions Policy.

Details of the proposed operation of the Child Care Premises are summarised as follows:

- Operating hours from 7:00am to 6:00pm, Monday to Friday.
- Closed on weekends and public holidays.
- A maximum of seven children under care on-site at any given time.
- A maximum of two staff members on site on-site at any given time.
- Two on-site car parking bays provided on-site, accessed from Brisbane Street. One parking bay is proposed to be used by staff and the second bay to be used for pick-up/drop-off.
- Pedestrian access for customers from Brisbane Street.
- Outdoor play to take place between 9:00am and 5:00pm, for a maximum of two one-hour sessions per day. The external play area is located to the rear of the dwelling.

No works to the existing building are proposed as a part of this application.

The proposed development plans are included as **Attachment 2**. The applicant's NMP and Written Justification are included as **Attachments 3** and **4**, respectively. Photos of the existing external play area are included as **Attachment 5**.

As detailed in the Applicant's Written Justification, the applicant is seeking to change the use of the subject site to Child Care Premises due to the costs associated with running a Family Day Care. To operate as a Family Day Care, the operator must engage an external Family Day Care Coordinator. The applicant has advised that this is a cost burden to the operation of the Day Care. The applicant has advised that by operating as a Child Care Premises, the operator would have greater autonomy in running the child care and would not be required to engage an external Coordinator, allowing them to reduce their operating costs.

DELEGATION:

This application is being referred to Council for determination in accordance with the City's Register of Delegations, Authorisations and Appointments.

This is because the delegation to Administration to determine applications does not extend to applications for development approval that receive more than five objections during the community consultation period.

The proposed application received 18 objections during the community consultation period.

BACKGROUND:

Landowner:	M T Cao
Applicant:	M T Cao
Client:	M T Cao
Date of Application:	30 January 2024
Zoning:	MRS: Urban LPS2: Zone: Residential R Code: R50
Built Form Area:	Residential
Existing Land Use:	Family Day Care
Proposed Use Class:	Child Care Premises
Lot Area:	362 square metres
Right of Way (ROW):	Shule Lane, 3.4 metres wide, privately owned, paved and drained.
Heritage List:	No

Site Context and Zoning

The subject site is bound by Brisbane Street to the north-east, Shule Lane to the north-west and south-west, and a two-storey single house to the southeast. A Location Plan is included as **Attachment 1**.

The subject site and all adjoining and adjacent properties are zoned Residential R50 under LPS2 and are within the Residential Built Form Area under the City's Built Form Policy, with a building height standard of two storeys.

Surrounding development is characterised by single and grouped dwelling developments. Development fronting Brisbane Street, between Lake Street and Palmerston Street, as well as to the west of the site facing Palmerston Street, are characterised by one and two storey single houses and grouped dwelling developments. Robertson Park, a large multi-use recreational reserve, is located 65 metres to the west of the site.

More broadly, development that orients to Brisbane Street, located to the east of Lake Street, is zoned Local Centre and Mixed Use R80 under LPS2 and is within the Mixed Use Built Form Area under the City's Built Form Policy. The development in this section of Brisbane Street is mixed use in nature, including residential developments, restaurants, shops and taverns.

Existing Building

The existing development on the subject site presents as a two-storey single house to Brisbane Street. The building is set back 4.2 metres from Brisbane Street and has a nil setback to Shule Lane. The site has two car parking space in a tandem arrangement, accessed from Brisbane Street.

The proposal includes 75.5 square metres of indoor play space and 97.2 square metres of external play space to the rear of the site. The external play space has existing landscaping consisting of two Pawpaw Trees (*Carica papaya*), a Pine Tree (*Cupressus sempivirens*), a Citrus Tree, a Fig Tree (*Ficus carica*) and a Golden Dewdrop (*Duranta repens*).

Operations and Site History

The subject site has operated as a Family Day Care since October 2018.

In accordance with the *Education and Care Services National Law (WA) Act 2012* the maximum number of children that can be in care at a Family Day Care is seven. The applicant has advised that they currently operate with a maximum of seven children in care.

Under the City's former Local Planning Policy No. 7.5.1 - Minor Nature Development (Minor Nature Development Policy), Family Day Care uses were exempt from requiring development approval if care was being provided for five or fewer children.

In July 2023, Council resolved to repeal the Minor Nature Development Policy, and replace it with the City's Local Planning Policy: Planning Exemptions (Planning Exemptions Policy). The Planning Exemptions Policy exempts Family Day Care uses in Single Houses and Grouped Dwellings from requiring development approval where care is provided for seven or fewer children.

The proposal has operated in compliance with these respective exemptions since it commenced operation.

The City does not have any record of complaints received from surrounding community members in relation to the Family Day Care since it commenced operation in October 2018.

Pre-Lodgement Proposal History

In December 2019, the City received a request for written planning advice on a proposed Child Care Premises at the site with capacity for 35 children on the subject site. The proposal subject of the Written Planning Advice included works to the existing building to cater for the additional children. The purpose of Written Planning Advice is to provide applicants with information on how the City would assess a proposal. The Written Planning Advice provided in response the applicant provided information on the land use classification and permissibility standards under LPS2, community consultation requirements, parking standards, and lodgement requirements including management plans needed to support the proposal. The Written Planning Advice did not provide comment on the acceptability of the proposal under the framework.

No development application was received for this proposal.

At this time, the applicant undertook independent pre-lodgement consultation with residents in the area surrounding the subject site. The applicant has advised that they delivered letters to all houses fronting Brisbane Street between Palmerston Street and Lake Street, and allowed residents to view the subject site and the proposed plans for works at the site.

The applicant has advised that residents expressed concern that a Child Care Premises for 35 children would create too much noise and traffic congestion in this location. The applicants have advised that considering this feedback from the community, they elected not pursued this proposal further.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of LPS2, the Child Care Policy, Policy 7.5.21 – Sound Attenuation (Sound Attenuation Policy) and Local Planning Policy: Non-Residential Car Parking (Non-Residential Car Parking Policy). In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply/ Acceptable Outcomes (or equivalent)	As Existing	Requires the Discretion of Council
Land Use			✓
Vehicle Access		✓	
Sound Attenuation Policy			✓
Child Care and Family Day Care Policy			✓
Non-Residential Parking Policy			✓

The above elements of the proposal do not meet the specified land use standards, acceptable outcomes and policy requirements are discussed in the Comments section.

Local Planning Scheme No. 2

In considering the appropriateness of the use, Council is to have due regard to the objectives of the relevant zone. The objectives of the Residential zone are as follows:

- To provide for a range of housing and a choice of residential densities to meet the needs of the community;
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas;
- To provide for a range of non-residential uses, which are compatible with and complementary to residential development;
- To promote and encourage design that incorporates sustainability principles, including but not limited to solar passive design, energy efficiency, water conservation, waste management and recycling;
- To enhance the amenity and character of the residential neighbourhood by encouraging the retention of existing housing stock and ensuring new development is compatible within these established areas;
- To manage residential development in a way that recognises the needs of innovative design and contemporary lifestyles; and
- To ensure the provision of a wide range of different types of residential accommodation, including affordable, social and special needs, to meet the diverse needs of the community.

The Residential zone objectives are one matter to which Council is to give due regard in the consideration of this application under the *Planning and Development (Local Planning Scheme) Regulations 2015* (Planning Regulations). Other relevant matters to be given due regard are set out below.

Planning Regulations

In accordance with [Clause 67\(2\)](#) of the Deemed Provisions of the Planning Regulations, Council are to have due regard to a range of matters to the extent that these are relevant to the development application.

Each matter listed in Clause 67(2) that requires consideration, along with Administration's comment on the matter is provided in the table below.

Clause 67 – Matters to be Considered	
Matter	Administration Comment
(a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area.	Child Care Premises is an 'A' use within the Residential zone under LPS2 and can be considered at the discretion of the Local Government, following community consultation. An assessment of the acceptability of the Land Use is provided in the Comments section below.
(b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving.	The suitability of the development has been assessed having regard to the relevant scheme requirements, the City's local planning framework, and the impact of the development on the area, consistent with the principles of orderly and proper planning. There are no draft planning instruments relevant to this application.
(c) any approved State planning policy.	There are no relevant State Planning Policies that apply to this proposal.
(g) Any local planning policy for the Scheme area.	An assessment against the City's relevant local planning policies, including the Child Care Policy, the Sound Attenuation Policy and the Non-Residential Development Policy, is discussed further in Administration's comments below.

Clause 67 – Matters to be Considered	
Matter	Administration Comment
(k) the built heritage conservation of any place that is of cultural significance.	The subject site and the adjoining sites are not heritage listed.
(m) The compatibility of the development with its setting including – (i) The compatibility of the development with the desired future character of its setting. (ii) The relationship of the development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.	The proposed development would be compatible with its setting. The proposal does not include any works and the subject site would continue to present as a Single House to Brisbane Street. The compatibility of the land use is considered further in the Comments section below.
(n) The amenity of the locality including the following – (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development.	The subject site has operated a Family Day Care at since October 2018. The City has not received any complaints about the operations in that time. The proposed Child Care Premises would be of the same scale and intensity as the existing Family Day Care. Management measures are proposed to ensure the Child Care Centre would continue to operate at an acceptable scale, reducing amenity impacts to surrounding residential properties. The applicant has provided an NMP, included as Attachment 3 , which demonstrates that the amenity of the locality would not be impacted. This is considered further in the Comments section below.
(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.	The external play area to the rear of the site is landscaped with a variety of trees and plantings as shown in Attachment 5 . Landscaping provided includes six trees. At maturity, these trees would provide 50.5 square metres of canopy cover. This represents 52.0 percent of the external play area, or 14.0 percent of the total site area. This provision of canopy coverage satisfies the landscaping requirements for Centre-Based Child Care Service in the City's Child Care Policy.

Matter	Administration Comment
<p>(s) the adequacy of —</p> <ul style="list-style-type: none"> (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles 	<p>Two car parking bays are provided on-site, accommodating for one staff parking bay and one customer bay to be used for pick-up/drop-off.</p> <p>The proposal satisfies the car parking standard identified in the City's Non-Residential Parking Policy in relation to the number of bays for Child Care Premises.</p>
<p>(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.</p>	<p>A condition of approval is included in Administration's recommendation that two short-term bicycle bays be provided on site. These bays are provided in a secure location, situated behind existing front fencing.</p> <p>A Traffic Impact Statement is not required for this proposal in accordance with the City's Non-Residential Development Policy. This is because less than 10 children are proposed at any one time. Given only seven children are proposed, traffic movements to and from the premises will be low and would not adversely impact the traffic flow or safety.</p>
<p>(u) the availability and adequacy for the development of the following —</p> <ul style="list-style-type: none"> (i) public transport services; (ii) public utility services; (iii) storage, management and collection of waste; (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v) access by older people and people with disability. 	<p>The subject site is located 300 metres east of Fitzgerald Street, 415 metres west of William Street and 700 metres west of Beaufort Street, all of which accommodate several bus routes.</p> <p>The surrounding road network follows a grid style which is favourable to pedestrians.</p> <p>Palmerston Street forms part of the Perth Cycle network, providing access to the broader network. A condition of approval is included in Administration's recommendation for two short-term bicycle bays to be provided on site. This is discussed further in Comments section below.</p>
<p>(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;</p>	<p>The proposal will continue to offer care and education services to children which would be a benefit to families in the area.</p>
<p>(w) the history of the site where the development is to be located;</p>	<p>As outlined above, the subject site has operated as a Family Day Care since October 2018. The proposed hours of operation and number of children at the site, is the same scale and intensity as a Family Day Care.</p> <p>The proposal seeks to maintain existing management practices to ensure the proposal operates at an acceptable scale relative to the context. A condition of approval is included in Administration's recommendation for the implementation of management measures.</p>

Matter	Administration Comment
(y) Any submissions received on the application.	<p>The City received 18 submissions during community consultation, all of which objected to the proposal.</p> <p>A summary of the submissions received including Administrations response to each comment is included as Attachment 6.</p> <p>Submissions are further considered in the Consultation section of this report, below.</p>

Detailed Assessment

The land use permissibility and deemed-to-comply/acceptable outcome (or equivalent) assessment of the elements that requires the discretion of Council are as follows:

Land Use	
Use Class Permissibility	Proposal
<p>LPS2 – Zoning Table</p> <p>'P' permitted use</p>	<p>Child care premises – 'A' Use</p>
Child Care and Family Day Care Policy	
Policy Requirement	Proposal
<p>Clause 3.2 - Suitable Locations in Residential Zones</p> <p>Child Care Premises in the Residential zone adjacent to other non-residential land uses.</p>	<p>The proposal is within the Residential zone and is not adjacent to non-residential land uses.</p>
<p>Clause 3.3 - External Playing Space</p> <p>External play spaces are located away from adjoining noise sensitive land uses.</p>	<p>The external play space is adjacent to the outdoor living area of No. 231 Brisbane Street.</p>
Non-Residential Parking Policy	
Policy Requirement	Proposal
<p>One service bay to be provided on-site.</p>	<p>No service bay provided.</p>
<p>One long-term bicycle bay provided on-site.</p>	<p>Nil long-term bicycle bays provided.</p>
Sound Attenuation Policy	
Policy Requirement	Proposal
<p>Sound Attenuation Policy</p> <p>An Acoustic Report to be submitted where a non-residential development is proposed in a Residential zone.</p>	<p>No acoustic report has been provided with the application.</p>

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

CONSULTATION/ADVERTISING:

Community consultation was undertaken in accordance with the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#) and the City's [Community and Stakeholder Engagement Policy](#) for a period of 14 days, from 14 March 2024 to 27 March 2024. The method of consultation included a notice on the City's website, a sign on-site to the Brisbane Street frontage and 13 letters mailed to the owners and occupiers of the adjoining and adjacent properties of the subject site as shown in **Attachment 1**.

The proposal that was advertised provided for eight children and two staff at the Child Care Premises.

A total of 18 submissions were received during the advertising period. All submissions objected to the proposal.

The key concerns raised in the consultation period are summarised below:

- The subject site is not a suitable location for the Child Care Premises because it is surrounded by residential development.
- Child Care Premises generate additional noise and traffic and are not suitable in a residential area.
- Child Care Premises are usually purpose built and are well setback from lot boundaries.
- The proposal has not provided a traffic impact assessment or noise assessment.
- Express concern that if approved, the operator would seek to increase the number of children in care on the subject site in the future.
- The proposal would exacerbate existing parking and road safety issues on Brisbane Street.
- The proposal does not include detail on any proposed signage. Commercial signage in a residential area would negatively impact amenity.

13 submitters included comments within their submission that they would support the existing Family Day Care at the site for up to seven children.

A summary of submissions received during consultation, along with Administration's response to the submissions is provided in **Attachment 6**. The applicant's response to the submissions received is provided in **Attachment 7**.

Following consultation, the applicant amended their proposal to reduce the number of children in care from eight to seven. Further consultation was not undertaken on the amended proposal because the change to the proposal did not result in any new or increased departures to the planning framework. Administration has notified submitters of the modification to the proposal.

Design Review Panel (DRP):

Referred to DRP: No

The proposal was not referred to the City's DRP because does not include a works component. The function of the DRP is to provide comments on the design and site planning of a proposal. The application does not propose to change the design or site planning.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Local Planning Scheme No. 2;
- Community and Stakeholder Engagement Policy;
- Policy No. 7.1.1 – Built Form Policy;
- Policy No. 7.5.21 – Sound Attenuation;
- Local Planning Policy: Non-Residential Parking; and
- Local Planning Policy: Child Care and Family Day Care.

Planning and Development Act 2005

In accordance with Schedule 2, Clause 76(2) of the Planning Regulations and Part 14 of the *Planning and Development Act 2005*, the applicant would have the right to apply to the State Administrative Tribunal for a review of Council's determination.

Education and Care Services Legislation

As detailed in the Background section of this report, the applicant is seeking this change of use approval to provide the operator with greater flexibility in how they manage their business. This includes the removal of the cost of engaging a Family Day Care Coordinator. The information provided below is to contextualise the proposal but is not a matter to be considered under Clause 67 of the Deemed Provisions in determining the acceptability of this application.

Services that provide early childhood education and care in Western Australia are regulated under the *Education and Care Services National Law (WA) Act 2012* and the *Education and Care Services National Regulations 2012*.

Under this legislation a Family Day Care Service is a care service that is provided across more than one venue or residence. The subject site is operated as a Family Day Care Residence as part of a Family Day Care Service.

Requirement for a Coordinator

A Family Day Care Service is required to engage a Family Day Care Coordinator to oversee and support the operations of a Family Day Care Service. One Coordinator is required per 25 Family Day Care Educators, with a role to monitor and support the educators. This requirement does not exist for centre-based Child Care services.

Play Area Requirements

The legislation has requirements for internal and external space for Child Care premises. These standards do not apply to Family Day Care venues. The space requirements for a Child Care Premises are:

- For each child being educated, 3.25 square metres of unencumbered indoor space. Based on seven children this is a requirement for 22.75 square metres.
- For each child being educated, 7 square metres of unencumbered outdoor space. Based on seven children this is a requirement for 49 square metres.

The subject site has 75.5 square metres of indoor play space and 97.2 square metres of outdoor play space and satisfies these standards.

Staff Requirements

Educator-to-child ratios for Child Care Premises are as follows:

- Children less than 24 months – one educator per four children
- Children over 24 months and less than 36 months – one educator per five children
- Children aged 36 months or over (not including children over preschool age) – one educator per 10 children.

This means that the premises can operate with one staff member on site, if caring for children over 36 months (3 years) of age. If caring for younger children, two staff members would be needed on site.

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 2022-2032:

Innovative and Accountable

Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.

SUSTAINABILITY IMPLICATIONS:

This application does not contribute to any environmental sustainability outcomes. There is limited ability for the development to influence the environmental impact of the entire building on the site through this application as it relates to a change of use of an existing building with no external works component.

PUBLIC HEALTH IMPLICATIONS:

This report has no implication on the priority health outcomes of the City's *Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

There are no finance or budget implications from this report.

COMMENTS:Summary Assessment

In assessing the application against the planning framework, it is recommended for approval. The following key comments are of relevance:

- The proposal seeks to care for a low number of children and provides management measures through a NMP, which allows for the proposal to operate at a scale appropriate to the surrounding residential context.
- The proposed Child Care Premises would operate at the same scale and intensity as a Family Day Care, which is exempt from requiring development approval. The subject site has been operated as a Family Day Care since 2018. Since operations have commenced, the City has not received any complaints or concerns about the use of the premises or impact on the amenity of the surrounding residential area.
- The proposal includes no works, the site will continue to present to Brisbane Street as a single dwelling which is complementary to the existing built form of Brisbane Street which is characterised by one and two storey dwellings.
- A condition of approval is recommended for the provision of two on-site short-term bicycle bays, which would be secured behind front fencing, and would meet the required number of bicycle bays as prescribed by the City's Non-Residential Development Parking Policy.
- The proposal provides a non-residential use that is compatible and complementary to the residential development.

Land Use and Location Acceptability

A Child Care Premises is an 'A' use within the Residential zone. This means that the use is not permitted unless Council exercises discretion by approving a development application for the use following consultation with the community.

In considering the appropriateness of the use, due regard must be given to the [objectives](#) of the Residential zone under LPS2 and relevant matters of Clause 67(2) of the Planning Regulations including the [objectives](#) of the Child Care Policy.

The land use is acceptable for the following reasons:

- Continued Operation at a Low Scale: The proposed Child Care Premises seeks to operate at the same scale and intensity that the existing Family Day Care has operated as since October 2018. This proposed operation would otherwise be exempt from requiring development approval, in accordance with the City's Planning Exemption Policy, if it were to remain as a Family Day Care. The proposed number of children and hours of operation align with those permitted for a Family Day Care under the Planning Exemption Policy. On this basis, the operation is of a small scale as identified within the City's Planning Framework, assisting in reduced amenity impacts to surrounding properties.
- Consistency with Residential Context: Impacts to surrounding properties are reduced due to the low number of children proposed on-site at any one time, due to the day-time operation hours, and due to restricted outdoor play operating hours between the hours of 9:00am and 5:00pm only for a maximum of two hours per day. The proposed operation in combination with management measures identified in the NMP, ensure the proposal operates at a scale that is consistent with the character of the surrounding residential context. The site has operated at this scale, as a Family Day Care, since October 2018 without any record of complaints received from residents. On this basis, the operators have sufficiently demonstrated that a child care facility of the proposed scale is capable of operating at the subject site without impacting the amenity of the surrounding residential development. Conditions of approval are recommended to safeguard this proposed operation, including management measures to reduce amenity impacts to surrounding residential properties.
- Retention of Housing Stock: The subject site would continue to present as a Single House to Brisbane Street and the development would continue to positively contribute to the residential character of the existing neighbourhood. The subject site could be re-purposed for use as a dwelling in the future if the Child Care Premises were to cease operations.
- Configuration of the Site: The Child Care Policy requires that external play spaces are located away from adjoining noise-sensitive land uses. The external play area of the site is immediately adjacent to the outdoor living area of No. 231 Brisbane Street. The location of the external play area is acceptable in this instance as the use of the area would be appropriately managed by the NMP (detailed further below). The low number of children proposed, and measures detailed within the NMP, would ensure that outdoor play would not adversely impact the adjoining properties rear outdoor space.
- Sufficient Privacy to Adjoining Properties: The proposal does not result in overlooking of major openings or outdoor living areas of the adjoining properties. This is because all child care components of the Child Care Premises are located on the ground floor, with existing dividing fences around the perimeter of the subject site provide privacy protection between ground floor spaces. The first floor of the building is identified to be used as an office for the Child Care Premises and includes two large windows in the south eastern elevation. Views from these major openings would not impact the privacy of No. 231 Brisbane Street the property does not have any openings to habitable rooms on its north-western elevation.
- Low traffic volumes: The City's Non-Residential Parking Policy standard is for two car parking bays to be provided on site, the proposal meets this development standard. In accordance with the Child Care Policy, a Traffic Impact Statement is not required for this proposal because it would cater for fewer than 10 children. This is in consideration of the reduced impact of low scale developments and is consistent with the WAPC's Transport Impact Assessment Guidelines.
- Legibility and Wayfinding of the Site: The building on the site is orientated towards Brisbane Street with the front door and other openings visible from Brisbane Street. The site has a single vehicle crossover and separate pedestrian access way to Brisbane Street, with a visually permeable fence and gate. The change front fence design and openings to the front façade provide sound legibility for visitors.

Child Care Policy and Sound Attenuation Policy

The applicant provided a NMP in support of the proposed application, as included in **Attachment 3**.

The proposal would satisfy the [objectives](#) of the Child Care Policy and the [objectives](#) of the Sound Attenuation Policy for the following reasons:

- Noise Management Plan: Due the low scale and intensity of the use, the City's Health Team confirmed that an Acoustic Report was not required, in this instance, and that operations could be appropriately managed through a NMP. This is primarily due to the low number of children cared for at any given time. The Applicant's NMP outlines how the Child Care would operate to minimise the impact of operations on the amenity of the adjoining properties. Measures included in the NMP provided include the following:

- Management of Outdoor Play Area: The outdoor play area is located adjacent to the outdoor living area of No. 231 Brisbane Street. Outdoor play will be restricted to business hours, between 9:00am and 5:00pm as well as to two one-hour sessions per day. Operational measures to further reduce noise impact as detailed within the Applicant's NMP include that children interacting with the boundary fence would be redirected to other activities by child care providers, that soft finishes would be used to minimise the external impact of noise, and there would be no percussive or hard wheeled toys in the outdoor play area.
- Management of Car Parking: Parents and guardians responsible for drop off and pick up would be advised of the requirements of NMP when children are enrolled in the Child Care Premises. This includes avoiding the slamming of car doors, centre doors or gates, and for parents and guardians to avoid loud discussions when picking up or dropping off children. Signage is proposed in the carparking area requesting parents and guardians to keep noise to a minimum. The noise signage would be subject to the requirements of Local Planning Policy: Signs and Advertising, which forms a recommended condition of approval.

The operational measures proposed, including the limitation of the use of the outdoor play area to business hours and for a maximum of two hours, would reduce potential impacts to adjoining properties. As the surrounding properties are residential, during these times it can be expected that people would be working away from home during that time.

Administration's recommendation includes a condition of approval that the proposed Child Care Premises operate in accordance with the operational measures included in the NMP. Additionally, the Child Care Premises venue would also be subject to compliance with the assigned level requirements of the *Environmental Protection (Noise) Regulations 1997*. The noise generated by children at the site would not be captured by the Noise Regulations, as such, a NMP is required to manage the impacts of this noise source.

- Amenity of Existing and Future Residential Development: The proposal is of a low scale and intensity, consistent with that of a Family Day Care, which would be permitted to operate on the subject site. Due to the intensity of development, the proposal would not generate excessive sound levels or traffic movements. This low intensity of use would ensure that it is consistent with and complementary to the established residential neighbourhood. Any increase in numbers of children or changes to the overall operation of the Child Care Centre would require an amended development application for consideration against the relevant planning framework.

Non-Residential Parking Policy

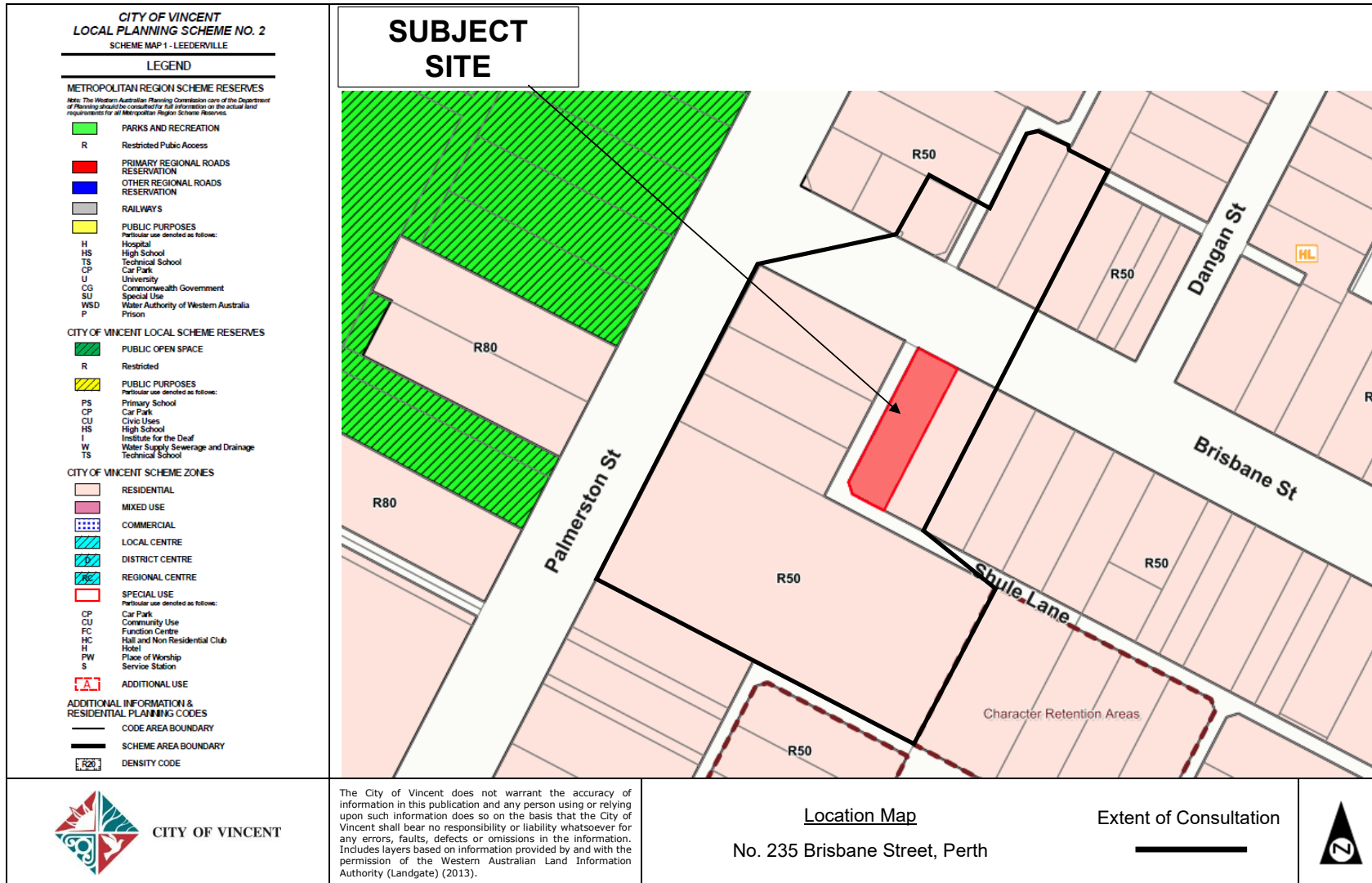
The proposal would satisfy the [objectives](#) of the Non-Residential Parking Policy for the following reasons:

- No Service Bay Previously Required: The City does not require a service bay to be provided for a Family Day Care due to the low intensity of the land use. This application does not intensify the use of the site and would not increase the demand for a service bay to be provided. The applicant has advised that due to the scale of the proposal, they do not require service vehicles to come to the site. Instead, materials are brought to site by the operator, who would park in the staff car parking bay. This means there would be no reduction in on street car parking associated with the lack of a service bay.
- Provision of Bicycle Parking: The City's Non-Residential Parking Policy standard is for the provision of one short-term and one long-term bicycle bay on site. The proposal requires one short-term and one long-term bicycle bay, but no bicycle parking has been proposed. A condition of approval is included in Administration's recommendation for two short-term bicycle parking facility be provided on-site prior to the operation of the site as a Child Care Premises. Two short-term in lieu of one long-term and short-term is acceptable as there is opportunity for bike parking in the front setback of the site, the area does not meet the requirements for long-term bicycle parking under AS2890.3, but they are out of view from the footpath and provide an acceptable level of security.

Signage

The application does not include details of any proposed signs and shows indicative signage only within the NMP. The City's Local Planning Policy: Signs and Advertising (Signs and Advertising Policy) identifies a maximum of two signs for a commercial use in a Residential zone. This restriction limits the potential for the proliferation of signs and advertising on the site.

Administration's recommendation includes a condition of approval that any signage is to comply with the deemed to comply standards of the Signs and Advertising Policy. A further advice note is provided to encourage the applicant liaise with Administration prior to the installation of the sign shown in the NMP.





CITY OF VINCENT

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No. 235 Brisbane Street, Perth



Brisbane St Childcare Centre

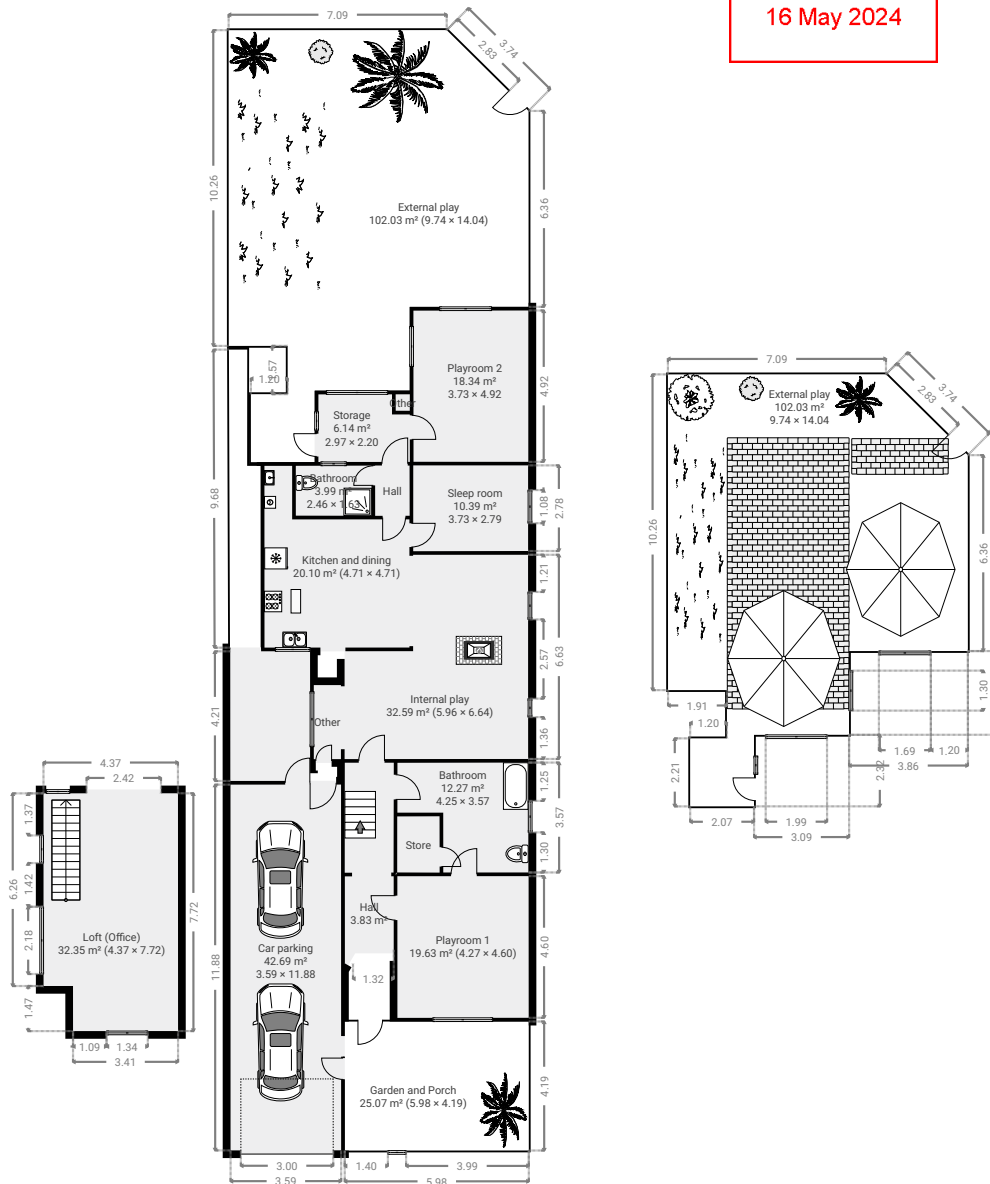
235 Brisbane Street, 6000 Perth, WA, Australia
 TOTAL AREA: 463.76 m² • LIVING AREA: 183.80 m² • FLOORS: 2 • ROOMS: 19



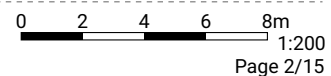
▼ Ground Floor

TOTAL AREA: 463.76 m² • LIVING AREA: 183.80 m² • ROOMS: 19

CITY OF VINCENT
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16 May 2024



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Noise Management Plan

235 Brisbane Street Perth WA 6000

Document control

Version	Description	Checked	Date approved
1.1	Draft	AH	28.05.24

Version: 1.1
Reviewed: May 2024

CITY OF VINCENT
RECEIVED
29 May 2024

Introduction

The Noise Management Plan (NMP) aims to protect the acoustic privacy of nearby residents in their homes and private open spaces. The service is committed to preventing the generation of unacceptable noise levels that may impact upon the amenity of neighbours. This NMP aligns with the principles set out in the Environmental Protection (Noise) Regulations 1997 and the City of Vincent's noise management guidelines.

Operation details

Hours of operation:

- The centre will operate between the hours of 7.00am to 6.00pm Monday to Friday.
- The centre will be closed on Saturday, Sunday and on public holidays.

Number of children on site:

- The centre will accommodate a maximum of seven (7) children at any one time.

General noise management principles

The centre manager will ensure that children are adequately supervised at all times, and will respond to any child that is distressed or in need of assistance or support.

Any activity that may potentially create noise breakout from the premises will be kept to a minimum. Doors and windows will be kept closed during indoor activities that emit noise.

The behaviour and 'style of play' of children will be monitored to prevent particularly loud activity e.g., loud banging/crashing of objects, 'group' shouts/yelling.

Stereo and audio systems will be used on low volume settings to avoid the potential for noise breakout from the premises. Any music played within indoors would be 'light' music with no significant bass content and played at a relatively low volume level.

The NMP will be provided to all parents upon enrolment of their child. The NMP will be regularly reviewed at intervals not exceeding 12 months and more frequently as required. Any changes will be communicated to all relevant parties in writing.

Parents

Upon enrolment, parents will be informed of the NMP and the importance of minimising noise that could potentially affect neighbouring properties.

Parents will be advised:

- Of the importance of the NMP and acknowledge their acceptance of the plan;
- When arriving to and departing from the centre, to be considerate of the neighbouring properties by keeping noise levels to a minimum.

Version: 1.1

Reviewed: May 2024

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29 May 2024

Parents will be informed that the aim of the NMP is to implement strategies to reduce potential noise breakout from the centre.

The NMP requires co-operation of all parents. Parents will be advised to avoid:

- Slamming car doors, centre doors or gates
- Calling out loudly when delivering or collecting children; and
- Loud discussions outside with educators or other parents

Parents will be asked to share this information to anyone (i.e., grandparents) who may be dropping off or collecting children from the centre.

Outdoor play

- Children will not be permitted to play outside before 9am.
- Outdoor play will be restricted to two one-hour sessions per day
- A separate daily program for both the warmer and cooler months will be established in order to regulate the total time spent outdoors and indoors
- Any child interacting with the boundary fence, such as throwing balls or hitting fences will be redirected to another play area to participate in an alternative activity.
- Children who are crying outdoors will be comforted by staff. If the child continues to cry, they will be taken inside. A quiet space is available indoors for calming upset children.
- Soft finishes will be used to minimise the external impact of noise (e.g., grass, sand pits, rubber mats) over timber or plastic.
- Preference will be given to the use of soft balls and rubber wheeled toys. There will be no use of percussive, hard wheeled and other potentially noisy toys in the outdoor play area.
- Potentially noisy activities such as music and singing will be conducted indoors with doors and windows closed to ensure that noise is not audible to neighbouring properties.

Monitoring and management

The contact details of the owner/centre manager will be provided to neighbours. This provides residents with a point of contact, should an issue relating noise arise. If complaints are received, the centre manager will take immediate action to rectify the complaint and will follow the complaints procedure.

All staff and parents will be made aware of the requirement to comply with this NMP. Parents of children attending the centre will be provided with information outlined in the NMP (which is reviewed and revised regularly in compliance with service audits).

Staff responsibilities

The centre will continue to be run by an owner-operator. If additional staff are employed, they will be informed of the NMP and this will become part of their induction.

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Staff will be advised:

- About the requirements of the NMP during their induction
- To supervise children at all times
- To provide stimulating and engaging play-based activities that align with the principles of the NMP
- To talk to children and try to resolve conflicts rather than shouting across play areas.
- If children are yelling or screaming, to redirect the child to a quieter play area.
- That for babies who are crying, staff should try to comfort the baby. However, if the baby continues to cry, they are to be taken to a quiet area inside.

Car parking and traffic management

The aim of this section of the NMP is to ensure that access to and from the centre parking areas occurs in an appropriate manner to minimise noise emission, and to ensure that appropriate arrangements are in place to coordinate vehicle parking for parents and/or carers. Pick-up and drop-off times will be provided to both accommodate and encourage the staggering of vehicle movements during peak periods.

Drop off and pick up

Staff will advise parents and carers that drop-off and pick-up of children is to occur within the drop-off designated parking bays, when possible, to reduce any potential noise breakout.

To assist in maintaining low noise levels, signs will be erected, advising the following:

- Parents not to call out loudly during drop off and pick up.
- Staff and parents to converse at a low volume at all times when outdoors.
- Gates and car doors must not be slammed.
- Staff and parents converse at normal speech levels and not to shout across the car parking area.

Parents and carers are required to accompany their child when entering the centre from the car parking area and will be advised of the NMP as part of the enrolment process.

Parents will be discouraged from entering into prolonged conversations with other parents in the car parking area as this is deemed to be unsafe. This information will be contained in information packs provided on enrolment and maintained on-site by the centre manager.

Contact details and complaints procedure

Where possible, neighbours are encouraged to report any noise concerns to the centre manager directly. Any complaints relating to noise can be directed to Abby by calling 0430 515 506.

Version: 1.1

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If the centre manager is not available, a message can be left and this will be followed up as soon as practicable (within 24 hours).

Any noise complaints received will be recorded in the complaints record keeping book, which will include the following information:

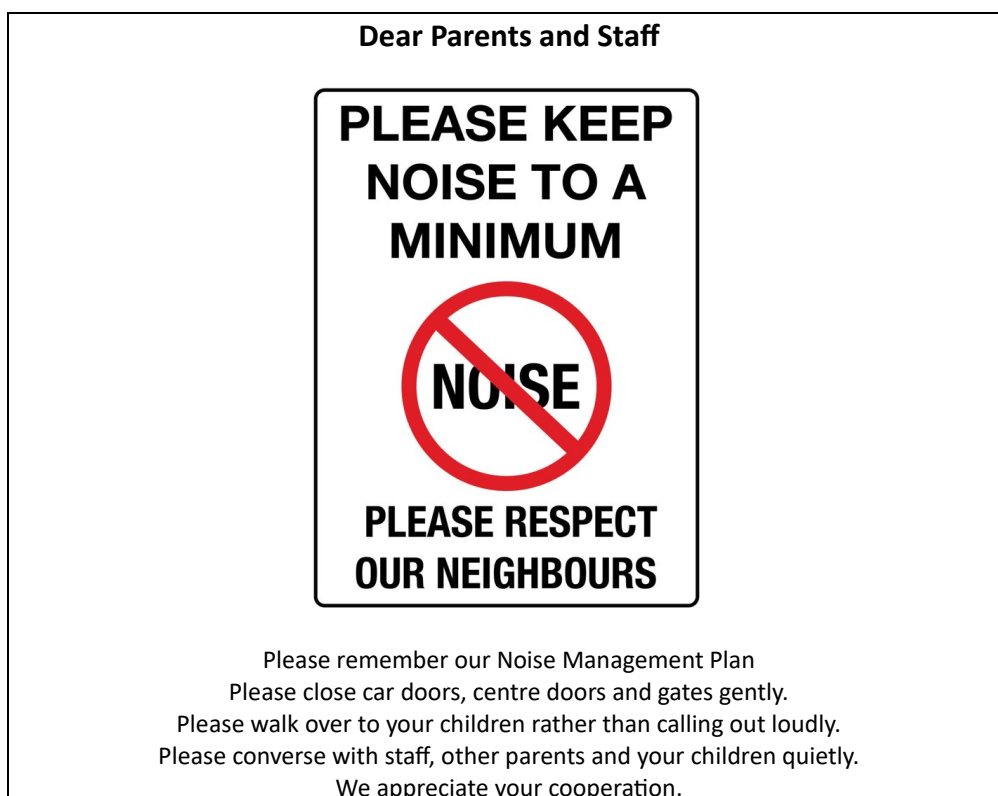
- The date and time of the complaint;
- The details of the person(s) making the complaint;
- Suspected/actual source of the noise (parking area, children playing outdoors); and
- The proposed resolution provided to the resident(s) and suitable outcome.

The complaints record keeping book supports appropriate record keeping, trend analysis and facilitates any necessary changes or modifications to current noise management procedures.

Future changes and modifications

This NMP will be reviewed at the minimum, yearly by the centre manager. More frequent review can be implemented if required based on feedback and regulatory requirements.

Below is an example of a sign to be placed in the car park and outdoor play area.



Version: 1.1
Reviewed: May 2024

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29 May 2024

Dear City of Vincent,

RE: Proposal for change of use Family Day Care to Child Care Service

I am writing to provide further information regarding my application to change the use of 235 Brisbane Street, Perth, from Family Day Care Service to Child Care Centre. I appreciate the opportunity to explain the rationale behind this proposed change.

Consultation comments

We have been approached by several neighbours concerned about a previous proposal to develop a large Child Care Service. This is likely due to an earlier proposal to build a 35-child capacity child care centre at the same location. However, this plan was abandoned after receiving feedback from neighbours.

While the City's Public Notice was clear in terms of what the new application was for, we are concerned that neighbours may have not reviewed the Application information in detail, with feedback received possibly representing sentiment on the previous proposal. We hope this letter can provide clarity for local residents who may be concerned about the proposal.

Background

Brisbane Street Family Day Care has been operating as a Family Day Care Service for over five years since January 2019. This service was approved by the City of Vincent in line with the *Local Planning Policy: Child Care and Family Day Care*.

Current situation

Due to the increasing cost-of-living pressures and the ongoing economic inflationary environment, it has become increasingly difficult for our small Family Day Care business to continue providing services to local families. This is partly due to the significant membership fees that must be paid to third-party management providers, which is mandatory for all family day care operators. This requirement does not apply to Child Care Centres, which allows for an approved provider to operate services under the *Education and Care Services National Law (WA) Act 2012*.

Proposal

My wife Abby has been operating Brisbane Street Family Day Care for over five years and has more than ten years' experience in the childcare industry. She also holds a Bachelor of Education (Primary Education) from Curtin University. She hopes to be able to assume responsibility in the management of the service and apply for approval via the Education and Care Regulatory Unit (ECRU), through the WA Department of Communities. However, this would first require the site to be approved by the City as a Centre-Based Child Care Service.

The proposal for the change in use aims to improve the overall quality of care provided to children and families in the community. This change will allow for greater flexibility in decision-making and resource allocation, enabling us to meet the unique needs and preferences of families serviced by the centre.

Please note that the proposal does not intend to make any structural changes to the building, nor will there be any increase to the number of children already

approved under current policy (i.e., no more than seven children will be educated and cared for at the any one time).

In considering the feedback from neighbours and the City, the initial proposal for eight children will be reduced to seven children in line with policy and the current approval. **There is no proposal to increase the intensity of the site.**

Responses to issues raised by Council

1. *“To provide for a range of non-residential uses, which are compatible with and complementary to residential development. (Zone Objective).”*

a) *“The proposal would not be compatible with residential development as it would introduce the waste, parking and noise considerations of a commercial use into the residential zone.”*

- We have operated a family day care service from 235 Brisbane Street, Perth for five (5) years without any reported concerns or complaints. There is no plan to increase the intensity of the site and we request approval to continue to operate under the current approval (i.e., no more than seven children will be on site at any one time) albeit as a Day Care Centre rather than a Family Day Care service. Due to no change in intensity or operations, we do not anticipate any changes to waste, parking or noise. The aim of changing from Family Day Care to Centre-Based Child Care is simply to facilitate independent management of operations as explained above.

2. *“Centre-Based Child Care Services are adjacent to and complement other non-residential land uses, and are located so as to avoid non-residential development encroaching upon areas which are residential in nature and resulting in adverse impacts. (Policy Objective)”*

a) *“The proposal is surrounded by entirely residential uses and is not adjacent to non-residential land uses. The closest non-residential property is approx. 85m east of the subject site at No. 197 Lake Street. As such, the proposal does not meet the objective of the Policy.”*

- While the proposed centre-based child care service is not located immediately next to other non-residential land uses, we believe the centre would complement local other non-residential land uses. The family day care service has been operating for five years providing essential services to the local community without any reported adverse impacts. Therefore, we believe the proposal would meet the City’s Policy Objective.
- There are several other businesses within walking distance nearby that are also within residential areas that have been approved for non-residential land use including: Ton Sian Groceries, The Witch’s Hat, Abbey Madison Photography, Eternal IT, and Palmerston Association. We believe a small childcare centre located a few minutes’ walk to Robertson Park would complement other non-residential land uses in the area.
- There are several Centre-Based Child Care Services located in residential areas that have been approved by the City, which

may set a precedence for consideration of approval within residential areas. Examples include:

- Indigo Montessori 174 Grosvenor Road, North Perth
- Busy Bees at Mt Lawley South, 66 Forrest Street, Mount Lawley
- Milestones Early Learning Yokine, 136 Swan Street, Yokine
- Akidamy School of Early Learning, 105 Summers Street, Perth
- Busy Bees at Yokine, 43 Blythe Avenue, Yokine
- Leaps & Bounds Preschool Highgate, 386 Lord Street, Highgate.

3. *“Noise-generating activities such as outdoor play areas, vehicle access ways, car parking areas and any plant and equipment is located away from noise-sensitive land uses (such as residential dwellings). (Policy Objective)*

a) An outdoor play area is proposed immediately adjacent to the outdoor living area of 231 Brisbane Street and in close proximity to other dwellings. A second outdoor play area is also proposed at the front of the lot, adjacent to the street. The outdoor play areas would be a noise generating activity that isn't typical to the residential area. As such, the proposal does not meet the objective of the Policy.”

- The same outdoor play area located to the rear of the property has been used for the family day care service for five years without any noise concerns or complaints being raised. As there would not be any increase in the number of children, nor will there be any change in any plant and equipment used, neighbours should not experience any difference in noise generation. We remain committed to working with our neighbours and the City to ensure that any concerns regarding noise will be addressed immediately should they occur.
- The City approved the operation of Brisbane Street Family Day Care without the need for an acoustic report. The new proposal does not change the intensity of children on site, nor will there be any change to noise generating activities. Several Acoustic Consultants contacted have advised that due to the small scale of the business and the limited operating hours, much of the details on an acoustic report would not be relevant. In view of this and that there have not been any concerns or complaints being received to date relating to noise, we kindly request that the City exercise its discretion that an acoustic report is not required at this time.
- The second proposed outdoor play area at the front of the property will be withdrawn and will remain as a garden and porch area. Please see attached revised plans.
- Car parking: Family Day Care Services are not required to provide any additional car parking bays, other than what is required under the Residential Design Codes. To date, we have not received any complaints or feedback relating to traffic or parking-related concerns. With no change in operations or

intensity of children on site, we do not anticipate any adverse impacts. However, in compliance with the requirements we will provide two dedicated car parking bays on site in line with the Centre-Based Child Care Service requirements.

Waste management plan

a) Summary of the development

- The location of the development is 235 Brisbane Street, Perth. The premises is a single ground floor with one additional loft area accessible by staircase to be used as an office space.
- The premises is 362m² with 196m² of internal space. The intended use of the premises is a Centre-Based Child Care Centre servicing a maximum of seven (7) children.

b) Anticipated waste generation

- Brisbane Street Family Day Care has operated for the past five (5) years under the City's current residential wastage services and this has been sufficient. The proposal does not increase the intensity of the number of children on site. Therefore, we do not anticipate an increase in waste disposal requirements. However, the plan below attempts to mitigate against possible increased waste requirements as well as align with the City's Waste Management Policy.
- The actual internal space used (for seven children) will be closer to 22.75m² (3.25 m² for each child, represents ~11.6% of available internal space). It is estimated that no more than 50% of the calculated waste requirements will be required to service this small business.

Anticipated waste generation for general waste, comingled recycling and FOGO is calculated as below in accordance with the *Waste Guidelines for New Developments*:

Childcare	240	240	120	L/100m ² /week
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Based on an internal space of 196m² (~200m²), the following applies:

- i. General waste red bins: 2 x 240L per week
- ii. Comingled recycling yellow bins: 2 x 240L per week
- iii. FOGO green bins: 2 x 120L = 1 x 240L per week

Calculated total of five (5) bins per week. However, due to the nature of smaller operations, it is anticipated that fortnightly rather than weekly collections in line with the existing residential collection schedule will be sufficient for waste management (i.e., 50% of calculated waste requirements).

To accommodate the above, a request for an additional fee payment to increase the waste bin capacity utilising the City's commercial business (micro-business) charged service option will be undertaken.

- o Upgrade existing garbage (red) bin from 140L to 240L plus one additional 240L garbage (red) bin (total 2 x 240L)
- o 1 x additional 240L comingled recycling (yellow) bin (total 2 x 240L)

Bin sizes: The total bin requirements will be easily accommodated in the proposed refuge storage area.

Bin Capacity	140L	240L	360L
Height (mm)	1065	1080	1100
Depth (mm)	540	735	885
Width (mm)	500	580	600

b) Bin access and storage

- Waste will be transported from the source to the appropriate bin located in the refuge store area. This area is 10.92m² and is shown in the floor plan. The area adjacent is suitable for wash-down and has appropriate storm water drainage. The area is in an open space and is well-ventilated. Vermin prevention strategies will exist in the form of commercial baits.

c) Waste system (internal collection methods and equipment)

- External bins will be located in the bin storage area. Internal waste will be placed in internal bins and when full will be taken by hand to the appropriate external bin area for disposal.

d) Collection method and frequency

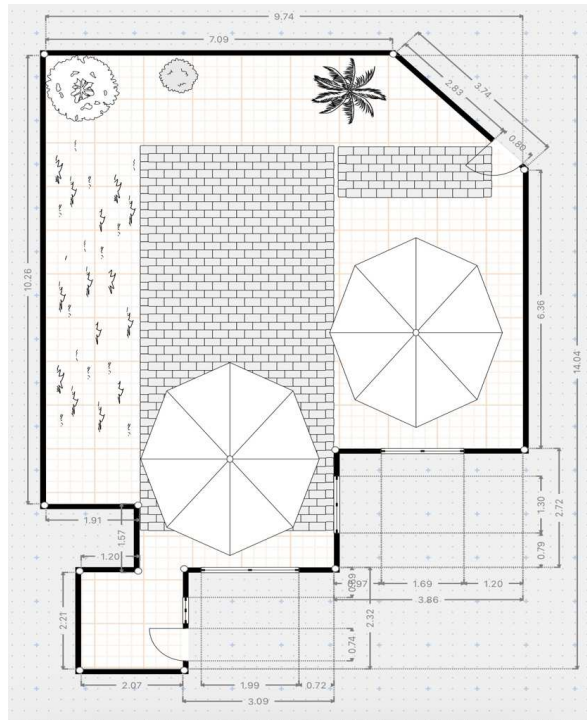
- The City's (residential) Collection Vehicle will be used. Bins in the storage area will be taken to the verge collection point on the specified day for collection. The frequency will be fortnightly.

e) Waste Service Provider (if commercial)

- Not applicable.

Landscaping plan

- A landscaping plan is included below. This indicates that at least 30% of the external play area will be provided as canopy coverage (i.e. 31m²). This will be achieved with the installation of two round shaped UV umbrella parasols (pictured in white below).
- The design of the outdoor external playing space is shown in the four photographs (Outdoor 1, 2, 3 and 4). Please note that there is no intention to change to the current play spaces, except for the proposed inclusion of the undercover canopy areas.
- Please note as mentioned above, the second proposed outdoor play area located at the front of the dwelling has been withdrawn.



Thank you for considering my application and for the opportunity to provide further clarification on this matter. Please do not hesitate to reach out if you have any additional questions or require further information.

Yours sincerely

Michael Cao

16 May 2024

9.2 NO. 3 (LOT: 0; D/P 10569) LAWLEY STREET, WEST PERTH - SOCCER NET ADDITION TO RECREATION FACILITY (DORRIEN GARDENS) (UNAUTHORISED EXISTING DEVELOPMENT)

Ward: South

- Attachments:
1. Location and Consultation Plan [↓](#) 
 2. Development Plans [↓](#) 
 3. 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 a Soccer Net Addition to Recreation Facility (Dorrien Gardens) (Unauthorised Existing Development) at No. 3 (Lot: 0; D/P 10569) Lawley Street, West Perth, in accordance with the plans shown in Attachment 1, subject to the following conditions, with the associated determination advice notes in Attachment 3:

1. Development Plans

This approval is for a Soccer Net Addition to Recreational Facility (Dorrien Gardens) as shown on the approved plans dated 16 April 2024. No other development forms part of this approval.

EXECUTIVE SUMMARY:

The purpose of this report is to consider an application for development approval for a soccer net addition to the Dorrien Gardens Reserve located at No. 3 Lawley Street, West Perth (subject site). The soccer net is unauthorised existing development. A location plan of the subject site is included as **Attachment 1**.

The subject site, known as Dorrien Gardens, is owned and managed by the City of Vincent and has been leased to the Perth Soccer Club since 1987.

The proposal relates to a soccer net addition, located adjacent to the northern lot boundary of the subject site, abutting Lawley Street. The soccer net structure was installed between February and April of 2023.

The application has been assessed against Clause 67 – matters to be considered by local government under the *Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2*. Matters relevant to this application include objectives of the City's Local Planning Scheme, the compatibility of the proposal within the context of the locality and community submissions on the application.

The proposed development is supported because it does not impact amenity of the locality and would be consistent with the objectives of the public open space reserve in which it is located. This is because the structure comprises of two posts and a visually permeable and detachable net, which allows views through the structure that minimises visual impact to surrounding context.

The proposed development is acceptable as considered against the planning framework and is recommended for approval subject to conditions.

PROPOSAL:

The subject site is located at No. 3 Lawley Street, West Perth, as shown on the location plan included as **Attachment 1**.

The application seeks approval for a soccer net structure addition to the northern lot boundary adjacent to Lawley Street, located behind the soccer field goal. The location of the soccer net structure in relation to the broader site area is shown in **Attachment 1**.

The soccer net structure consists of two black metal posts, each measuring 10 metres in height and located 25 metres apart. A removable permeable net is affixed between the two posts.

The proposed development plans are included in **Attachment 2**.

The purpose of the soccer net structure is to contain soccer balls during gameplay, reducing the risk of soccer balls leaving the site and impacting pedestrians, vehicles, and adjacent dwellings on Lawley Street.

The works are unauthorised existing development as the structure was installed between February and April of 2023 with no valid development approval. The structure is not exempt under the *Planning and Development (Local Planning Schemes) Regulations 2015* or the City's [Local Planning Policy: Planning Exemptions](#). The constructed structure is shown in the below Figures.



Figure 1 – View of the Soccer Net Structure from Perth Soccer Club (Looking North).



Figure 2 – View of the Soccer Net Structure from Lawley Street (Looking South).

DELEGATION:

This application is being referred to Council for determination in accordance with the City's Register of Delegations, Authorisations and Appointments.

This is because the delegation does not extend for applications for development approvals that propose permanent structures on City owned or managed land, except where:

- a) The structure is an awning, or
- b) The structure is for a ground anchor; or
- c) The structure is for an encroachment which:
 - i) is an architectural feature and does not encroach by greater than 250 millimetres; or
 - ii) is a window or shutter that encroaches on a road or public space by no more than 50 millimetres when open and is at least 2.75 metres above the ground level.

The application seeks approval for a structure on City owned land which does not meet the above criteria of the City's Register of Delegations, Authorisations and Appointments.

BACKGROUND:

Landowner:	City of Vincent
Applicant:	Trio Homes
Client:	Perth Soccer Club
Date of Application:	16 April 2024
Zoning:	MRS: Urban LPS2: Reserve: Public Open Space - Restricted
Built Form Area:	Reserve
Existing Land Use:	Recreational Facility
Proposed Use Class:	Recreational Facility
Lot Area:	17,758m ²
Right of Way (ROW):	Yes
Heritage List:	No

The subject site is bound by Lawley Street to the North, commercial developments to the east, residential developments to the south and Victoria Street to the west. A location plan is included as **Attachment 1**.

The subject site is reserved as Public Open Space – Restricted under the City's Local Planning Scheme No. 2 (LPS2).

The surrounding properties to the north, west and south are zoned Residential (R80), adjoining properties to the east are zoned Commercial, and adjoining properties to the south-east are zoned Mixed Use (R160) under LPS2.

The structure is proposed within a 'reserve' area under the City's Policy No. 7.1.1 – Built Form (Built Form Policy). The Built Form Policy has no applicable provisions for reserves and the Residential Design Codes do not apply.

The subject site, known as Dorrien Gardens, is owned and managed by the City of Vincent and has been leased to the Perth Soccer Club since 1987.

DETAILS:**Summary Assessment**

In considering an application for development approval located on land reserved for Public Open Space, due regard must be given to the relevant matters as stipulated under [Clause 67 – Matters to be Considered by Local Government](#) of the Deemed Provisions. There are no State planning policies in operation which relate to the structure located in the reserve.

The table below summarises the planning assessment of the proposal against Clause 67(2) and the provisions of LPS2.

Clause 67 – Matters to be Considered	
Matter	Administration Comment
(a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area.	The application would be consistent with the aims of the Public Open Space Reserve as set out in LPS2. This is considered further in the Comments section below.
(b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving.	<p>The suitability of the development has been assessed having regard to the relevant scheme requirements, the relevant planning framework, and the impact of the development on the area, consistent with the principles of orderly and proper planning.</p> <p>There are no draft planning instruments relevant to this application.</p>
(g) Any local planning policy for the Scheme area.	There are no local planning policies relevant to this application.
(m) The compatibility of the development with its setting including – <ul style="list-style-type: none"> (i) The compatibility of the development with the desired future character of its setting. (ii) The relationship of the development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development. 	<p>The design of the soccer net structure is compatible and consistent with the development standards expected for recreational sporting facilities.</p> <p>The soccer net structure does not have an adverse visual impact on the adjoining lots. This is because the structure comprises of a visually permeable net between two narrow posts, allowing views through the structure and minimising the visibility of the structure to surrounding properties and public spaces.</p> <p>The acceptability of the structure in relation to the surrounding context is discussed further in the Comments section below.</p>
(n) The amenity of the locality including the following – <ul style="list-style-type: none"> (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development. 	<p>The proposal does not impact residential amenity for Lawley Street. This is because it is setback 32 metres from the nearest dwelling, is visually permeable in design, and is partially screened from view to Lawley Street by two mature street trees (shown in Figure 2 above).</p> <p>The structure also seeks to contain errant soccer balls and would protect the northern adjacent properties, resulting in improved amenity between the two land use types.</p> <p>The acceptability of the structure in relation to amenity impacts to surrounding developments is discussed further in the Comments section below.</p>

Matter	Administration Comment
(u) the availability and adequacy for the development of the following — (i) public transport services; (ii) public utility services; (iii) storage, management and collection of waste; (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v) access by older people and people with disability.	The soccer net structure would not impact public transport services, public utility services, waste serves or mobility for pedestrians or cyclists. This is because the soccer net is located at the edge of the soccer field and is not located near any pedestrian, car or cyclist facilities or public transport infrastructure.
(w) The history of a site where the development is to be located.	The development would be consistent with the history of the site being used as a recreational facility for Perth Soccer Club. The net would prevent soccer balls leaving the site, reducing off-site impacts to surrounding residential properties, and supporting the ongoing use of the site as a soccer field.
(y) Any submissions received on the application.	Two submissions were received during the consultation period, objecting to the proposal. A summary of the submissions with Administration's response is included in the Comments section of this report.

CONSULTATION/ADVERTISING:

Community consultation was undertaken in accordance with the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#) and the City's [Community and Stakeholder Engagement Policy](#).

The City's Community and Stakeholder Engagement Policy sets out that if an application proposes development on City owned or managed land, then it is a 'complex' application.

The Community and Stakeholder Engagement Policy prescribes additional consultation requirements for complex applications which are a minimum advertising period of 28 days, a sign be erected on site and letters sent to a consultation radius of 200 metres.

The Community and Stakeholder Engagement Policy also permits the Administration to vary the consultation radius on a case-by-case basis where owners and/or occupiers of properties in the vicinity of the proposed development are likely or unlikely to be affected by the granting of development approval.

Commensurate with the scale of the proposal and potential impact on surrounding properties, Administration reduced the consultation period to 14 days and reduced to the consultation radius to adjoining and adjacent properties. The proposal was advertised for a period of 14 days, from 12 June 2024 to 26 June 2024. The method of consultation included a notice on the City' website and 37 letters being mailed to the owners of adjoining and adjacent properties, as shown in **Attachment 1**.

At the conclusion of consultation period the City received two submissions, both of which objected to the proposal. The comments received are summarised as follows:

- Noise emitted in relation to soccer games occurring at the subject site.
- The impact of the soccer net structure on views of significance.
- Concern relating to loss of property value of surrounding residential developments.

Administration's response to submissions received is addressed within the Comments section of this report.

Design Review Panel (DRP):

Referred to DRP: No

The proposal was not referred to the Design Review Panel. This is because the structure does not meet the requirements for referral established in the [DRP terms of reference](#). Due to the nature of the structure, being two posts with a removable net between, there is limited scope for design advice.

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *City of Vincent Local Planning Scheme No. 2; and*
- *Community and Stakeholder Engagement Policy.*

Planning and Development Act 2005

In accordance with Schedule 2, Clause 76(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Part 14 of the *Planning and Development Act 2005*, the applicant would have the right to apply to the State Administrative Tribunal for a review of Council's determination.

City of Vincent Local Planning Scheme No. 2

In considering the acceptability of the development, Council is to have regard to the objectives of the relevant reserve.

The [objectives](#) of Public Open Space Reserves are as follows:

- *To set aside areas for public open space, particularly those established under the Planning and Development Act 2005 s. 152.*
- *To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.*

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.

The structure would limit the number soccer balls leaving the site and reduce the risk of soccer balls causing damage to people and property within Lawley Street.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Community Plan 2022-2032:

Innovative and Accountable

Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.

SUSTAINABILITY IMPLICATIONS:

The proposal is a minor addition to the infrastructure supporting the use of the reserve as a soccer field and does not generate ongoing energy or water consumption.

As a minor addition, the sustainability implications would be limited to the energy consumption and water use associated with the manufacture, transport and installation of the structure and would be minimal. This is because of the minor nature and scale of the works, which consists of two 10 metres high galvanised steel posts with a removable net in between.

PUBLIC HEALTH IMPLICATIONS:

This is in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

Increased physical activity

FINANCIAL/BUDGET IMPLICATIONS:

There are no finance or budget implications from this report.

COMMENTS:

The proposal would satisfy the [objectives](#) of Public Open Space Reserves under LPS2 and applicable provisions of [Clause 67 – Matters to be Considered by Local Government](#) of the Deemed Provisions for the following reasons:

- **Land Use:** The structure would be used in conjunction with existing recreational activities undertaken by the Perth Soccer Club. The structure would support Perth Soccer Club in providing for active and passive recreational uses at the reserve. The structure would not introduce a new land use or limit existing or future land uses at the subject site.
- **Increased Amenity:** The structure has been designed to prevent soccer balls from leaving the site and subsequent impacts to surrounding residential properties and public space. This provides additional protection and assists in reducing land-use conflicts between the subject Reserve and adjacent residential properties.
- **Built Form:** The structure is consistent with type and built form of developments associated with sports facilities located in public open space reserves. This is because the overall height and form of the structure is equivalent to or lesser than other infrastructure common to sporting grounds, such as flood lights, high level fencing, goal posts for AFL and Rugby, and the like. The structure comprises of a visually permeable net between two narrow posts, allowing views through the structure and minimising the visibility of the structure to surrounding properties and public spaces.
- **Streetscape & Surrounding Character:** The design of structure does not impact the Lawley Street streetscape or the character of the surrounding locality. This is because the two posts are slim in design, the height of the posts are consistent with that of nearby power and light poles, and the netting material is visually permeable, allowing views between the soccer field and the street. Mature trees located within the Lawley Street verge also provide visual screening between the street and the structure. The structure is setback a minimum of 32 metres from the nearest residential dwelling, providing sufficient separation to reduce visual impacts. The soccer net material is visually permeable, as shown in Figures 1 and 2 above, and does not restrict views of significance that may be achieved from surrounding properties. Overall, the proposal is compatible and complimentary to the surrounding context as the design results in a structure that is not visually dominant when viewed from Lawley Street or adjacent properties.
- **Community Consultation Comments:** The soccer net structure was installed at the subject site between February and April of 2023. During this time, the City has not received any complaints in relation to the structure. Following community consultation of this proposal, the City received two objections in relation to the structure when the development application was advertised. The objections received relate to noise generated from soccer games, the impact of the structure on views of the City and Kings Park, and subsequent impact on property values. In consideration of these comments, Administration notes that the use of the reserve for soccer games is as-existing and not the subject of this application, the impact to property values is not a relevant planning consideration, and the proposal would not impact views of significance given the netting is visually permeable in design.

10 INFRASTRUCTURE & ENVIRONMENT

10.1 VERGE VALET SERVICE REVIEW

Attachments: Nil

RECOMMENDATION:

That Council:

1. **NOTES** the feedback from the Verge Valet Vincent trial; and
2. **APPROVES** the adoption of pre-booked bulk verge collections as a standard service offering.

PURPOSE OF REPORT:

To provide results of the Verge Valet Vincent trial and consider the adoption of pre-booked bulk verge collections as a standard service offering to City residents.

DELEGATION:

At the Ordinary Council Meeting held on 14 March 2023, Council approved the extension of the Verge Valet trial and contract for 12 months (July and June 2024) and requested the Administration provide a further report (inclusive of community consultation feedback) to be presented to Council on the progress of the trial and associated bulk verge services in March 2024. The Administration was unable to present this report in March 2024 due to resourcing issues.

The Administration has delegated authority to award a services contract through a public tender exempt procurement process. The *Local Government (Functions and General) Regulations 1996 Part 4 Division 2 r.11(2)(e)* permits tender exempt procurement of goods or services that are supplied by a local government or a regional local government. The pre-booked bulk verge collection service (Verge Valet) is administered by Western Metropolitan Regional Council (WMRC) which is a regional local government.

BACKGROUND:

The City's Waste Strategy 2018 – 2023 has a Vision of "Zero waste to landfill by 2028". The Strategy recognises the previous collection methodology for bulk hard waste was outdated and encouraged the generation of waste.

During the bulk hard waste collection in February 2019, the City received numerous complaints from the community, with concerns including:

- thoughtless scavenging (often overnight), creating amenity and safety issues/concerns;
- adverse impact on visual amenity – including ransacked piles and litter;
- presentation time too long, leading to further illegal dumping on existing piles; and
- verge access/obstruction issues.

At the Ordinary Council Meeting held on 2 April 2019, Council requested Administration to provide alternative options, including financial modelling. Initial options and modelling were provided at the 25 June 2019 Ordinary Council Meeting. Council subsequently resolved (it):

1. *NOTES options presented for future hard waste (junk) services, resulting from a service review undertaken as part of Waste Strategy Project 2; and*
2. *DOES NOT support Option One – Cease to Provide the Service*

3. *REQUESTS further investigation of options that may be more tailored to suit the City of Vincent community, including but not limited to:*
 - 3.1. *maintenance of an annual service with inclusion of meaningful ways to achieve higher diversion from landfill and reduce amenity and verge obstruction issues;*
 - 3.2. *more detailed free on-demand (on-request) service options, including consideration of neighbourhood or street based collection services; and*
 - 3.3. *opportunities for recyclables and reusable goods to be offered for free on verges and/or timed to coincide with events linked to recycling, such as the Garage Sale Trail weekend;*
4. *REQUESTS*
 - 4.1. *that further refined options are presented to the Community Engagement Panel for feedback prior to community consultation and to inform development of the Public Engagement and Community Strategy;*
 - 4.2. *that the proposed detailed Public Engagement and Community Strategy includes objectives and rationale for bulk hard collection prior to community consultation; and*
 - 4.3. *that procurement of a bulk hard waste service in February 2020 be undertaken, with a shorter bulk waste presentation period to minimise dumping, visual amenity and verge access issues.*

It is relevant to note that Bulk Hard Waste (Junk) Collection service was postponed to July 2020 due to COVID but incorporated the shorter presentation period in accordance with item 4.3 of the above resolution.

The City engaged the services of Talis Consultants, to assist with the provision of further refined options, including financial modelling. As part of this modelling, various scheduled and on-request collection scenarios were considered.

Six refined options were subsequently taken to the Community Engagement Panel on 7 March 2020 (as per request items 4.1 & 4.2 above).

Options considered:

- 1a - Scheduled – limit time material is presented 48 hours prior
- 1b - Scheduled – limit time material is presented and limit volume 2m³
- 2a – On-request skip bin – charged/service
- 2b – On-request skip bin – no charge
- 3a – On-request – uncontained 2m³, 48 hours prior, charged
- 3b – On-request – uncontained 2m³, 48 hours prior, no charge

The two Street/Neighbourhood based collection options, although considered and discussed, were not specifically included in the ranking, as they cannot operate as core “stand-alone” service options and as such were considered complementary measures to the on-request service options.

The Community Panel Workshop was held on Saturday 7 March 2020, with thirteen Community Panel residents participating. Feedback was sought through small group discussions and individual participant surveys.

Three breakout groups provided feedback and reached broad consensus that the City should adopt:

- an on-request, uncontained bulk waste collection service;
- limit volume to 2m³ per collection;
- costs for the service included within the City’s annual rates (rather than a user pays service). This outcome was also reflected as the preferred option in the individual survey responses.

Respondents also indicated that they would like the option of a second, on-request collection to be available at cost to the resident (i.e. a user pays additional service).

At the Ordinary Council Meeting held on 21 July 2020, Council received and noted the Community Engagement Panel Outcomes Report and approved the Public Engagement and Communications Strategy.

In delivering this Public Engagement and Communications Strategy, the City engaged the specialist services of CATALYSE Pty Ltd to undertake the community perception survey, which was undertaken between 7 August and 22 August 2020. The main objective of the consultation was to seek feedback and gauge community support on the various verge collection service options presented and provide opportunity for resident concerns to be heard and responded to; the results enabling the City to gain a clearer community wide view and help inform next steps.

The baseline data was demographically weighted to assist in tailoring marketing materials and strategies to reach the unengaged segments of the community.

CATALYSE Pty presented the findings of the community perception survey at 22 September 2020 Council Workshop.

The survey showed that there is a strong environmental sentiment as 91% of respondents believe reducing waste helps to reduce the impact of climate change and global warming, which is a 6% increase from the last survey carried out 2019.

The preference between scheduled and on-request services was marginal – with 42% preferring on-request and 8% undecided.

Based on the survey findings, Administration recommended an 18 month trial of an on-request collection service (uncontained with a limited volume) from January 2022; this was subsequently approved at the 23 March 2021 Council meeting.

This trial was considered to offer the best environment outcome, aligned to the City's Waste Strategy and waste targets, whilst addressing the on-going illegal dumping, public amenity and safety concerns and complaints regarding the traditional bulk verge system.

Administration considered best-practice examples of on-request services and awarded the contract to WMRC and their on-request collection system "Verge Valet".

Since implementation of the Verge Valet trial in the City of Vincent, the system has received very positive feedback from participating residents. Participants have cited their ability to choose their collection date, its flexibility, ease of use, and speed and quality of service amongst the key highlights.

Participant feedback is captured as part of the booking process and residents are able to rate: The Booking System Service (Figure 1), The Collection Service (Figure 2), the Overall Service (Figure 3), and their preference in regards to which service they verge system they prefer, i.e. the previous traditional bulk service vs. Verge Valet (Figures 4), as well as the opportunity to leave comments on any aspect of the service.

During the initial trial period, over 200 residents rated the service and its ease of use. Over 80% gave the service a 5 Star rating, with statements including:

"I like that we can use it when we actually need it and don't need to store broken or bulky items for long periods of time. Plus I seem to forget when the bulk verge collections are approaching and then have a mad rush to get everything sorted at the last minute / or miss something because I have had to store it somewhere out of the way and then forgot about it."

"I liked the text message confirming expected time of arrival. Much better than traditional bulk verge collection as the neighbourhood looks much cleaner and you can request as required"

"Nothing to suggest. The whole service went off without a hitch. I appreciated there were reminders sent out and also that you could track the time of arrival of the contractors. And that the actual time of collection was as promised."

Only 5% stated gave the service a 1 Star rating. In these instances, this rating was mainly due to resident error, such as waste being presented too late (which resulted in a futile booking), or too much waste presented.

64% of all booking participants preferred the service over the old scheduled bulk system. Only 17% preferred the old system, and this was mainly due to preferences around the unlimited amount of waste they could previously present (now restricted to 3m³). Comments included:

“Only reason I prefer bulk collection is you can dispose of more rubbish. If we had 2 valets a year I’d prefer that .“Would prefer if more than 3 cubic metres worth of waste could be collected. Say 5 cubic metres.”

Whilst 19% of the participants rated their preference to the previous system as “indifferent”, it is worth noting that 78% of these also rated the Verge Valet service with 5 stars.

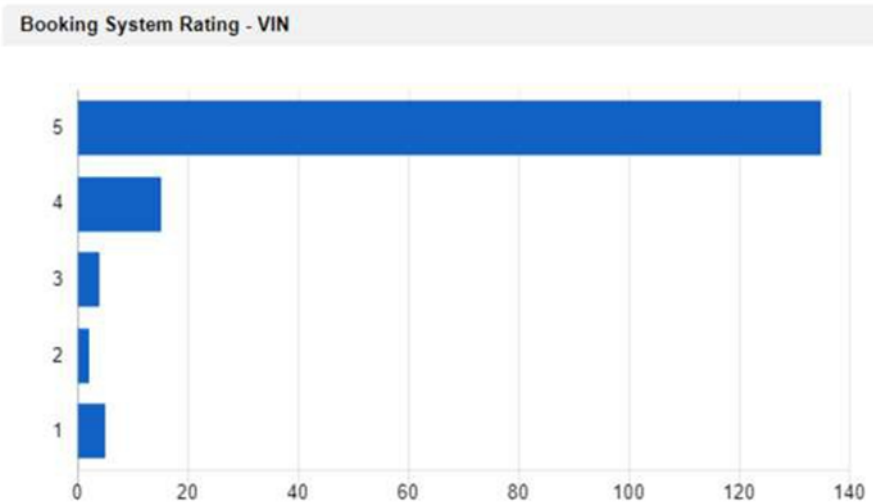


Figure 1 – Booking System Rating

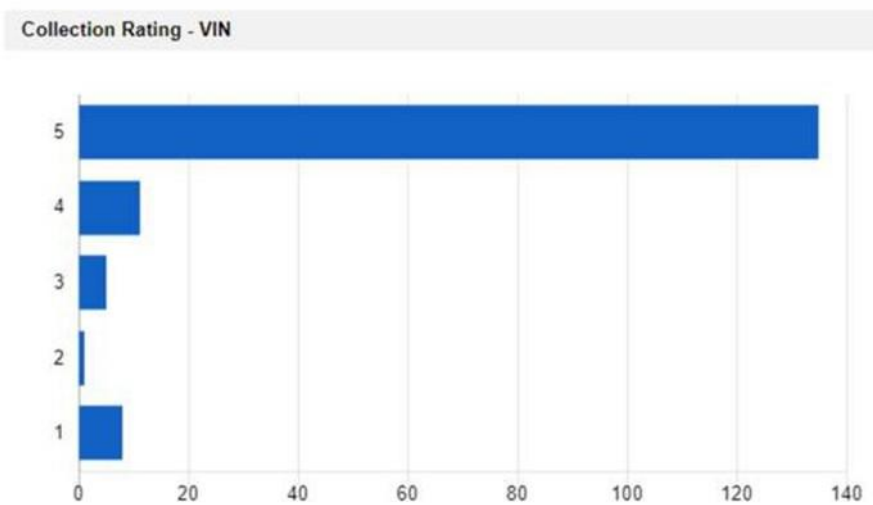


Figure 2 – Collection Rating

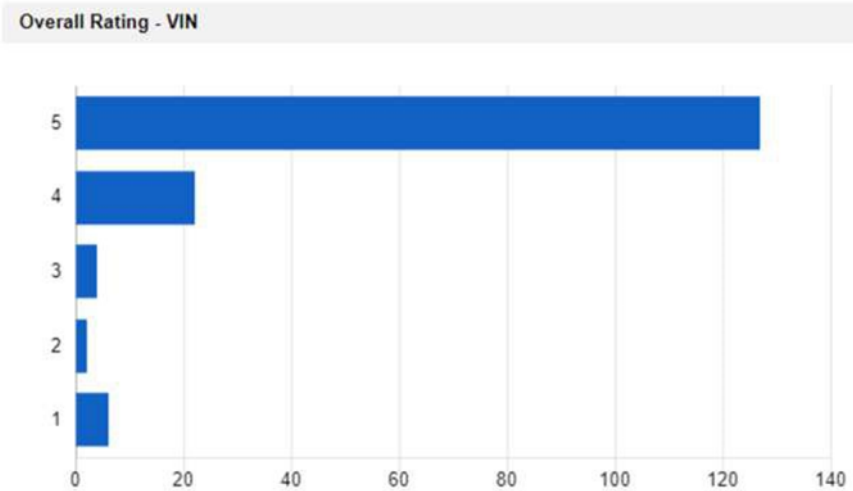


Figure 3 – Overall Rating

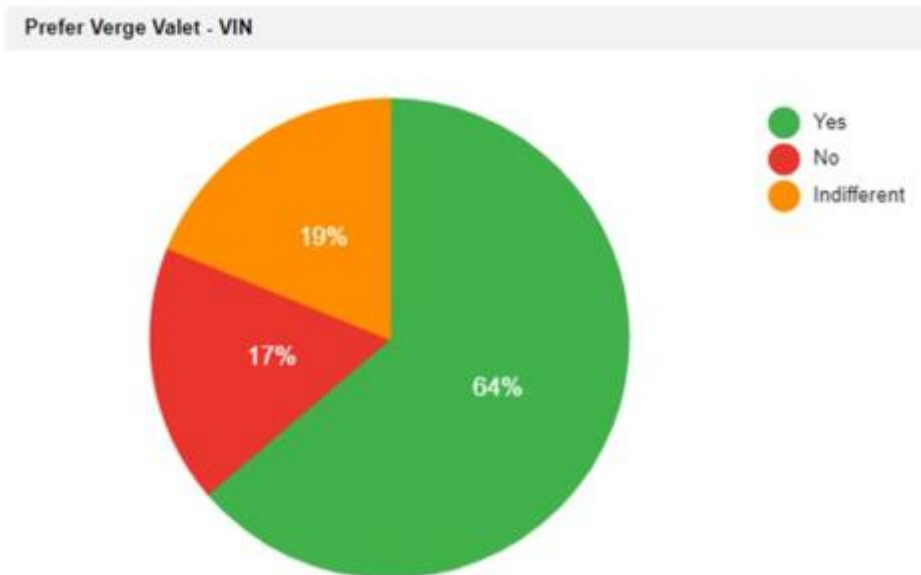


Figure 4 – Verge Valet Preference

The overall recovery rate for its bulk hard waste material at March 2023 was high, sitting at around 67%. Recovery averaged 38% via the previous system.

Verge Valet Trial Extension

At the Ordinary Council Meeting held on 14 March 2023, Council approved the extension of the Verge Valet trial and contract for a further 12 months until June 2024.

In May 2023 the City engaged CATALYSE Pty Ltd to conduct a MARKYT® Community Waste Scorecard. The Scorecard enables participating councils to evaluate, track and benchmark service levels.

The Scorecard included 531 local community members participating in a survey rating the performance of the waste related services provided by the City of Vincent Performance index scores (out of 100). For waste management, the City of Vincent was positioned in equal 6th place out of 50 councils with a score of 72 out of 100, 10 index points ahead of the industry average.

A summary of the data captured in the scorecard for bulk waste green waste and Verge Valet services are detailed in (Figure 5). It should be noted that only 38% of respondents had used the City’s green waste verge collection service over the past 12 months.

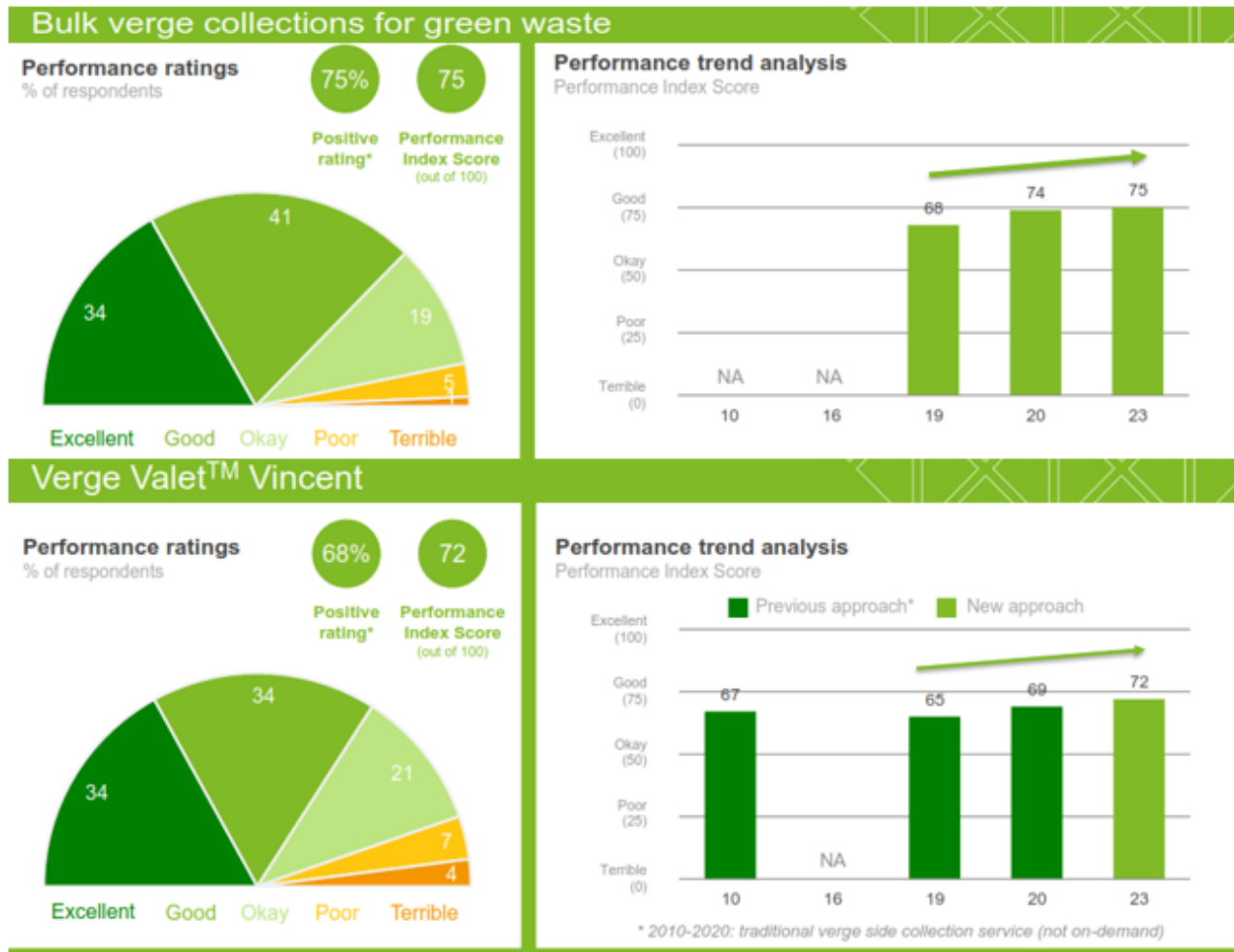


Figure 5 – Waste Management Services Performance

While only 30% of respondents had tried Verge Valet, 68% gave a positive response to the service and that there was an increase in satisfaction with verge valet service compared to previous system.

Among non-users, the main barriers were not needing this service (70%) and not being aware of this service (30%).

Imagine Vincent

From 12 April to 7 May 2024, the City’s Imagine Vincent team conducted a further survey, it attracted 363 respondents, 63% of which had used the Verge Valet service previously. 58% of respondents who used the service preferred the Verge Valet service for future bulk waste collections.

Among the non-users, the main reasons included not meeting needs (42%) with reasons such as not having enough waste to be collected or the size of the collection (3m³) was too small.

The participants (both users and non-users) were able to rate the booking system (Figure 6), waste collection (Figure 7) and overall experience (Figure 8).

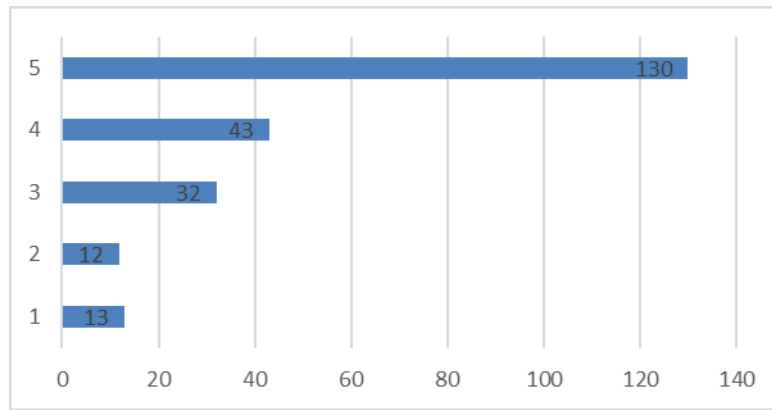


Figure 6 – the Booking System

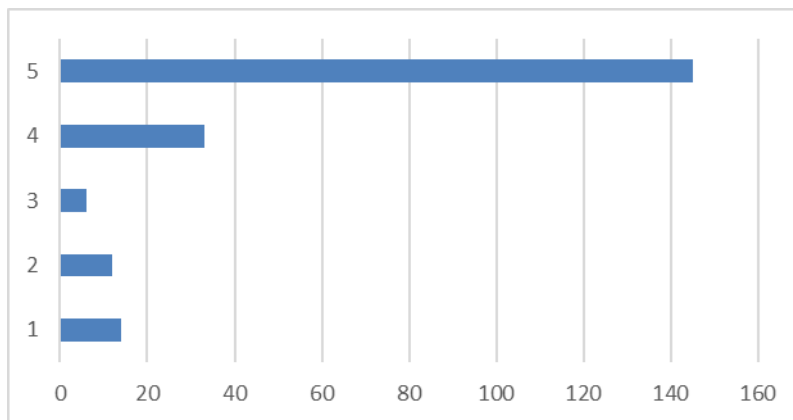


Figure 7 – Waste Collection

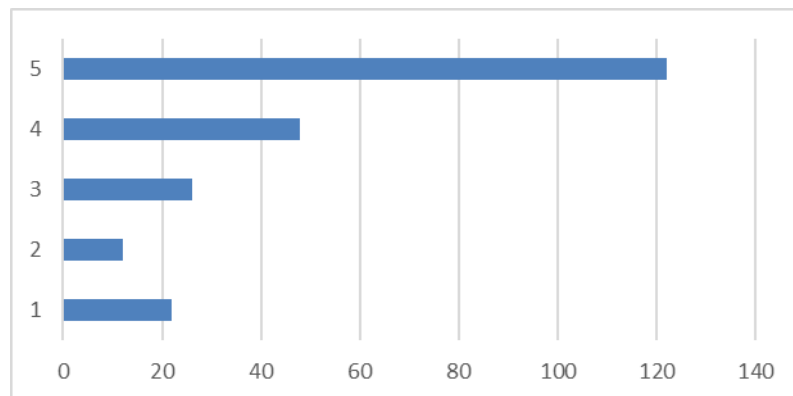


Figure 8 – Overall Experience

Of those who have used the service, the majority rated their overall experience 5 stars.

The online booking system incorporates waste education information regarding reuse options, reminding residents to explore alternative avenues (such as Charities or Buy Nothing Groups) prior to booking a collection. It also ensures consistent communication and provides further guidance around waste avoidance behaviours, whilst offering easy access to the service. Similar information can be found on the City’s website.

For the 2023/24 financial year (between January 2023 and May 2024), 2993 Verge Valet collection were carried out and 453 tonnes were collected and processed. This represents a participation rate of around 17.8% of households. 76.4% of materials collected were recovered avoiding landfill compared to the previous bulk verge service which recovered 38% on average.

As anticipated - and experienced with other Verge Valet participating local governments – there was a spike in booking requests at the end of the financial year, with residents booking to ensure they did not lose their annual allocation. To support this the City increased the number of available collections between 23rd May and 27th June and all 720 allocations were booked. There was approximately 5-7 days waiting time between making the booking and collection occurring.

Survey participants were asked to provide comments within their submission and from this feedback opportunities for improvement have been identified which may increase participation and satisfaction in the service. These include.

- collection day changing from Thursday to Monday, Tuesday or Wednesday which affords greater flexibility for items to be placed the weekend prior to collection.
- segregation and recovery of e-waste in accordance with the E-waste to landfill ban in WA which is in effect from 1 July 2024.
- doubling number of available collection days per week, reducing the wait times from booking to collection.
- doubling the allocations from one to two per year and exploring opportunities for one of these allocations available for the residence to nominate either hard waste (junk) or bulk green waste.

The current trial concluded on 30 June 2024 however the Administration sees value in the pre-booked bulk verge service continuing as it is considered to offer the best environmental outcomes, aligns with the City's Waste Strategy and waste targets. It also addresses on-going illegal dumping, public amenity and safety concerns and other complaints noted regarding the traditional bulk verge system.

The Administration is seeking to adopt pre-booked bulk verge collections as a standard service offering to City residents (refer also 'Comments' Section below).

CONSULTATION/ADVERTISING:

A benefit of a continuing the Verge Valet system is that it is already established with excellent supporting communications material, customer service personnel are well versed in answering FAQ's and any customer concerns.

Since the Ordinary Council Meeting held on 14 March 2023 where Council approved the trial extension the City has undertaken two surveys namely the Community Waste Scorecard 2023 (May 2023) and Imagine Vincent Survey (May 2024). There is also on going data that is collected from the Verge Valet booking service.

LEGAL/POLICY:

Aligns with the City's Waste Strategy 2018-2023 and the State Government Waste Strategy 2030. Both strategies are currently under review.

Legislation: The Waste Avoidance and Resource Recovery Act 2007.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to as

- Trial and extension completed and provided a positive response overall. The City will subsequently continue to promote the service changes and encourage correct waste behaviours within the boundaries of the new service; and
- Risk that WMRC may not have capacity to continue services should the City request increase in services.

STRATEGIC IMPLICATIONS:

Project 2 of the City's Waste Strategy 2018-2023 will assist in the delivery of: the City's Waste Strategy, the State Government Waste Strategy 2030 and the City's SCP objectives.

This is in keeping with the City's *Strategic Community Plan 2022-2032*:

Enhanced Environment

We have minimised our impact on the environment.

SUSTAINABILITY IMPLICATIONS:

This is in keeping with the following key sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*.

Waste Reduction

Will support the City's Waste Strategy vision of sending 'Zero Waste to Landfill'

PUBLIC HEALTH IMPLICATIONS:

This is in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:
Reduced exposure to environmental health risks.

FINANCIAL/BUDGET IMPLICATIONS:

The City budgeted \$437,400 in FY2023/24 for the verge valet trial extension. The year end-costs were in the order of \$364,000 (pending final June invoicing).

In FY2024/25 the bulk verge collection services budget is \$429,772 which includes CPI increase in cost and additional bulk verge collections through the offer of increased resident allocations.

This is still considered to be value for money given that it is inclusive of the established customer service, online booking system and communication materials and has been positively received by the community. It has also effectively addressed the amenity issues and concerns, which were the subject of many community complaints.

WMRC have advised that it currently has capacity to provide these services in alignment with the original contract should the City seek to contract these services over the longer term.

Regulation 11(2)(e) of the Local Government (Functions and General) Regulations states that tenders do not have to be publicly invited if the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government.

COMMENTS:

The results of the Waste Community Scorecard show that, for waste management, the City of Vincent was positioned in equal 6th place out of 50 councils with a score of 72 out of 100, 10 index points ahead of the industry average. Whilst it is acknowledged that the Imagine Vincent survey responses indicate that of those who have not used the service 58% would prefer not to use Verge Valet for future bulk waste services. 58% of those who have used Verge Valet would prefer to use it again and that the addition of a second collection would increase this number further.

The City does not have capacity to bring this service in house without significant financial investment and the current market for on-demand service providers is not well established.

The Administration is seeking to adopt pre-booked bulk verge collections as a standard service offered to City residents and should this be approved, seek to enter into contract with WMRC for the provision of these services on an initial 3 year term basis with optional extension of an additional 3 years as per the same terms as the trial and original contract.

11 COMMUNITY & BUSINESS SERVICES

11.1 FINANCIAL STATEMENTS AS AT 31 MAY 2024

Attachments: 1. Financial Statements as at 31 May 2024 [↓](#) 

RECOMMENDATION:

That Council RECEIVES the Financial Statements for the month ended 31 May 2024 as shown in Attachment 1.

PURPOSE OF REPORT:

To present the statement of financial activity for the period ended 31 May 2024.

DELEGATION:

Regulation 34 (4) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepare a statement of financial activity each month, which is to be presented to Council within 2 months after the end of the relevant month.

BACKGROUND:

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

DETAILS:

The following documents, included as **Attachment 1**, comprise the statement of financial activity for the period ending **31 May 2024**:

Note	Description	Page
1.	Statement of Financial Activity by Nature or Type Report	1
2.	Net Current Funding Position	2
3.	Statement of Financial Position	3
4.	Summary of Income and Expenditure by Service Areas	4-6
5.	Capital Expenditure including Funding graph and Capital Works Schedule	7-14
6.	Cash Backed Reserves	15
7.	Receivables: Rates and Other Debtors	16
8.	Beatty Park Leisure Centre Financial Position	17-18

Explanation of Material Variances

The materiality thresholds used for reporting variances are 10% and \$20,000, respectively. This means that variances will be analysed and separately reported when they are more than 10% (+/-) of the year-to-date budget and where that variance exceeds \$20,000 (+/-). This threshold was adopted by Council as part of the budget adoption for 2023/2024 and is used in the preparation of the statements of financial activity when highlighting material variance in accordance with *Financial Management Regulation 34(1) (d)*.

In accordance with the above, all material variances as at 31 May 2024 have been detailed in the variance comments report in **Attachment 1**.

Comments on the Statement of Financial Activity by Nature or Type (as at Attachment 1).

Revenue by Nature or Type (on page 1) is tracking higher than the YTD budgeted revenue by \$901,884 (1.3%). The following items materially contributed to this position:

- A favourable variance of \$606,346 in Fees and Charges mostly due to:
 - \$173,614 favourable Beatty Park admission, enrolment fee and hire fee income.
 - \$155,356 favourable car parking revenue.
 - \$89,212 favourable halls and reserves hire income.
 - \$88,936 favourable statutory planning services mostly due to development application fees.
- A favourable variance in Interest earnings of \$599,008 mostly due to higher-than-expected interest rates and higher cash balances.
- A favourable variance in Operating grants, subsidies, and contributions of \$172,276 due to a timing variance.
- An unfavourable variance in Profit on Disposal of Assets of \$500,808 due to the timing of vehicle and truck disposals.

Expenditure by Nature or Type (on page 1) is favourable, attributed by an under-spend of \$1,641,211 (2.5%). The following items materially contributed to this position:

- \$1,891,710 favourable Materials and Contracts mainly due to timing variances.
- \$462,734 favourable Employee related costs mostly due to timing variances.
- \$30,830 favourable Utility charges due to timing variances.
- \$369,051 unfavourable depreciation expense due to higher asset values.
- \$164,378 unfavourable loss on disposal of assets due to the replacement of various parks reticulation and playground assets.
- \$125,963 unfavourable other expenditure mainly due to timing variances.
- \$74,313 unfavourable insurance expenses due to timing variances.

Surplus Position – Year End 2022/23

The surplus position brought forward to 2023/24 is \$9,050,809 as per the audited financial statement for financial year ended 30 June 2023.

Content of Statement of Financial Activity

An explanation of each report in the Statement of Financial Activity (**Attachment 1**), along with some commentary, is below:

1. Statement of Financial Activity by Nature or Type Report (Note 1 Page 1)
This statement of financial activity shows revenue and expenditure classified by Nature or Type.
2. Net Current Funding Position (Note 2 Page 2)
'Net current assets' is the difference between the current assets and current liabilities, less committed and restricted assets.
3. Statement of Financial Position (Note 3 Page 3)
This statement of financial position shows the new current position and the total equity of the City.
4. Summary of Income and Expenditure by Service Areas (Note 4 Page 4-6)
This statement shows a summary of operating revenue and expenditure by service unit including variance commentary.
5. Capital Expenditure and Funding Summary (Note 5 Page 7-14)
The full capital works program is listed in detail in Note 5 in **Attachment 1**. The attachment includes a summary of the year-to-date expenditure of each asset category and the funding source associated to the delivery of capital works.
5. Cash Backed Reserves (Note 6 Page 15)
The cash backed reserves schedule provides a detailed summary of the movements in the reserve portfolio, including transfers to and from the reserve. The balance as at 31 May 2024 is \$20,289,386.

6. Receivables: Rating Information (Note 7 Page 16)

The notices for rates and charges levied for 2023/24 were issued on 26 July 2023. *The Local Government Act 1995* provides for ratepayers to pay rates by four instalments. The due dates for each instalment are:

	Due Date
First Instalment	1 September 2023
Second Instalment	3 January 2024
Third Instalment	5 January 2024
Fourth Instalment	8 March 2024

The outstanding rates debtors balance at 31 May 2024 was \$1,813,955, excluding deferred rates of \$141,098. The outstanding rates percentage at 31 May 2024 was 3.11% compared to 3.54% for the same period last year.

7. Receivables: Other Debtors (Note 7 Page 16)

Total trade and other receivables at 31 May 2024 were \$4,847,402. Below is a summary of the significant items with an outstanding balance over 90 days:

- \$870,323 relates to unpaid infringements (plus costs) over 90 days. Infringements that remain unpaid for more than two months are referred to the Fines Enforcement Registry (FER), which then collects the outstanding balance on behalf of the City for a fee.
- \$185,034 relates to cash-in-lieu of car parking debtors. In accordance with the *City's Policy 7.7.1 Non-residential parking*, Administration has entered into special payment arrangements with long outstanding cash in lieu parking debtors to enable them to pay their debt over a fixed term of five years.

8. Beatty Park Leisure Centre – Financial Position report (Note 8 Page 17-18)

As at 31 May 2024, the Centre's operating surplus position was \$1,340,304 (excluding depreciation) compared to the prior YTD surplus amount of \$1,141,309. The surplus is predominantly driven by Health and Fitness memberships, swim school and retail shop income.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

A statement of financial activity and any accompanying documents are to be presented at an Ordinary Meeting of the Council within two months after the end of the month to which the statement relates. *Section 6.8 of the Local Government Act 1995* specifies that a local government is not to incur expenditure from its Municipal Fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority decision of Council.

RISK MANAGEMENT IMPLICATIONS:

Low: Provision of monthly financial reports to Council fulfils relevant statutory requirements and is consistent with good financial governance.

STRATEGIC IMPLICATIONS:

Reporting on the City's financial position is aligned with the City's *Strategic Community Plan 2022-2032*:

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.

Our community is satisfied with the service we provide.

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

Expenditure within this report facilitates various projects, programs, services and initiatives that contribute to protecting/enhancing the City's built and natural environment and to improving resource efficiency.









PUBLIC HEALTH IMPLICATIONS:

Expenditure within this report facilitates various projects, programs and services that contribute to the priority health outcomes within the City's *Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

As contained in this report.

11.2 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 01 MAY 2024 TO 31 MAY 2024

- Attachments:
1. May 2024 Payments by EFT and Payroll  
 2. May 2024 - Payments by Direct Debit  
 3. May 2024 - Payments by Cheques  
 4. May 2024 Payments Fuel cards  

Recommendation:

That Council RECEIVES the list of accounts paid under delegated authority for the period 1 May 2024 to 31 May 2024 as detailed in Attachments 1, 2 and 3 as summarised below:

EFT payments, including payroll		\$8,068,989.9
Cheques	82771-82773	\$900.3
Direct debits, including credit cards		\$121,492.6
Total payments for May 2024		\$8,191,382.8

PURPOSE OF REPORT:

To present to Council the list of expenditure and accounts paid for the period 1 May 2024 to 31 May 2024.

DELEGATION:

Regulation 13(1) and (3) of the *Local Government (Financial Management) Regulations 1996* requires that a list of accounts A list prepared under sub regulation (1) is to be presented to Council at the next ordinary meeting of Council after the list is prepared.

BACKGROUND:

Council has delegated to the Chief Executive Officer (Delegation No. 2.2.18) the power to make payments from the City's Municipal and Trust funds.

In accordance with *Regulation 13(1)* of the *Local Government (Financial Management) Regulations 1996* a list of accounts paid by the Chief Executive Officer is to be provided to Council, where such delegation is made.

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

DETAILS:

The Schedule of Accounts paid for the period 1 May 2024 to 31 May 2024, covers the following:

FUND	CHEQUE NUMBERS/ BATCH NUMBER	AMOUNT
Municipal Account (Attachment 1, 2 and 3)		
EFT Payments	3064-3076	\$6,541,705.54
Payroll by Direct Credit	May 2024	\$1,527,284.38
Sub Total		\$8,068,989.92
Cheques		
Cheques	82771-82773	\$900.30

Sub Total	\$900.30
Direct Debits (including Credit Cards)	
Lease Fees	\$21,017.53
Loan Repayments	\$60,916.88
Bank Charges – CBA	\$26,852.71
Credit Cards	\$12,705.51
Sub Total	\$121,492.63
Total Payments	\$8,191,382.85

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Regulation 12(1) and (2) of the *Local Government (Financial Management) Regulations 1996*:

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

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

Regulation 13(1) and (3) of the *Local Government (Financial Management) Regulations 1996*:

“13. *Lists of Accounts*

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

RISK MANAGEMENT IMPLICATIONS

Low: Management systems are in place that establish satisfactory controls, supported by the internal and external audit functions. Financial reporting to Council increases transparency and accountability.

STRATEGIC IMPLICATIONS:

This is in keeping with the City’s *Strategic Community Plan 2022-2032*:

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.

Our community is satisfied with the service we provide.

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

Expenditure covered in this report includes various projects, programs, services and initiatives that contribute to protecting/enhancing the City's built and natural environment and to improving resource efficiency.

PUBLIC HEALTH IMPLICATIONS:

Expenditure covered in this report includes various projects, programs and services that contribute to the priority health outcomes within the City's *Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

All municipal fund expenditure included in the list of payments is in accordance with Council's annual budget.

11.3 INVESTMENT REPORT AS AT 31 MAY 2024

Attachments: 1. Investment Statistics as at 31 May 2024  

RECOMMENDATION:

That Council **NOTES** the Investment Statistics for the month ended 31 May 2024 as detailed in Attachment 1.

PURPOSE OF REPORT:

To advise Council of the nature and value of the City's Investments as at 31 May 2024 and the interest amounts earned YTD.

DELEGATION:

Regulation 34 (4) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepare a statement of financial activity each month, which is to be presented to Council within 2 months after the end of the relevant month.

BACKGROUND:

The City's surplus funds are invested in bank term deposits for various terms to facilitate maximum investment returns in accordance with the City's Investment Policy (No. 1.2.4).

Details of the investments are included in **Attachment 1** and outline the following information:

- Investment performance and policy compliance charts;
- Investment portfolio data;
- Investment interest earnings; and
- Current investment holdings.

DETAILS:**Summary of key investment decisions in this reporting period**

\$6.1m of investments matured and \$4m was invested in the month of May 2024.

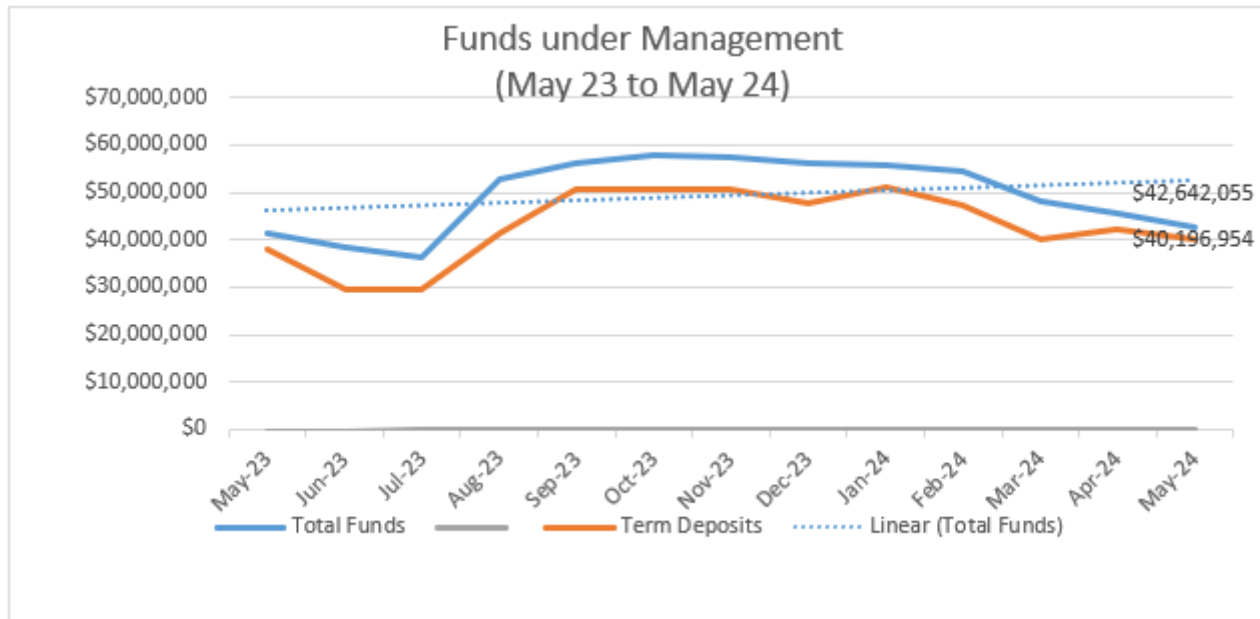
Investment Status

The City's investment portfolio is diversified across several accredited financial institutions.

As at 31 May 2024, the total funds held in the City's operating accounts (including on call) was \$42,642,055 compared to \$41,280,937 for the period ended 31 May 2023. All funds are interest bearing as at 31 May 2024.

The total term deposit investments for the period ended 31 May 2024 were \$40,196,954 compared to \$37,899,250 for the period ended 31 May 2023.

The following chart shows funds under management from May 2023 to May 2024:



Interest Status

Total accrued interest earned on investments as at 31 May 2024 is:

Total Accrued Interest Earned on Investment	Budget Revised	Budget YTD	Actual YTD	% of YTD Budget	FY22/23 Actual
Municipal	850,000	771,248	1,318,554	170.96%	827,395
Reserve	800,000	700,000	803,059	114.72%	497,011
Subtotal	1,650,000	1,471,248	2,121,613	144.20%	1,324,406
Leederville Gardens Inc Surplus Trust*	\$0	\$0	173,644	N/A	134,290
Total	1,650,000	1,471,248	2,295,257	156.01%	1,458,696

*Interest estimates for Leederville Gardens Inc. Surplus Trust were not included in the 2023/24 Budget as actual interest earned is restricted.

The City has a weighted average interest rate of 5.14% for current investments compared to the Reserve Bank 90 day accepted bill rate for May 2024 of 4.36%.



Sustainable Investments

The City's investment policy requires that in the first instance, the City considers rate of return of the fund. All things being equal, the City then prioritises funds with no current record of funding fossil fuels. The City can increase the number of non-fossil fuel investments but will potentially result in a lower rate of return.

Administration utilises a platform called 'Yield Hub' to ascertain the level of exposure banks have in fossil fuel activities and to determine daily interest rates published by banks.

The investment guidelines which is the supplementary document to the Council Investment Policy sets the maximum exposure limits to financial institutions at 90% as reflected in the below table. The majority of financial institutions lie within A-2 and A-1+ categories.

12 CHIEF EXECUTIVE OFFICER**12.1 REPORT AND MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD ON 27 JUNE 2024**

- Attachments:**
1. **Audit and Risk Committee Minutes - 27 June 2024**  
 2. **Attachment Item 5.1 OAG Planning Summary - Confidential**
 3. **Attachment Item 5.5 - Audit Log - Confidential**

RECOMMENDATION:**That Council:**

1. **RECEIVES** the minutes of the Audit and Risk Committee Meeting of 27 June 2024, at Attachment 1 and Confidential Attachments at Attachment 2 and Attachment 3; and
2. **APPROVES** the recommendations from the Audit Committee as follows:
 - 2.1 **DEFER** consideration of the Integrity Framework until the Integrity, Fraud and Corruption Risk Assessment is discussed with the CEO. Updated Integrity Framework to be presented to the October meeting of the Audit and Risk Committee;
 - 2.2 **APPROVES** progressing with the internal audit of the swimming pool inspection process;
 - 2.3 **REQUESTS** Administration review Corporate Risk Register and identify three priority audits for the remainder of the internal audit program. Having regard to audits already completed and feedback of Elected Members on the Audit and Risk Committee, to be tabled at the October Audit and Risk Committee Meeting;
 - 2.4. **APPROVES** the risk management actions for the high and extreme risks; and
 - 2 2.5. **APPROVES** closure of action items noted within the City's Audit Log.
3. **NOTES**
 - 3.1 The Audit Planning summary for the 2023/2024 financial year;
 - 3.2 The progress of the Fraud and Corruption Prevention Plan Actions;
 - 3.3 The summary of the Internal Audit Program for years 1 and 2;
 - 3.4 The alignment of Corporate Risks to risk appetite and tolerance ratings;
 - 3.5 The Audit and Risk Committee Forward Agenda; and
 - 3.6 The status of the City's Audit Log.
4. **RECEIVES**
 - 4.1 The Local Government 2022-23 Financial Audit and Information System Audit Results reports from the Officer of the Auditor General; and
 - 4.2 The City's Corporate Risk Register at Attachment 1.

PURPOSE OF REPORT:

To report to Council the proceedings of the Audit and Risk Committee (Committee) at its meeting held on 27 June 2024 in accordance with clause 2.21(1) of the City's Meeting Procedures Local Law 2008.

BACKGROUND:

The City's Audit and Risk Committee is a statutory committee of Council, established in accordance with Section 7.1A of the *Local Government Act 1995*. The role of the Audit and Risk Committee is to provide independent advice and assurance to Council over the City's risk management, internal controls, legislative compliance and financial management.

DETAILS:

The Audit and Risk Committee meets approximately every three months and comprises of three external independent members (one of which is the Audit and Risk Committee Chair) and four Elected Members

At its meeting on 27 June 2024, the Audit and Risk Committee considered seven items as follows:

- 5.1 OAG Entrance Meeting 2023/24 Audit
- 5.2 Progress Delivery of the Fraud and Corruption Prevention Plan Actions and Approval of Draft Integrity Framework
- 5.3 Internal Audit Program Outcomes and Proposed Year 3 Audits
- 5.4 Local Government 2022-23 Audit Results
- 5.5 Review of the City's Corporate Risk Register
- 5.6 Audit Committee - Forward Agenda 2024
- 5.7 Review of the City's Audit Log

A summary of each item is below:

5.1 - OAG Entrance Meeting 2023/24 Audit

Representatives from OAG attended to present and answer questions on the audit planning summary for the 2023/24 financial year.

5.2 - Progress Delivery of the Fraud and Corruption Prevention Plan Actions and Approval of Draft Integrity Framework

This report was to track progress on the Fraud and Corruption Prevention Plan Actions and to seek approval of the Draft Integrity Framework, which was one of the actions identified in the Plan. The draft Integrity Framework was based on resources provided by the Public Sector Commissioner and is necessary to ensure the City has appropriate systems and procedures in relation to internal control as prescribed by Regulation 5 of the *Local government (Financial Management) Regulations 1996*.

5.3 - Internal Audit Program Outcomes and Proposed Year 3 Audits

This report was to present a summary of the Internal Audit Program Outcomes for years 1 and 2 and consider the proposed year 3 audits.

5.4 - Local Government 2022-23 Audit Results

This report was to provide an update on an external or performance audits of emerging issues, as provided in the Committee Terms of Reference.

5.5 Review of the City's Corporate Risk Register

The report presents the City's Corporate Risk Register (Register), proposed risk management actions for high and extreme risks and alignment of Corporate Risks to Risk Appetite and Tolerance Statements.

5.6 Audit Committee – Forward Agenda 2024

The Audit and Risk Committee Forward Agenda (Agenda) is a 'live' document developed in consultation with Committee Members. The Agenda identifies key issues, performance, monitoring and/or reporting requirements scheduled for presentation to the Committee throughout the year.

5.7 - Review of the City's Audit Log

The report provides 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.

There are 6 items recommended for closure and 13 remaining actions logged.

There are no overdue actions.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Clause 2.21 of the City's Meeting Procedures Local Law 2008 states that the reports and minutes of a Committee meeting are to be provided to Council.

The Audit and Risk Committee Terms of Reference govern the functions, powers and membership of the Audit and Risk Committee.

RISK MANAGEMENT IMPLICATIONS:

Low: It is low risk for Council to consider the report and minutes of the Audit and Risk Committee meeting on 27 June 2024. The role of the Audit and Risk Committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its terms of reference. This is in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government.

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.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

12.2 INFORMATION BULLETIN

- Attachments:**
1. **Confirmed Minutes of the Mindarie Regional Council Meeting held on 30 May 2024** [↓](#) 
 2. **Unconfirmed Minutes of the Mindarie Regional Council Meeting held on 27 June 2024** [↓](#) 
 3. **Minutes of the Catalina Regional Council meeting held on 20 June 2024** [↓](#) 
 4. **Statistics for Development Services Applications as at the end of June 2024.** [↓](#) 
 5. **Register of Legal Action and Prosecutions Monthly - Confidential**
 6. **Register of State Administrative Tribunal (SAT) Appeals - Progress Report as at 28 June 2024** [↓](#) 
 7. **Register of Applications Referred to the Metro Inner-North Joint Development Assessment Panel (DAP) - Current** [↓](#) 
 8. **Register of Applications Referred to the Design Review Panel (DRP) - Current** [↓](#) 
 9. **Council Meeting Statistics** [↓](#) 
 10. **Register of Petitions - Progress Report - July 2024** [↓](#) 
 11. **Register of Notices of Motion - Progress Report - July 2024** [↓](#) 
 12. **Register of Reports to be Actioned - Progress Report - July 2024** [↓](#) 
 13. **Council Workshop Items since 29 May 2024** [↓](#) 
 14. **Council Briefing Notes - 11 June 2024** [↓](#) 

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated July 2024.

13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

15 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

16 URGENT BUSINESS

Nil

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

Nil

18 CLOSURE