

agenda

Ordinary Meeting of Council



To: His Worship the Mayor and Councillors

Please be advised that an Ordinary Council Meeting will be held at **6.30pm** on **Tuesday 12 December 2017** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

A handwritten signature in black ink, appearing to read "A Vuleta".

MR ANTHONY VULETA
CHIEF EXECUTIVE OFFICER

8 December 2017

TABLE OF CONTENTS

ITEM	TITLE	PAGE NO
1	OPENING	4
2	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	4
3	ATTENDANCE	5
	3.1 Apologies	6
	3.2 Approved Leave of Absence	6
4	DECLARATIONS OF INTEREST	6
5	PUBLIC QUESTION TIME	7
	5.1 Responses to Questions Raised and Taken on Notice at the Ordinary Council Meeting held on Tuesday 14 November 2017	7
	5.2 Responses to Questions Raised at the Ordinary Council Meeting held Tuesday 12 December 2017	8
6	PUBLIC STATEMENT TIME	8
7	CONFIRMATION OF MINUTES	8
8	PRESENTATIONS	8
	8.1 Petitions	8
	8.2 Presentations (Awards to be given to the Town)	8
	8.3 Deputations (Planning / External Organisations)	8
9	METHOD OF DEALING WITH AGENDA BUSINESS	8
10	CHIEF EXECUTIVE OFFICER REPORTS	9
	10.1 Review of Standing Orders Local Law	9
	10.2 Finance & Audit Committee – Appointments	12
11	FUTURE LIFE AND BUILT LIFE PROGRAM REPORTS	17
	11.1 No. 400-404 (Lot 4) Albany Highway, Victoria Park – Additions and Alterations to Restaurant	17
	11.2 25 (Lot 51) Etwell Street, East Victoria Park – Change of Use from Single House to Residential Building (Short Term Accommodation)	26
	11.3 No. 20A (Lot 4) Bishopsgate Street, Lathlain – Amendment to Development Approval for Home Occupation (Graphic Design)	41
	11.4 Final Approval of Amendment No. 77 to Town Planning Scheme No.1 relating to Service Industry Use	51

11.5	Application for Subdivision Approval – Lot 9506 Victoria Park Drive, Burswood	62
11.6	Request for Amendment to Town Planning Scheme No. 1 relating to Lots 9 and 9525 Victoria Park Drive, Burswood	75
11.7	Modifications to Local Planning Policy 32 ‘Minor Residential Development’ to become Local Planning Policy 32 ‘Exemptions from Development Approval’	89
11.8	Delegation to issue and withdraw Infringement Notices for Non-Compliant Swimming Pool Barriers	93
12	OPERATIONS REPORTS	98
12.1	Petition to Install Traffic Calming Devices in State Street, Victoria Park	98
12.2	TVP/17/09 - Provision of Plumbing Services	105
13	COMMUNITY REPORTS	112
14	BUSINESS LIFE PROGRAM REPORTS	113
14.1	Schedule of Accounts for 30 October 2017	113
14.2	Financial Statements for the Month ending 30 October 2017	117
14.3	Annual Report 2016-2017	161
15	COMMITTEE REPORTS	165
15.1	Fee Waiver – Impounded Shopping Trolleys	165
16	APPLICATIONS FOR LEAVE OF ABSENCE	172
17	MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	172
18	QUESTIONS FROM MEMBERS WITHOUT NOTICE	172
19	NEW BUSINESS OF AN URGENT NATURE	172
20	PUBLIC QUESTION TIME	172
21	PUBLIC STATEMENT TIME	172
22	MEETING CLOSED TO PUBLIC	172
22.1	Matters for Which the Meeting May be Closed	172
22.2	Public Reading of Resolutions That May be Made Public	172
23	CLOSURE	172

1 OPENING

Almighty God, under whose providence we hold responsibility for this Town, grant us wisdom to understand its present needs, foresight to anticipate its future growth and grace to serve our fellow citizens with integrity and selfless devotion.

And to Thee, be all blessing and glory forever.

AMEN

Acknowledgement of Country (by Mayor)

I acknowledge the traditional custodians of this land the Noongar people and pay my respects to the Elders past, present and future for they hold the memories, the traditions, the culture and hopes of Indigenous Australians.

2 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

2.1 Recording of Proceedings

In accordance with clause 5.14 of the Town of Victoria Park Standing Orders Local Law 2011, as the Presiding Member, I hereby give my permission for the Administration to record proceedings of this meeting.

2.2 Public Question & Public Statement Time

There are guidelines that need to be adhered to in our Council meetings and during question and statement time people speaking are not to personalise any questions, or statements about Elected Members, or staff or use any possible defamatory remarks.

2.3 No Adverse Reflection

Both Elected Members and the public when speaking are not to reflect adversely on the character or actions of Elected Members or employees

2.4 Town of Victoria Park Standing Orders Local Law 2011

All meetings of the Council, committees and the electors are to be conducted in accordance with the Act, the Regulations and the *Town of Victoria Park Standing Orders Local Law 2011*.

3 ATTENDANCE

Mayor:	Mr T (Trevor) Vaughan
Banksia Ward:	Cr C (Claire) Anderson Cr J (Julian) Jacobs Cr R (Ronhhda) Potter Cr K (Karen) Vernon
Jarrah Ward:	Cr J (Jennifer) Ammons Noble Cr B (Bronwyn) Ife Cr B (Brian) Oliver
Chief Executive Officer:	Mr A (Anthony) Vuleta
Director Future Life & Built Life:	Ms R (Rochelle) Lavery
Chief Operations Officer:	Mr B (Ben) Killigrew
Director Business Life:	Mr N (Nathan) Cain
Manager Development Services:	Mr R (Robert) Cruickshank
Senior Governance Officer:	Ms T (Towela) Mbirimi
Secretary:	Mrs A (Alison) Podmore
Public:	

3.1 Apologies

3.2 Approved Leave of Absence

Jarrah Ward: Cr V (Vicki) Potter (Deputy Mayor)

4 DECLARATIONS OF INTEREST

Declarations of interest are to be made in writing prior to the commencement of the Meeting, (a form to assist Elected Members and Staff is attached at the end of this Agenda).

Declaration of Financial Interests

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

Name/Position	
Item No/Subject	
Nature of Interest	
Extent of Interest	

Declaration of Proximity Interest

Elected members (in accordance with Regulation 11 of the *Local Government [Rules of Conduct] Regulations 2007*) and employees (in accordance with the Code of Conduct) are to declare an interest in a matter if the matter concerns: a) a proposed change to a planning scheme affecting land that adjoins the person’s land; b) a proposed change to the zoning or use of land that adjoins the person’s land; or c) a proposed development (as defined in section 5.63(5)) of land that adjoins the persons’ land.

Land, the proposed land adjoins a person’s land if: a) the proposal land, not being a thoroughfare, has a common boundary with the person’s land; b) the proposal land, or any part of it, is directly across a thoroughfare from, the person’s land; or c) the proposal land is that part of a thoroughfare that has a common boundary with the person’s land. A person’s land is a reference to any land owned by the person or in which the person has any estate or interest.

Name/Position	
Item No/Subject	
Nature of Interest	
Extent of Interest	

Declaration of Interest affecting impartiality

Elected Members (in accordance with Regulation 11 of the *Local Government [Rules of Conduct] Regulations 2007*) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.

Name/Position	
Item No/Subject	
Nature of Interest	
Extent of Interest	

5 PUBLIC QUESTION TIME

5.1 Responses to Questions Raised and Taken on Notice at the Ordinary Council Meeting held on Tuesday 14 November 2017

Neil Kidd

- Q. Given that the provisions of the Environmental Protection Noise Regulations 1997, can the CEO advise why he has not exercised those statutory powers?
- R. With regards to the matter between Crown Perth and the Burswood Peninsula residents, the CEO, Mr Anthony Vuleta requested officers of the Town adopt a consultative approach in dealing with these issues. In doing so, the Town has attempted to include all parties in discussions and correspondence to assist with the sharing and communication of information. I still consider that the most effective means of addressing this issue is to attempt to engage with all parties. I am aware of my statutory powers, and I am also aware that it is my prerogative when to use these powers. I have considered my statutory options and am currently satisfied that Crown Perth are continuing to address noise related concerns in a cooperative manner. I have therefore chosen to not exercise those statutory powers as yet.
- Q. The Town has no record of any meetings, nor file notes of telephone conversations, there wasn't one single email, file note nor minute of meetings between the Town and Crown; can the CEO advise why the Town has no record of any calls, or emails on this matter between the Town and Crown?

- R. As mentioned in the answer to the first question, the Town has attempted to include all parties in discussions and correspondence to assist with the sharing and communication of information, including yourself. Having conversed with officers involved with this matter Mr Vuleta said he is confident that there has been little interaction solely between the Town and Crown Perth on this matter, excepting onsite attendance and observations. It is not a requirement that staff file note conversations or minute interactions.

5.2 Responses to Questions Raised at the Ordinary Council Meeting held Tuesday 12 December 2017

6 PUBLIC STATEMENT TIME

7 CONFIRMATION OF MINUTES

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on Tuesday, 14 November 2017 be confirmed.

8 PRESENTATIONS

8.1 Petitions

8.2 Presentations (Awards to be given to the Town)

8.3 Deputations (Planning / External Organisations)

9 METHOD OF DEALING WITH AGENDA BUSINESS

10 CHIEF EXECUTIVE OFFICER REPORTS

10.1 Review of Standing Orders Local Law

File Reference:	COR/10/0008
Appendices:	No

Date:	14 November 2017
Reporting Officer:	R. Fishwick
Responsible Officer:	A. Vuleta
Voting Requirement:	Simple Majority

<p>Executive Summary: Recommendation – That in accordance with Section 3.16 of the <i>Local Government Act 1995</i>, Council gives Statewide and local public notice of its intention to review the <i>Town of Victoria Park Standing Orders Local Law 2011</i>.</p> <ul style="list-style-type: none"> Local Laws need to be reviewed within an 8 year period. Recommended that Statewide and local public notice be given that Council intends to review its Standing Orders Local Law. 	
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TABLED ITEMS:

Nil

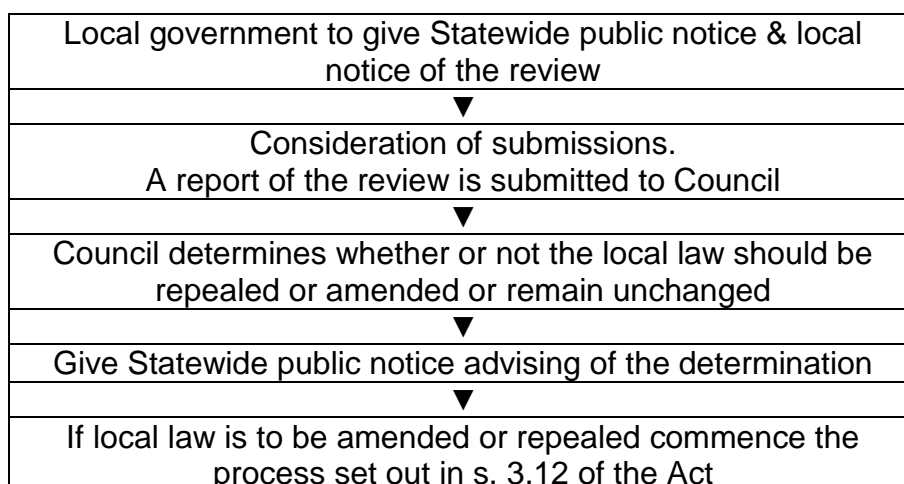
BACKGROUND:

Section 3.16 of the *Local Government Act 1995* requires that all of the local laws of a local government must be reviewed within an eight year period of their gazettal to determine if they should remain unchanged or be repealed or amended. The eight year period is taken to be from either when the local law commenced or when the last review of the local law (using s. 3.16) was completed.

The *Town of Victoria Park standing Orders Local Law 2011* has not been reviewed since it commenced in 2012.

DETAILS:

The process under s. 3.16 for reviewing a local law is:



It is proposed to review the Town’s Standing Orders Local Law to ascertain if it meets the operational requirements of the Town.

Legal Compliance:

The review of the *Town of Victoria Park Standing Orders Local Law 2011* will comply with Section 3.16 of the *Local Government Act, 1995* which states:

3.16. Periodic review of local laws

- (1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
- (2) *The local government is to give Statewide public notice stating that-*
 - (a) *the local government proposes to review the local law;*
 - (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
 - (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
- (2a) *A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.*
- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*

** Absolute majority required.*

Policy Implications:

Nil

Risk Management Considerations:

The risks have been identified as outlined below:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Compliance: No noticeable regulatory or statutory impact	Insignificant	Unlikely	Low	Section 3.16 of the <i>Local Government Act 1995</i> requires that all of the local laws of a local government must be reviewed within an eight year period of their gazettal

Strategic Plan Implications:

CL10 Legislative responsibilities are resourced and managed appropriately, diligently and equitably.

Financial Implications:Internal Budget:

The cost of advertising the Local Law review in the West Australian and Southern Gazette is approximately \$3,000.

There are sufficient funds Chief Executive Officers Budget to meet the expenditure.

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The *Town of Victoria Park Standing Orders Local Law 2011* is due for review which must be undertaken as a statutory obligation.

CONCLUSION:

It is therefore recommended that Council gives Statewide and local notice of its intention to review the *Town of Victoria Park Standing Orders Local Law 2011*.

RECOMMENDATION/S:

In accordance with Section 3.16 of the *Local Government Act 1995*, Council gives Statewide and local public notice of its intention to review the *Town of Victoria Park Standing Orders Local Law 2011*.

10.2 Finance & Audit Committee – Appointments

File Reference:	COR/10/0002~4
Appendices:	No

Date:	26 October 2017
Reporting Officer:	R. Fishwick
Responsible Officer:	A. Vuleta
Voting Requirement:	Absolute Majority

Executive Summary:
Recommendation – That the Council appoints members and deputy members to the Finance and Audit Committee.

- The Council at its Special Meeting held on 23 October 2017 re-established the Finance and Audit Committee and appointed all Elected Members to sit on the Committee until 11 December 2017.
- After 11 December 2017 the Finance and Audit cannot meet as all positions are vacant and a quorum cannot be achieved.
- It is recommended that the Council makes membership appointments to the Finance and Audit committee in accordance with its Terms of Reference.

TABLED ITEMS:

Nil

BACKGROUND:

This report requests the Council to determine the membership of the Finance and Audit Committee (the Committee) for the next 2 years.

The Council at its Special Meeting held on 23 October 2017 when re-establishing the Committee resolved inter alia that:

“1.4 In accordance with sections 5.9, 5.10 and 7.1A of the Local Government Act 1995 appoints the following Elected Members to the Finance and Audit Committee for the period 23 October 2017 until 11 December 2017:

- *Mayor T Vaughan;*
- *Cr J Ammons Noble;*
- *Cr C Anderson;*
- *Cr B Ife;*
- *Cr J Jacobs;*
- *Cr B Oliver;*
- *Cr V Potter;*
- *Cr R Potter; and*
- *Cr K Vernon.”*

And:

“1.5 The Chief Executive Officer be instructed to present a report to the Ordinary Council Meeting to be held on 12 of December 2017 seeking to appoint four (4) Members and five (5) Deputy Members to the Finance and Audit Committee.”

As a consequence as at 11 December 2017 all positions on the Committee are vacant and need to be filled in order for the Committee to meet and fulfil its statutory obligations.

DETAILS:

The *Local Government Act 1995* requires that all local governments establish an Audit Committee. An Audit Committee plays a key role in assisting a local government to fulfil its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability and the internal and external audit functions.

Taking cognisance of the above, the Council therefore at its Special Meeting held on 23 October re-established the Committee to enable it to consider the Annual Financial Report and the Auditors Report for the 2016-2017 Financial Year prior to those reports being presented to a Council meeting for adoption.

In re-establishing the Committee the Council appointed all Elected Members so that the aforementioned reports could be considered and to also provide Elected Members with more time to determine the final membership of the Committee for the next 2 years.

The Terms of Reference:

1. NAME

The name of the Committee shall be the Finance and Audit Committee (the Committee).

2. AIMS AND OBJECTIVES

The strategic focus for the Finance and Audit Committee is aligned to the Community Strategic Plan 2017-2032. The purpose of the Committee is to contribute to the vibrant lifestyle of the Town.

2.1 Goals

To provide sound financial management and good governance by:

- Providing guidance and assistance to Council as to the carrying out of its functions in relation to audits in compliance with the *Local Government Act 1995*;
- Developing and reviewing Council policies as per the Committee's Key Focus Areas;
- Developing appropriate strategies that will deliver the most favourable long term outcomes for the Council in the Committee's Key Focus Areas;
- Ensuring Council maintains its financial capacity to deliver programs and services; and
- Providing advice to Council in relation to matters that are within the Committee's area of responsibility.

2.2 Deliverables

The key deliverables of the Committee will include:

- Annual compliance audit;
- Annual risk management audit; and
- Annual review / update of policies, strategies and plans related to the Key Focus Areas.

2.3 Scope and Jurisdiction

The Key Focus Areas of the Committee include:

- Audit;
- Financial planning;
- Revenue diversification;
- Investments;
- Rates;
- Grants;
- Asset management;
- Land asset optimisation;
- Risk Management; and
- Governance.

2.4 Engagement

The Committee may invite individuals and subject matter experts to attend a meeting of the Committee to provide expert advice where required.

3. MEMBERSHIP

The Committee will comprise a maximum of four (4) Elected Members being two (2) Elected Member representatives from each of the Town's two (2) wards with up to five (5) Elected Members being appointed in a hierarchical order as alternate deputy members.

4. MEETINGS

The Committee shall convene in accordance with its annual adopted meeting schedule.

5. QUORUM

In accordance with section 5.19 of *the Local Government Act 1995* the quorum for a meeting of the Committee is at least 50% of the number of offices (whether vacant or not) of members of the Committee.

6. DELEGATED POWER

The Committee has no delegated power and all recommendations made are to be referred to Council for a decision.

7. GOVERNANCE

The Committee is governed by the provisions of the *Town of Victoria Park Standing Orders Local Law 2011* and the *Local Government Act 1995* and its Regulations.

Legal Compliance:

Section 5.10 of the *Local Government Act 1995* (the Act) states that the Council is to appoint members of a Committee.

Absolute majority required

Section 5.11A of the Act states that the Council may appoint deputy committee members.

Absolute majority required

Risk Management Considerations

The Committee assists Council in performing some of its legislative responsibilities and functions. If Council does not appoint members to the Committee it will be unable to meet to fulfil its statutory obligations.

The risks have been identified as outlined below:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Compliance: Regulatory and statutory impact.	Moderate	Unlikely	Low	Section 5.10 of the <i>Local Government Act 1995</i> needs to be complied with when appointing members to a committee.

Policy Implications:

Nil

Strategic Plan Implications:

Civic Leadership (CL 9) in the Strategic Community Plan 2017-2032 – Appropriate devolution of decision-making and service provision to an empowered community.

Financial Implications:

Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

It will be important to determine how the Committee can continue to engage with the community on an ongoing basis. Where a committee has been given a delegation by the Council that committee must be open for the public to attend.

There is nothing preventing public attendance at a committee meeting even if it has no delegated powers. Public question and public statement time can also be included in the order of business after the opening and also before a committee meeting is closed. If a confidential matter is to be considered then the committee can meet behind closed doors.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The Finance and Audit Committee is required to fulfil statutory obligations and therefore the Council needs to appoint members to enable the Committee to meet.

The Finance and Audit Committee Terms of Reference in relation to membership states that:

MEMBERSHIP

The Committee will comprise a maximum of four (4) Elected Members being two (2) Elected Member representatives from each of the Town's two (2) wards with up to five (5) Elected Members being appointed in a hierarchical order as alternate deputy members.

The Council is therefore requested to appoint Elected Members to sit on the Finance and Audit Committee in accordance with the above Terms of Reference Membership.

CONCLUSION:

It is therefore recommended that the Council makes appointments to the Finance and Audit Committee.

RECOMMENDATION/S:

That Council BY AN ABSOLUTE MAJORITY in accordance with Section 5.10 of the *Local Government Act 1995* APPOINTS the following members and deputy members to the Finance and Audit Committee:

Members

- **Banksia Ward two representatives being Crs Anderson and Vernon; and**
- **Jarraah Ward two representatives being Crs Ammons Noble and Oliver;**

Deputy Members

- **First Alternate Deputy Member Cr Ife;**
- **Second Alternate Deputy Member Cr V Potter**
- **Third Alternate Deputy Member Cr Jacobs;**
- **Fourth Alternate Deputy Member Cr R Potter; and**
- **Fifth Alternate Deputy Member Mayor Trevor Vaughan;**

(Absolute Majority Required)

11 FUTURE LIFE AND BUILT LIFE PROGRAM REPORTS

11.1 No. 400-404 (Lot 4) Albany Highway, Victoria Park – Additions and Alterations to Restaurant

File Reference:	PR3646
Appendices:	No
Landowner:	Super Julie Family Trust
Applicant:	Silk Road Uyghur Cuisine Pty Ltd
Application Date:	7 September 2017
DA/BA or WAPC Ref:	5.2017.716.1
MRS Zoning:	Urban
TPS Zoning:	District Centre
TPS Precinct:	Precinct P11 'Albany Highway'
Use Class:	Restaurant
Use Permissibility:	'P' (permitted) use

Date:	6 December 2017
Reporting Officer:	S. McDonald
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:	
Recommendation – Approval subject to conditions	
<ul style="list-style-type: none"> • The Application seeks approval for an additional dining area with roof covering to the rear of the existing 'Restaurant' use. • The proposal represents a shortfall in on-site car parking of 16 bays, being an increase of six (6) bays from the existing shortfall of 10 bays for the existing 'Restaurant' use on site. • Community consultation was undertaken consisting of letters to surrounding owners and occupiers. The community consultation period commenced on 03 November 2017 and concluded on 18 November 2017. Two (2) submissions were received during the consultation period. • Notwithstanding the development increasing the parking shortfall, the proposal delivers positive outcomes in terms of surveillance and activation adjacent to a laneway. • The proposed additions and alterations are not considered to have any adverse impacts to the surrounding areas in which case the development is recommended for approval. 	

TABLED ITEMS:

- Development application form dated received 7 September 2017;
- Development application plans dated received 7 September 2017;
- Amended plans and further information dated received 31 October 2017;
- Consultation letter sent to surrounding property owners/occupiers dated 3 November 2017; and
- Two (2) submissions received during the consultation period.

BACKGROUND:

The subject site at No 400 - 404 Albany Highway, Victoria Park is approximately 347m². The existing single storey building is built up to the Albany Highway lot boundary in addition to its two side boundaries. A car parking area is located to the rear of the property with six (6) car parking bays being provided in tandem, with vehicular access being taken from Right-Of-Way 120 and the driveway to the Victoria Park Central shopping centre customer car park off Duncan Street.

In 2014, the Town approved a change of use for the subject site from a 'Shop' to a 'Restaurant'. This previous approval maintained an existing car parking shortfall of 10 bays, and therefore was able to be determined by Council Officers under delegated authority.

DETAILS:

An application has been received seeking approval for an outdoor dining area (26m²) with associated roof structure to the rear of the existing restaurant. The applicant has stated that this will 'activate' the rear of the development and provide a degree of passive surveillance to the Victoria Park Central shopping centre car park and adjacent loading areas either side of the property.

No changes to the existing car parking bay area are proposed.

Legal Compliance:Relevant General Provisions of Town Planning Scheme No. 1

In assessing and determining this application, Council is to have regard to the following general provisions of the Scheme:

- Deemed Clause 67 'Matters to be considered by local government' of the *Planning and Development (Local Planning Schemes) Regulations 2015* (referred to as LPS Regulations 2015);
- Clause 68 'Determination of Applications' of the LPS Regulations 2015; and
- Statement of Intent contained in Precinct Plan P11 'Albany Highway'.

Compliance with Development Requirements

- TPS 1 Scheme Text, Precinct Plan P11 and Local Planning Policies; and
- Local Planning Policy (LPP) 30 'Car Parking Standards for Developments along Albany Highway'.

Precinct Plan P11 'Albany Highway' – Development Standards

The proposed roof cover to the outdoor dining area does not contribute towards plot ratio (maximum permitted plot ratio-1.0; existing plot ratio-0.61) and is well within the permitted height limits. The proposed works comply with the Development Standards outlined in the Precinct Plan.

Car Parking Calculations

In 2014, the Town approved a change of use for the subject site from a 'Shop' to a 'Restaurant'. Assessment of the property under Local Planning Policy (LPP) 30 'Car Parking Standards for Developments Along Albany Highway' found the previous 'Shop' to have an existing car parking shortfall of 10 bays. A Restaurant with a total dining area not exceeding 77m² did not increase the existing car parking shortfall and was therefore considered to satisfy the intent of the Policy.

It is noted that although a total of six (6) bays have been provided on site, tandem bays are assessed as only providing a single bay under Local Planning Policy 23 ‘Parking Policy’ (LPP23). Three (3) on-site bays are therefore considered to have been provided.

Previous Approved Use

Activity / Use	Parking Requirement	Bays Required
Restaurant (77m²)	1 bays for every 6m ² of sit down dining area.	13
	Total Required	13
	Total Provided	3
	Shortfall of car parking bays	10

The proposed additions result in an additional 26m² of dining area. If approved, this would increase the existing car parking shortfall by an additional six (6) bays bringing the total shortfall to 16 bays.

Proposal

Activity / Use	Parking Requirement	Bays Required
Restaurant – external dining area (26m²)	1 bays for every 4.5m ² of sit down dining area.	6
Restaurant - internal dining area (77m²)	1 bays for every 6m ² of sit down dining area.	13
	Total Required	19
	Total Provided	3
	Shortfall of car parking bays	16

Submissions:

Community Consultation:

In accordance with Council’s Local Planning Policy (LPP) 37 ‘Community Consultation on Planning Proposals’, the proposed increase in the parking shortfall was the subject of community consultation for a period of 14 days, with letters being sent to the owners and occupiers of surrounding properties.

The period for public comment commenced on 3 November 2017 and concluded on 18 November 2017.

During the period for comment two (2) submissions were received as outlined below:

CONSULTATION SUBMISSIONS	
<i>Submission from Centre Manager of No.360 Albany Highway – Victoria Park Central</i>	
Comments Received	Officer’s Comments
“I write expressing my concerns regarding the proposed redevelopment of the restaurant at 400 – 404 Albany Hwy Vic Pk ...” -Comments continued next page-	

<p><i>“...Car parking is extremely scarce in the area of Victoria Park immediately surrounding the above mentioned restaurant. Any loss of parking will have a detrimental impact on the other surrounding businesses</i></p> <p><i>Vicinity Centres owns the adjoining shopping centre, Victoria Park Central 360 Albany Hwy. This property has around 230 car bays. We are faced daily with the problem of maintaining adequate parking bays for the Centre’s own customers</i></p> <p><i>We are considering introducing paid parking at Victoria Park Central as a means to deter non Centre patrons filling our car parks (staff of businesses on Albany Hwy and their customers).</i></p> <p><i>At peak times (between 11am – 3pm) our car park occupancy rates average over 95%. Coincidentally this is not the busiest time within our Centre.</i></p> <p><i>We strongly object to any neighbouring landowners reducing their car parking capacity as their patrons will substitute the lost bays with ours in Victoria Park Central.”</i></p>	<ul style="list-style-type: none"> • It seems that there has been some confusion regarding what is proposed. The applicant does not seek to remove existing car bays. The proposed development is to increase the restaurant dining area (and provide an associated roof structure) without providing additional car bays. • Submitter’s other comments noted.
<p><i>Submission from owner of 415-419 Albany Highway, Victoria Park</i></p>	
<p>Comments Received</p>	<p>Officer’s Comments</p>
<p><i>“We fully support the approval of the Additions & alterations to 400-404 Albany Highway, including the proposed shortfall in parking.”</i></p>	<ul style="list-style-type: none"> • Submitter’s comments noted.

Policy Implications:

Approval of the development with a parking shortfall would be inconsistent with Council’s Local Planning Policy (LPP) 30 ‘Car Parking Standards for Developments along Albany Highway’. Council Officers have already acknowledged the need for the car parking ratios within the Town to be reviewed, and work already undertaken on this is to be progressed in 2018. It is likely that the Town’s car parking ratios for new developments will be reduced taking into account such factors as proximity to public transport, public parking facilities, siting within an Activity Centre, and the inclusion of end-of-trip facilities.

Risk management considerations:

Risk & Consequence	Consequence Rating	Likelihood Rating	Overall Risk Analysis	Mitigation Actions /
The proponent has the right of review against Council’s decision, including any conditions included therein, in accordance with the <i>State Administrative Tribunal Act 2004</i> and the <i>Planning and Development Act 2005</i> .	Moderate	Likely	High	Ensure that Council is provided with information to make a sound decision based upon relevant planning considerations including the Scheme and applicable Local Planning Policies.

Sustainability Assessment:

External Economic Implications:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The application proposes additions and alterations to an existing restaurant, increasing the total dining area while not providing any additional parking bays.

Car Parking

In relation to car parking, the development proposes to maintain the existing three (3) compliant on-site car parking bays (six (6) in a tandem configuration), while increasing the car parking shortfall from 10 to 16 bays under Local Planning Policy 30 ‘Car Parking Standards for Developments along Albany Highway’ (LPP30).

The applicant is aware of the parking shortfall under LPP30, and therefore have provided the following justification:

“Our main reason for activating the back area of our shop is to give more exposure to our restaurant more so than gaining extra seatings. The back of our restaurant faces the Vic Park Central Shopping Centre, hence why, we have more traffic and exposure at the back of the restaurant than the front.

The other benefit of activating the back area is to have the option of outdoor seating area for our current customers mainly during the summer season and we believe this will also create better ambience to the shopping centre and bit more safety for people who travel at night at the car park area.”

LPP30 does not include a statement of aims or objectives. Consideration is therefore given to Local Planning Policy 23 ‘Parking Policy’ (LPP23) which states that its aim is to “*facilitate the development of adequate parking facilities and safe, convenient and efficient vehicle and bicycle access for pedestrians, cyclists and motorcyclists.*”

What the Town considers ‘adequate parking facilities’ to be for various land uses, is a matter currently under review. It is likely that the Town’s car parking ratios for new developments will be reduced taking into account such factors as proximity to public transport, public parking facilities, siting within an Activity Centre, and the inclusion of end-of-trip facilities. However the work undertaken by Council Officers to date on preparing a draft revised parking policy is preliminary only, that has not been endorsed by Council and is yet to be the subject of community consultation, in which case it may be subject to change.

A cash-in-lieu contribution for increase to a car parking bay shortfall of six (6) bays (at a rate of \$40,000 per bay based on Council’s 2017/2018 financial year budget) under LPP23 would currently equal \$240,000. The applicant has advised that any cash-in-lieu contribution required as part of this application would make the proposal unviable.

Crime Prevention Through Environmental Design (CPTED) & Laneway Activation

The Albany Highway Laneway and Intersection Activation Strategy, currently under development, is in its early stages. A general theme is a continuation of the activation principles exemplified in previous projects such as the installation of parklets and facilitation of free trade areas along Albany Highway. The proposed dining area to 404 Albany Highway, addressing Right-Of-Way 120 and the Victoria Park Central shopping centre customer car park, is considered to be consistent with these above-mentioned activation principles and the vision outlined in the Albany Highway Precinct Plan P11 statement of intent for an enhanced and attractive commercial area that is safe, interesting and accessible.

The Western Australian Planning Commission “Designing Out Crime” Planning Guidelines describes how active frontages and outdoor spaces can have a positive impact on safety, and prescribes increased use and activity in Town Centres as an important objective in achieving surveillance after hours. The current user-experience of Right-Of-Way 120 is considered by Council Officers to be well below the standard set by surrounding areas, and has the potential to be greatly improved by the proposed outdoor dining area. This outdoor dining area proposal is likely to deliver benefits to the community, potentially reducing anti-social behaviour, increasing perceived safety and greatly improving amenity, thus contributing to a built environment that is closer to the vision outlined in the Albany Highway Precinct Plan P11.

Deemed Clause 67 of the Local Planning Schemes Regulations

With respect to Deemed Clause 67 of the *Local Planning Schemes Regulations*, Council Officers are of the opinion that consideration of the following matters lends support for the proposal:

- a) *The aims and provisions of this Scheme and any other local planning schemes operating within the Scheme area;*
- g) *Any local planning policy for the Scheme area;*
- m) *The compatibility of the development with its setting including the relationship of the development to 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;*
- n) *The amenity of the locality including the following –*
 - i. *Environmental impacts of the development;*
 - ii. *The character of the locality; and*
 - iii. *Social impacts of the development.*

CONCLUSION:

The proposal seeks an additional dining area to the rear of the property, but does not provide additional car bays as required by the Town's car parking policies. The proposed development, however, is considered likely to deliver community benefits by activating an under-surveilled laneway in a manner consistent with CPTED and place activation principles. Given that the outcomes of such a development align with the intent of the applicable Precinct Plan, on balance the proposal is considered to be appropriate and is recommended for approval subject to conditions.

The recommended conditions of approval include the additional dining area being limited to 22m² rather than the 26m² proposed. This would result in a 20 seat dining area with an associated five (5) bay increase to the car parking shortfall compared with the 24 seat dining area with a six (6) bay increase to the car parking shortfall. This position reflects that the community benefits of laneway activation can be achieved with less of a demand placed on nearby public car parking.

RECOMMENDATION/S:

1. In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by Silk Road Uyghur Cuisine Pty Ltd (DA Ref: 5.2017.716.1) for Additions and Alterations to a Restaurant at No. 400 - 404 (Lot 4) Albany Highway, Victoria Park as indicated on the plans and details dated received 7 September 2017 and 30 October 2017 be Approved subject to the following conditions:

- 1.1 The development must be carried out in accordance with the approved plans at all times, unless otherwise authorised by the Town.**
- 1.2 All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot**
- 1.3 The external dining area being limited to 22m².**

Advice to Applicant

- 1.4 The internal dining area of the restaurant is limited to 77m² as per the conditions of development application DA Reference No. 5.2014.371.1 approved on 6 August 2017.**

- 1.5 This approval does not include the approval of any alterations to the front (Albany Highway) façade of the building. Any alterations to the front façade will require further development approval to be obtained from the Council.**
 - 1.6 Any amendments or modifications to the approved drawings forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.**
 - 1.7 This approval does not include the approval of any signage. Any signage for the development to be the subject of a separate sign licence application, in accordance with Council's Signs Local Law. Please also note that should any signage not comply with the Signs Local Law further Planning Approval will need to be obtained prior to a sign licence application being submitted to the Council.**
 - 1.8 Your attention is drawn to the need to comply with the requirements of Part D3 of the Building Code of Australia - Access for People with Disabilities, including parking, sanitary facilities and tactile indicators in accordance with AS 1428.1, AS 1428.4, AS 1428.5 and AS/NZS 2890.6.**
- 2. Those persons who lodged a submission regarding the application be advised of Council's decision.**



11.2 25 (Lot 51) Etwell Street, East Victoria Park – Change of Use from Single House to Residential Building (Short Term Accommodation)

File Reference:	PR17540
Appendices:	No

Landowner:	A Mandyczewsky
Applicant:	A & N Mandyczewsky
Application Date:	03 October 2017
DA/BA or WAPC Ref:	5.2017.790.1
MRS Zoning:	Urban
TPS Zoning:	Residential R20
TPS Precinct:	Precinct P12 'East Victoria Park'
Use Class:	Residential Building (Short Term Accommodation)
Use Permissibility:	'AA' (Discretionary) use

Date:	6 December 2017
Reporting Officer:	R. Kapur
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:	
Recommendation – Approval subject to conditions	
<ul style="list-style-type: none"> • This application seeks to change the use of an existing dwelling, currently approved as a 'Single House' to a 'Residential Building (Short term Accommodation)'. • The proposed 'Residential Building (Short term Accommodation)' is an 'AA' (Discretionary) use. • Three (3) submissions were received in relation to the development proposal during the community consultation period: two (2) in support and one (1) raising objections. • The proposal is recommended for Approval subject to conditions and advice notes. 	

TABLED ITEMS:

- Development application form dated 3 October 2017;
- Plans of the proposed development dated 3 October 2017;
- Amended Management Plan for the Residential Building dated 5 December 2017;
- Community Consultation letters to adjoining owners and occupiers dated 6 November 2017;
- Letter of objection from owners of 23B Etwell Street;
- Letters of support from owners of 17 Hertford Street and 19 Hertford Street; and
- Map showing the Area of Consultation.

BACKGROUND:

The building is currently approved for use as a Single House. The matter relating to commencement of the subject 'Residential Building (Short term Accommodation)' land use initially came to the Council's attention as a result of concerns expressed by owners of the adjoining property in relation to a group of holiday makers staying at the address and the property having been advertised on Airbnb website.

When the Council contacted the subject property owners with regards to obtaining necessary approvals prior to commencing this land use, they undertook to discontinue the unapproved use and took all necessary steps to seek development approval from the Council.

DETAILS:

The existing single storey building with a loft within the roof space at No. 25 Etwell Street, East Victoria Park (the subject site) is approved as a ‘Single House’. Vehicular access to the subject site and on-site car parking bays are located off Etwell Street that abuts the property along its north-eastern boundary. The surrounding existing development is residential in nature and comprises single storey and two storey dwellings. The subject site is within walkable distance (approximately 270 metres) of Kent Street, a District Distributor Road. Figure 1 below shows the subject site and the surrounding locality.



Figure 1: Location of the subject site (in hatch lines) and surrounding residential development

The development application proposes a change of use from a ‘Single House’ to a ‘Residential Building (Short Term Accommodation)’ which is an ‘AA’ (Discretionary) use under the Town Planning Scheme No. 1.

A ‘Residential Building’ is defined in the Residential Design Codes as follows:

“A building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- temporarily by two or more persons; or

- *permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.”*

The proposed use of the building, as per the submitted plan drawing, shows:

- On the ground floor - three (3) Bedrooms, a Lounge, a Family Room, an Activity Room, and a Meals Room coupled with other amenities (Kitchen, Laundry and Toilets);
- Four (4) car parking spaces on the site: two (2) in the garage and two (2) in the driveway within the street setback area; and
- On the first floor - a ‘Loft’ within the roof space that is a large open plan space without any rooms.

The Management Plan submitted by the applicant includes the following information that is observed to be relevant for consideration by the Council, and for arriving at a determination:

- The Property will be rented as a residence to a maximum of six (6) occupants for periods, of less than 6 months as well as periods of 6 months or greater.
- The maximum number of occupants is six (6) for short term stay under 6 months.
- The number of proposed bedrooms for short term stay under 6 months is three (3).
- A Register of all occupants will be kept by the Manager, available for inspection by an authorised Council Officer.
- Parking arrangements on the property are restricted to the double garage (2 vehicles) and the driveway on the property (2 vehicles).
- Guests and Visitors must not create noise which is offensive to occupiers of neighbouring properties especially between 10pm -7am on Monday to Saturday, and 10pm-9am on Sunday and public holidays, and during arrival, and during departure, and at any time throughout the occupancy.
- Offensive noise is prohibited and may result in termination of permission to occupy the Property, eviction, loss of rental paid and extra charges for security and other expenses which may be deducted from Security Deposit or Bond under the Terms and Conditions.
- Guests and Visitors must not engage in anti-social behaviour and must minimise their impact upon the residential amenity of neighbours and local community.
- Guests are responsible for ensuring that Visitors comply with this Code of Conduct.
- The property will not be a party house and any such activities will be strictly prohibited. Any gathering, celebration or entertainment permitted at the property must not conflict with residential amenity and must comply with all other requirements.
- Guests and Visitors are to comply with parking regulations and other requirements set out below and show consideration to neighbours and other vehicles.
- Rubbish and recycled goods are to be disposed in accordance with the usual practice at the Property in the allocated bins, and excess rubbish must not be left in public areas.
- A copy of this Management Plan will be made available to neighbours. Neighbours will also be provided with the contact details of the Manager and the Owner.

Written correspondence with the owner / applicant during the course of assessment resulted in the following additional information provided by the owner / applicant:

- We will not have any signage for short term accommodation advertising the business.
- As the property has four (4) car spaces, three (3) cars will be available for the guests; and one (1) will be available should they happen to have a visitor. Hence, they won't need to park on the street.
- As only three (3) bedrooms will be used as a part of the short term accommodation, this will not trigger the disabled access requirements.
- The owners will be moving out of the subject property and living next door at No. 17 Hertford Street. If they decide to live elsewhere, they will appoint a manager who will be living in proximity to the subject property and attend to any problems related to the Short Term Accommodation.
- Window(s) on the upper floor that overlook any of the adjoining properties will be modified in order to comply with the approval granted in November 2001.

Legal Compliance:

Relevant General Provisions of Town Planning Scheme No. 1

In assessing and determining this application, Council is to have regard to the following general provisions of the Scheme:

- Clause 67 'Matters to be considered by local government' of the Planning and Development (Local Planning Schemes) Regulations 2015 (referred to as LPS Regulations 2015);
- Clause 68 'Determination of Applications' of the LPS Regulations 2015; and
- Statement of Intent contained in Precinct Plan P12 'East Victoria Park'.

Compliance with Development Requirements

- TPS 1 Scheme Text, Precinct Plan P8 and Local Planning Policies;
- Local Planning Policy (LPP) 3 'Non-Residential Uses in or Adjacent to Residential Areas';
- Local Planning Policy (LPP) 23 'Parking'; and
- Local Planning Policy (LPP) 31 'Specialised Forms of Accommodation other than Dwellings'.

The following is a summary of compliance with key development requirements:

Relevant Provision	Requirement	Proposed	Compliance
Precinct Plan P12 'East Victoria Park Precinct': Statement of Intent	Specialised forms of accommodation and a limited number of non-residential uses, to serve the needs of the local population, may be permitted in these areas.	The proposed short term accommodation, being a specialised form of accommodation, is capable of being approved subject to the exercise of discretion by the Council, and noting that the proposal complies with provisions contained in relevant policies, discussed in this report.	Complies

<p>Precinct Plan P12 'East Victoria Park Precinct': Land Use Permissibility</p>	<p>Residential Building, an AA (Discretionary) Use</p>	<p>The scale of the proposed Residential Building, with three (3) rooms proposed to be used as bedrooms, is considered to be of a scale that is comparable to other dwellings in the neighbourhood.</p>	<p>Complies</p>
<p>LPP3 Clause 3(a)</p>	<p>The proposed non-residential use will not cause undue conflict through the generation of traffic and parking or the emission of noise or any other form of pollution which may be undesirable in residential areas</p>	<p>The three (3) on-site parking bays required for the proposal coupled with a visitor's bay as well as the resultant traffic that will be generated is observed to be in keeping with that of a residential area. Noise generated at the proposed accommodation is intended to be controlled by the Management Plan that guests and visitors will be required to abide by.</p>	<p>Complies</p>
<p>LPP31 Clause 2.2.1 Location</p>	<p>A list of preferred locations include a location within 400 metres of a train station or high frequency bus route stop</p>	<p>Located within 400 metres of a high frequency bus route stop (No. 960) on Kent Street</p>	<p>Complies</p>
<p>LPP31 Clause 2.2.2.1 Design of Existing Building</p>	<p>A maximum of six (6) rooms designed for and/or capable of use as bedrooms; and The existing building is approved by the Council as a Single House or Grouped Dwelling</p>	<p>Within the existing Single House, it is proposed to have three (3) bedrooms in addition to a Lounge, a Family Room, an Activity Room, and a Meals Room on the ground floor; and a TV room in the Loft space on the first floor</p>	<p>Complies</p>

<p>LPP31 Clause 2.2.4 Car Parking</p>	<p>One (1) car bay for every bedroom or One (1) for every three (3) beds provided whichever is the greater;</p> <p>All resident, guest, staff or visitor car parking to be contained on site. No consideration given to parking of vehicles on-street or on Council verge areas.</p>	<p>Three (3) car bays required for the three (3) proposed bedrooms;</p> <p>An additional car bay provided for guest's visitors;</p> <p>All four (4) car bays provided on site</p>	<p>Complies</p>
<p>LPP31 Clause 2.2.4.3 Tandem Car Parking</p>	<p>Only permitted for an accommodation for six (6) or less persons</p>	<p>A maximum of six (6) guests are proposed</p>	<p>Complies</p>
<p>LPP31 Clause 2.2.5 Signage on Residential Zoned Land</p>	<p>A maximum of only one sign on the site not exceeding 0.2m² in area, and incorporated into a front fence, wall, structure or building identifying the name and address of the accommodation</p>	<p>In addition to the existing street number displayed on the letterbox, the applicant confirms that no signage is intended to be displayed.</p>	<p>Complies</p>

Based upon the above assessment, the proposed use complies with the requirements identified in the Precinct Plan and relevant Local Planning Policies.

Submissions:

Community Consultation:

In accordance with Council's Local Planning Policy (LPP) 37 'Community Consultation on Planning Proposals', the proposed Residential Building (Short Term Accommodation) was advertised to the adjoining properties for a period of 14 days. The term '*adjoining properties*' is identified in LPP 37 by way of maps that show the properties that need to be consulted. Advertisement included letters to the owners and occupiers of these adjoining properties.

During the advertising period, one (1) submission expressing concerns in relation to the proposed development and two (2) submissions expressing support for the proposed development were received by the Council as outlined below:

CONSULTATION SUBMISSIONS	
Comments Received	Officer's Comments
Submission from residents of a property on Etwell Street, East Victoria Park:	
<p>Objection:</p> <p>1. We moved into this area knowing that it was a residential area, and that our family was away from the risk of proximity to commercial properties operating next door. Before moving in, we checked that the properties on either side were residential. We did this keeping in mind the safety, security and amenity of our children.</p>	<p>Submitter's comments are noted.</p> <p>Zoning table of Town Planning Scheme No. 1 identifies a 'Residential Building' land use as being an 'AA' (Discretionary) use on a 'Residential' zoned land, such as the subject site. Such a discretionary land use is capable of being permitting subject to consideration of comments received as a result of community consultation and carrying out an assessment of the proposed development.</p> <p>While the current use of adjoining properties may be residential, the future use of such land could potentially change subject to having regard to the provisions of the Town Planning Scheme and an approval being granted by the Council.</p>
<p>Objection:</p> <p>2. The subject property owners initially commenced the land use without Council approval, without consultation and complete disregard for the neighbours.</p>	<p>Submitter's comments are noted.</p> <p>While a development should commence after having been granted a development approval, the Town Planning Scheme permits submission of an application for retrospective approval where a development has commenced without approval.</p> <p>In this instance, the owners undertook all necessary steps to seek development approval from the Council, once they were notified of this requirement. They also undertook to discontinue the unapproved use.</p>
<p>Objection:</p> <p>3. Having the adjoining outdoor living area next to ours and one of their upper floor windows looking into our living area are breach of our privacy. Photos of the upper floor windows sent to the Town.</p>	<p>Submitter's comments are upheld.</p> <p>The plans of the subject dwelling that were approved by the Town in November 2001 required modifications to the north-west facing dormer window on the upper floor in order to maximise visual privacy of the adjoining property and to comply with the visual privacy requirements of the R-Codes.</p> <p>This matter has been brought to the attention of the subject property owners who have agreed to undertake appropriate steps to bring the window into compliance with the approved drawings. A condition of approval is recommended to this effect.</p> <p>The location of outdoor living areas of dwellings on separate lots and their proximity to each other is a common occurrence, noting that these spaces are usually located towards the rear of dwelling, as is observed in this situation. This particular comment is not upheld.</p>

<p>Objection:</p> <p>4. <u>In relation to Clause 1.0 of the Management Plan:</u> While the short stay accommodation will encourage tourism and local businesses, setting a precedence allowing short stay accommodations in this area will devalue the cost of our property and those surrounding us. Rotating customers throughout the year is similar to being a commercial hotel.</p>	<p>Submitter’s comments are not upheld. Zoning table of Town Planning Scheme No. 1 identifies a ‘Residential Building’ land use as being an ‘AA’ (Discretionary) use on a ‘Residential’ zoned land, such as the subject site. Such a discretionary land use is capable of being permitting subject to consideration of comments received as a result of community consultation and carrying out an assessment of the proposed development.</p> <p>As per the definition covered in the ‘Details’ section of this Report, the proposed use is classified as a ‘Residential Building’.</p> <p>Separately, a ‘Hotel’ is defined in TPS1 as follows:</p> <p><i>‘premises providing accommodation for the public the subject of a hotel licence under the Liquor Licensing Act 1988 and may include a betting agency operated in accordance with the Racing and Wagering Western Australia Act 2003, but does not include a motel, tavern or boarding house the subject of a limited hotel licence or other licence granted under that Act.’</i></p> <p>Accordingly, the proposed use is not classified as a ‘Hotel’.</p>
<p>Objection:</p> <p>5. <u>In relation to Clauses 2.0 & 3.0 of the Management Plan:</u> Regardless of the check-in times, we have noticed numerous commercial vehicles dropping off. As in the last groups of people that stayed couldn't all get around in the one car, there were numerous commercial vehicles arriving to drop off and pickup.</p>	<p>Submitter’s comments are noted. The Management Plan submitted by the applicant as a part of the development application aims to address the matter relating to car parking and identifies four (4) available on-site car parking bays for guests and visitors.</p> <p>Additionally, the maximum limit of six (6) guests that will be permitted to reside at the subject property will adequately address this matter.</p> <p>This approval recommends a validity period of 12 months. This will be an opportunity for the Town to review the continuation of the use in light of any complaints received by the Town during this period.</p>

<p>Objection:</p> <p>6. <u>In relation to Clause 4.0 of the Management Plan:</u> As stated in the management plan prepared by the owner / applicant of the subject property, we object to having to deal with a third party by putting in a complaint and be given a time frame for a resolution for complaints. We would want to deal directly with the people (guests) making the noise.</p>	<p>Submitter’s comments are upheld.</p> <p>The guests and visitors will be required to abide by the Management Plan, and complaints lodged by them will be addressed by the owners of the subject property.</p> <p>The Management Plan is not for the neighbours to abide by. In case the neighbours have a concern or an issue, they have the right to contact the Council.</p>
<p>Objection:</p> <p>7. <u>In relation to Clause 5.0 of the Management Plan:</u> While it is stated that the property will be used by a maximum of six (6) occupants at any given time, the property was initially advertised for up to ten guests. People will often sneak more people than permitted.</p>	<p>Submitter’s comments are noted.</p> <p>A condition of planning approval will require the subject property to be used for a maximum of six (6) guests at any given time.</p>

<p>Objection:</p> <p>8. <u>In relation to Clause 10 of the Management Plan relating to code of conduct:</u> Some of the guests left a shopping trolley in the front yard. Some of the conversations by young men residing temporarily at the property that we have heard are inappropriate, and we would not like our children to hear those conversations. Noting that strangers will be occupying the next door dwelling at all times, our family is experiencing fears that range from stealing and sexual assault. The house was let out as a party house. Associated problems are one night parties and prostitution.</p>	<p>Submitter’s comments are noted. The Management Plan submitted by the applicant as a part of the development application identifies code of conduct for guests and visitors aims to maintain the amenity of the neighbourhood. Should this application be approved, the development will be required to operate in line with the submitted management plan as a condition of approval.</p> <p>This approval recommends a validity period of 12 months, after which time the permitted use of the premises shall revert to a Grouped Dwelling unless further development approval is obtained. Any complaints received by the Town during this period will be taken into consideration when assessing further extension to such a use.</p>
<p>Submission from residents of a property on Hertford Street, East Victoria Park:</p>	
<p>Support:</p> <p>9. We are supportive of this application and do not anticipate there will be any inconvenience or adverse noise effects if the property is used for short term accommodation.</p>	<p>Submitter’s comments are noted.</p>
<p>Submission from residents of a property on Hertford Street, East Victoria Park:</p>	
<p>Support:</p> <p>10. The owners of the subject property are excellent neighbours, who have assisted my mother living next door by helping her with putting out the rubbish bins and weeding the garden. They have been quiet and caring neighbours. They are proud owners of their own house and would expect the same standard from their tenants.</p>	<p>Submitter’s comments are noted.</p>

In summary, while the Town’s Officers note the concerns identified in the above table, it is observed that a number of these concerns are capable of being addressed by the Management Plan submitted by the applicant / owner. Matters requiring the subject property owners’ attention relate to modifying the upper storey dormer windows to achieve visual privacy of adjoining properties and amending the wording of the Management Plan so that Clause 4.0 ‘Complaints Management’ applies to the lodgement of complaints by the guests and residents to the owners instead of this applying to the neighbours.

Policy Implications:

Nil

Risk management considerations:

Risk & Consequence	Consequence Rating	Likelihood X Rating	= Overall Risk Analysis	Mitigation / Actions
Compliance: If approved by Council, complaints from adjoining properties in relation to car parking in the street, noise, and other matters may arise from time to time, and result in having an undesired amenity impact on the adjoining residential development.	Moderate	Possible	Moderate	The recommendation that the development approval be granted for a period of twelve months will allow for reconsideration of a possible extension in light of any potential complaints that may be received by the Council along with supporting evidence.
Financial: The applicant / owner has a right of review to the State Administrative Tribunal (SAT) in relation to any conditions of approval, or if the application was refused by the Council.	Minor	Unlikely	Low	As the associated risk is low, it is unlikely that the Town will need to incur costs associated officers’ time, or obtaining legal advice.

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Potential social issues that may result from an adverse impact of the proposed development on the amenity of the neighbourhood are to be addressed by the subject property owners. Anti-social behaviour of the guests and visitors will be the responsibility of the property owners. Associated complaints by the neighbours to the Town will be dealt with by the Compliance team and communicated to the subject property owner for appropriate action and resolution in a timely manner.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The broader intent of the East Victoria Park Precinct coupled with discretionary provisions of the Town Planning Scheme No. 1 allow exercise of discretion when considering the appropriateness of the proposed 'Residential Building (Short Term Accommodation)' use on a 'Residential' zoned lot while also taking into consideration the amenity impact on the neighbourhood.

The proposal is generally consistent with the requirements of the Town of Victoria Park Town Planning Scheme No. 1 and the relevant Local Planning Policies including the requirements associated with on-site car parking, and submission of an appropriate Management Plan for the use of the property. The proposed development, with three (3) rooms proposed to be used as bedrooms, meets with the development requirements of the relevant Policies including Local Planning Policy 31, as discussed in detail in the Table contained under the 'Compliance with Development Requirements' section.

Council Officers are of the view that relevant conditions of approval can successfully ensure that amenity of the adjoining properties and surrounding residential streets is maintained. The recommended 12 month trial period will provide the Council with an opportunity to assess its performance as well as amenity impacts.

CONCLUSION:

In view of the above, the application for Change of Use to Residential Building (Short Term Accommodation) is supported, and it is recommended that Council approve the application for a 12 month trial period, subject to conditions.

RECOMMENDATION/S:

- 1. In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by A & N Mandyczewsky (DA Ref: 5.2017.790.1) for Change of Use from 'Single House' to 'Residential Building (Short Term Accommodation)' at 25 (Lot 51) Etwell Street, East Victoria Park as indicated on the plans dated received 3 October 2017 be Approved subject to the following conditions:**

- 1.1 **Operation of the approved Residential Building (Short Term Accommodation) is to be in accordance with the definition of 'Residential Building' in the Residential Design Codes; and floor plan drawings, and written information dated 3 October 2017 accompanying the development application, and the revised Management Plan dated 5 December 2017, at all times unless otherwise authorised by the Town.**
- 1.2 **This approval is valid for a period of 12 months only until 12 December 2018, after which time the permitted use of the premises shall revert to a Single House unless further development approval is obtained. Prior to or upon the expiry of this temporary approval, the owner/applicant must cease the development or submit a fresh application for development approval to continue the use.**
- 1.3 **The operator of the Residential Building (Short Term Accommodation) managing bookings to ensure that parking associated with the occupation of the Residential Building does not exceed a maximum of three (3) vehicles at any one time.**
- 1.4 **A maximum of three rooms in the building are to be available for use as bedrooms at any one time, with no more than six (6) occupants at any one time.**
- 1.5 **Three (3) on-site car parking bays being available for use by guests at all times; and one (1) on-site car parking bay being available for use by visitors at all times.**
- 1.6 **All resident, guest, staff or visitor car parking associated with the Residential Building (Short Term Accommodation) shall be contained on site. No consideration will be given to the parking of vehicles on-street or on Council verge areas.**
- 1.7 **The upper floor windows of the existing Single House, including the north-west facing dormer window to be modified in accordance with the approved drawings and to comply with the visual privacy requirements of the R-Codes prior to the commencement of the approved land use.**
- 1.8 **A maximum of only one (1) sign on the site not exceeding 0.2m² in area, and incorporated into a front fence, wall, structure or building that identifies the name and address of the Short Term Accommodation is permitted.**
- 1.9 **The property, including the building surrounds and all garden areas, are to be kept in a clean, tidy and well-maintained state of repair at all times.**

Advice to Applicant

- 1.10 **Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for review of the determination of Council by the State Administration Tribunal within 28 days of the date of this decision.**

- 1.11 The applicant/owner should refer to the Requirements of Other Council Business Units, enclosed with this development approval, which are relevant to the submission of a building permit and/or the carrying out of the development for which this approval is granted. This development approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of Council.**
 - 1.12 This approval is for the use of the building as a Residential Building (Short Stay Accommodation) only. Any alternative use of the premises will require the submission of an application to Council for a change of use.**
 - 1.13 Any amendments or modifications to the approved drawings or documents forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.**
- 2. Those persons who lodged a submission regarding the application be advised of Council's decision.**



11.3 No. 20A (Lot 4) Bishopsgate Street, Lathlain – Amendment to Development Approval for Home Occupation (Graphic Design)

File Reference:	PR16721
Appendices:	No

Landowner:	Ms C. A. Brabazon
Applicant:	Ms B A Wayne
Application Date:	2 October 2017
DA/BA or WAPC Ref:	5.2017.786.1
MRS Zoning:	Urban
TPS Zoning:	Residential R20
TPS Precinct:	Precinct P7 'Lathlain'
Use Class:	Home Occupation (Graphic Design)
Use Permissibility:	'AA' (Discretionary)

Date:	27 November 2017
Reporting Officer:	D. Rowley
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:	
Recommendation – Approval subject to conditions.	
<ul style="list-style-type: none"> • The application proposes an extension of the approved Home Occupation (Graphic Design). • Retrospective approval was granted for Home Occupation (Graphic Design) on the subject property by the Council at its Meeting on 8 December 2015 with a 12 month restricted approval period. Further approval was granted by the Council at its Meeting on 13 December 2016 for an additional 12 month period. The Applicant seeks to remove the restricted approval period for 'Home Occupation (Graphic Design)'. • Community consultation was carried out for 14 days, consisting of letters to surrounding owners and occupiers. Two (2) submissions were received during the consultation period. • Whilst one (1) objection was received during the community consultation, it is considered that the use has not resulted in any adverse impact upon the amenity of surrounding and adjoining properties. Therefore, the amendment to the development approval is supported, with the approval to be indefinite, rather than time limited. 	

TABLED ITEMS:

- Application form date received 2 October 2017;
- Plans and documentation date received 10 November 2016;
- Community Consultation letters dated 8 November 2017;
- Public submission date received 14 November 2017; and
- Applicant response to submission date received 23 November 2017.

BACKGROUND:

On 8 December 2015, Council granted Retrospective Approval for Home Occupation (Graphic Design) at the Ordinary Council Meeting, subject to conditions, which included a 12 month restricted approval period. Further approval was granted at the Ordinary Council Meeting on 13 December 2016 with Condition No. 3 of the approval being as below:

“3. This approval is for a period of 12 months only. A separate application for a Renewal of Planning Approval is to be submitted prior to the expiry of the 12 month period, to authorise the business to continue after this time.”

On 2 October 2017, the applicant/operator submitted a development application to Council, to enable the continued operation of the ‘Home Occupation (Graphic Design)’ business on the subject property, which is the subject of this report.

DETAILS:

The subject site consists of two (2) residential dwellings in a front-rear arrangement, located towards the northern part of Bishopsgate Street, near Rutland Avenue. No. 20A Bishopsgate Street is situated on the front lot with approval being granted by Council for a ‘Home Occupation (Graphic Design)’ business within the brick and tile dwelling.

The business activity of the approved ‘Home Occupation’ comprising of graphic design procedures on the subject site has been operational on the premises since December 2013. The business has continued to operate in the same manner, which is conducted via email and by telephone only, operating generally between the hours of 9am to 5pm Monday to Friday. There are no customer visits to the premises.

The applicant/operator wishes to continue with the approved components of the business, employing two (2) staff members, of which one (1) member is employed full time and the second employee working predominantly three (3) days a week until 3:00pm. However, the working days/hours of the second employee may vary as required. The applicant has stated that the two (2) employees are necessary for the nature of the business.

The business operational area is located within the residential dwelling and is limited to an area of less than 8m². There is no processing or machinery related with the ‘Home Occupation (Graphic Design) business, other than two (2) computers and a fax machine. There is no requirement for delivery vehicles to and from the premises in relation to the business.

The car parking in relation to the approved ‘Home Occupation (Graphic Design)’ is wholly contained with the site during operational times, as the site has the potential for four (4) cars to be parked within the subject site, with the availability of two (2) car bays in the existing garage and two (2) bays in front of the garage.

Following lodgement of the application, the applicant has indicated that their preference would be to now obtain an indefinite approval, rather than a further 12 month limited approval.

Legal Compliance:

Relevant General Provisions of Town Planning Scheme No. 1

In assessing and determining this application, Council is to have regard to the following general provisions of the Scheme:

- Schedule 2, Clause 67 of the *Local Planning Scheme Regulations 2015*; and
- Statement of Intent contained in Precinct Plan P7 ‘Lathlain Precinct’.

Compliance with Development Requirements

- TPS 1 Scheme Text and Precinct Plan P7; and
- Local Planning Policy (LPP) 2 – Home Occupation.

Local Planning Policy (LPP) 2 – Home Occupation outlines Council’s aim, objective and policy guidelines for the use of residential premises for a Home Occupation.

The following is a summary in accordance with key development requirements:

Item	Relevant Provision	Requirement	Proposed	Compliance
Land Use Permissibility	Precinct Plan P7 ‘Lathlain Precinct’	Home Occupation Use - AA Discretionary Use	Home Occupation is of small scale, unobtrusive and compatible with surrounding buildings.	Complies
Home Occupation	LPP2 Clause 3 (a)	The use should not impose a load on any public utility greater than ordinarily required by a residential dwelling.	Four (4) car bays provided – Two (2) additional car parking bays can be provided on the subject site, in addition to two (2) residential bays located within the existing garage.	Complies
	LPP2 Clause 3 (b) (i)	No more than one person other than an occupier of the dwelling to be employed	Two (2) persons employed other than the occupier of the dwelling	Non-compliant

	LPP2 Clause 3 (b) (ii)	Any vehicle which is used in connection with the home occupation to not: a) Exceed 6m long, 2m wide and 2.3m high and b) Be seen from any street when parked.	No commercial vehicles required.	Complies
	LPP2 Clause 3 (b) (iii)	No advertisements, advertising hoarding, illuminated sign or other advertising device or erection, to be placed on the land with respect or in connection with the home occupation.	No advertising on subject site	Complies
	LPP2 Clause 3 (b) (iv)	Area not to exceed 20m ²	Approximately 8m ² area	Complies
	LPP2 Clause 3 (c)	The proposed use will not cause injury to or adversely affect the amenity of the neighbourhood.	No injury to or adverse effect to neighbourhood	Complies

Submissions:

Community Consultation:

In accordance with Council’s Policy GEN3 ‘Community Consultation’ the application was the subject of community consultation for a period of 14 days, with letters being sent to owners and occupiers of affected properties. Advertising commenced on 8 November 2017 and concluded on 24 November 2017, with two (2) submissions being received by Council as outlined below.

CONSULTATION SUBMISSIONS	
<i>Submission from No. 20 Bishopsgate Street property owner/occupier</i>	
Comments Received	Officer’s Comments
<i>My previous submissions to the TVP has demonstrated the many ways in which the conditions applied to the home occupation have continually been violated over the years, including within the past year.</i>	<ul style="list-style-type: none"> Noted – see Comments section below.

<p><i>These include employees regularly working extra days/extra hours than what is approved and employees parking their vehicles on Bishopsgate Street instead of on the home occupation premises. It should be a condition of the home occupation that the tenant informs the TVP of the plate numbers of the vehicles used by her employees, otherwise how can the TVP enforce the condition that all employees park their vehicles on the premises?</i></p> <ul style="list-style-type: none"> <i>...the condition that has most frequently been violated and that which is of most concern to us is that of noise...It is critical to us that all of the current conditions relating to this home occupation remain in place permanently. However, these conditions are meaningful only if they are enforced. My family and I will continue to monitor the situation, and we will continue to inform the TVP of any breaches of the conditions of the home occupation, especially regarding noise. We trust that the TVP will act on any future breaches that are reported to them.</i> 	<ul style="list-style-type: none"> Noted – see Comments section below.
<p><i>Submission from No. 22 Bishopsgate Street property owner/occupier</i></p>	
<p>Comments Received</p>	<p>Officer's Comments</p>
<ul style="list-style-type: none"> <i>I write to you in support of Ms Bernadette Wayne's 'development approval for home occupation (Graphic Design)'. It would not be apparent to anyone that Ms Wayne conducts a business from her home. I have never heard any noise from the premises during the business day nor outside of business hours, as she and her staff conduct themselves in a very professional manner. On the occasion that they sit at the front of the property, this is also the case.</i> <i>The utmost care is taken by her to avoid parking congestion, by rearranging vehicles each morning, so that they can occupy her driveway and garage without protruding on to the pavement. In addition, Ms Wayne</i> 	<ul style="list-style-type: none"> Noted – see Comments section below.

<p><i>knows that she can often park on our driveway, should there be a need for this. Ms Wayne is a very caring and considerate member of the community who would not want to inconvenience anybody.</i></p>	
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Policy Implications:

Nil

Risk management considerations:

Risk & Consequence	Consequence Rating	Likelihood Rating	Overall Risk Analysis	Mitigation / Actions
<p>The proponent has a right of review to the State Administrative Tribunal against Council’s decision, including any conditions.</p>	<p>Moderate</p>	<p>Likely</p>	<p>High</p>	<p>Ensure that Council is provided with information to make a sound decision based upon relevant planning considerations including the Scheme and applicable Local Planning Policies.</p>

Sustainability Assessment:

External Economic Implications:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The application seeks to extend the existing development approval for Home Occupation (Graphic Design) business, including removing the 12 month restricted period, which is a condition of the approval granted by Council on 13 December 2016.

In considering the application, which has been operational on the subject site since 2013, Council is to have regard to the permissibility of the use in addition to the orderly and proper planning of the locality and the conservation of the amenities of the locality and the intended purpose of the ‘Residential’ zone in which it is located.

Relevant considerations are addressed as follows:

Land Use

The use of 'Home Occupation' is an 'AA' (discretionary) use in the Residential zone.

The applicant proposes to continue the operation of the approved 'Home Occupation (Graphic Design)' business on the subject site, which was formerly approved by Council on 8 December 2015 and 13 December 2016 to operate with two (2) persons other than the occupier of the dwelling being employed in relation to the home occupation, with one (1) employee generally employed on a part time basis. In approving the applications, Council have considered that the non-compliance of having an additional employee did not have an adverse impact on the occupiers or adjoining properties.

The applicant has advised Council Officers that the use has continued to operate in accordance with the Council's conditions of the approval.

Whilst one (1) objecting submission was received by Council during the consultation period for the current application, it should be noted that the submitter also raised the only objection on the previous two (2) approved applications and has continued to raise several matters in relation to the Home Occupation and other matters on the subject site since 2015 to Council. Council's Planning Compliance Officer has investigated the complaints of the submitter and has been unable to substantiate the claims. No other adjoining property owners/occupiers to the subject site have raised any issues.

It should be noted that the Statement of Intent of the Precinct Plan P7 – Lathlain Precinct' in part states, *"The Lathlain Precinct will remain and further develop as a predominantly low to medium density residential area"*. In this regard the 'Home Occupation (Graphic Design) business' is considered to have an insignificant impact on the low density residential area and is compliant in regards to the scale and the provision of car parking requirements.

The 'Home Occupation (Graphic Design)' business on the subject site has continued to provide a service to the local community and the employment of two (2) employees within a low scale business. Council Officers consider that the continued use of the business would not have any detrimental effect onto adjoining properties subject to compliance with the recommended conditions.

Parking

Condition No. 2 of the current approval granted by Council on 13 December 2016 for the 'Home Occupation (Graphic Design)' on the subject site is stated as below:

"2. Car parking in relation to the Home Occupation (Graphic Design) business including employee parking is to be wholly contained within the site during operational times."

Council Officers do not consider that the provision of vehicle registration numbers in association with Home Occupations is necessary. Should a complaint be received that employees are parking on the street or verge, then Council Officers can monitor the situation and determine whether the vehicle is associated with the business.

Council's Parking Management Co-ordinator and Rangers have confirmed receiving a number of complaints from the objecting submitter in relation to parking on the subject site, which do not directly relate to the Home Occupation. However, these matters are continuing to be investigated.

Noise Management

Condition No. 6 of the current approval granted by Council on 13 December 2016 for the 'Home Occupation (Graphic Design)' on the subject site is stated as below:

"6. All business related activities, including phone calls and staff meetings, are to occur within the dwelling only and not to be conducted in outdoor areas"

The above condition was implemented on the current approval to confine business related activities to indoor areas only, although it is difficult to distinguish noise generated by people discussing issues in an outdoor area being related to social or business activity.

The Town's Health and Regulatory Services provides an information document to the Town's residents, namely 'Neighbourhood Noise', derived from the Environmental Protection (Noise) Regulations 1997, to ensure that noise is kept to an acceptable level in residential areas, particularly as smaller block sizes have increased.

In this case, it appears that the level and frequency of noise is being generated in association with human behaviour (voices), which is not uncommon with general residential living.

In this respect, it is appropriate that the business related activities continue to be confined to indoor areas only, which is a condition of the current approval.

CONCLUSION:

Having regard to the Statement of Intent contained within Precinct Plan P7 for the Lathlain Precinct and the small scale nature of the subject Home Occupation use, the proposed continued use of the subject Home Occupation is considered to be appropriate and consistent with the zone within which it is located.

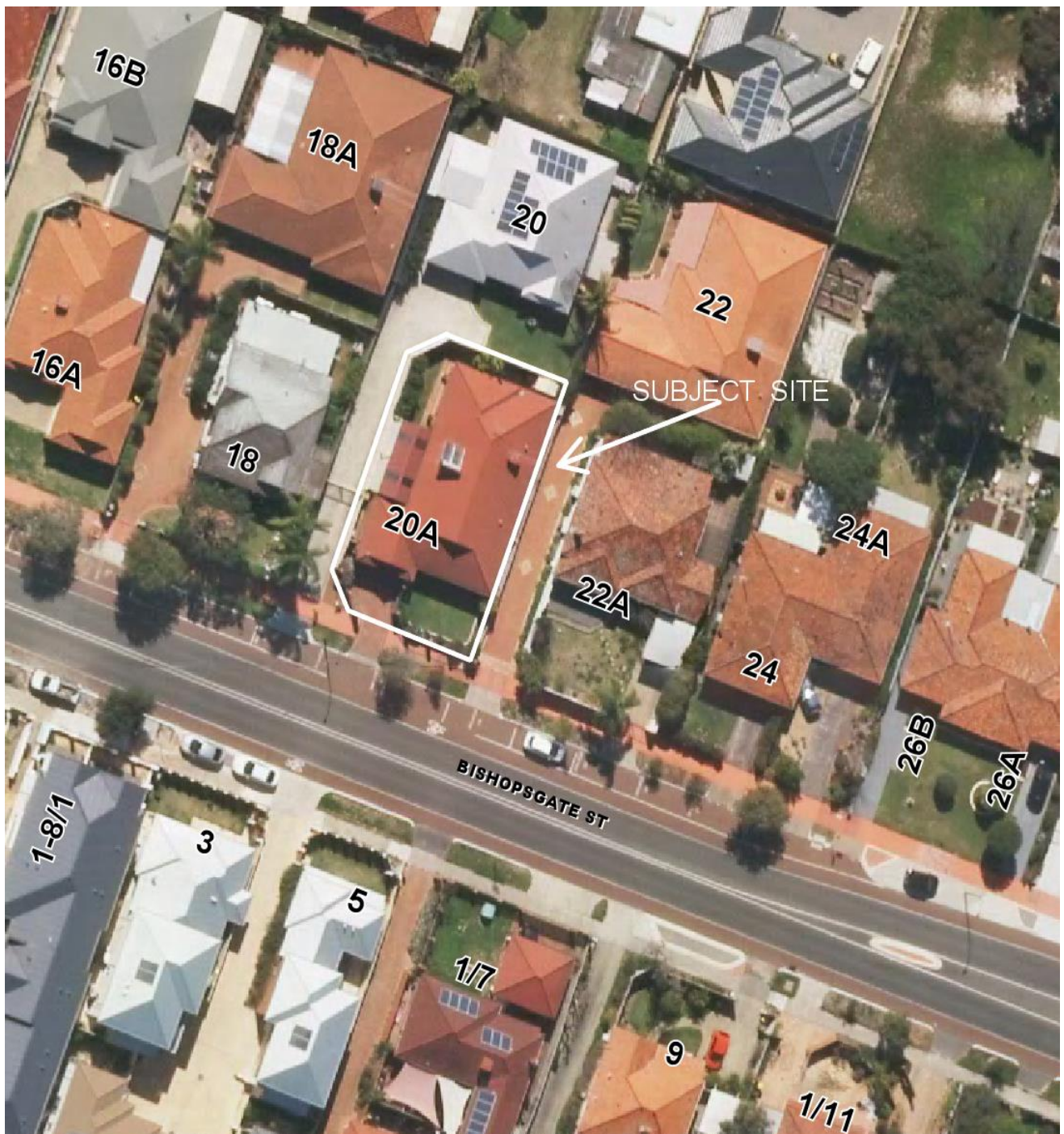
The 'Home Occupation (Graphic Design)' business on the subject site would continue to provide a service to the local community and the employment of two (2) employees within a low scale business. The proposed continuation of the approved Home Occupation is considered not to have any detrimental impact on the surrounding residential properties.

The business has now been operating for approximately four (4) years. While there have been ongoing complaints regarding the use as raised by one (1) adjoining property owner/occupier, Council Officers have investigated and have concluded that the operation of the business has not had an unacceptable impact on nearby properties. As a result, Council Officers now recommend that the amended approval be an indefinite approval, rather than being for a further 12 month period. In this respect, Council still has the power under Clause 31 of the Scheme Text to revoke a Home Occupation approval, should the need arise.

On this basis, the application is recommended for Approval subject to conditions.

RECOMMENDATION/S:

- 1. In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by Ms Bernadette Wayne (DA 5.2017.786.1) for Amendment to Development Approval for Home Occupation (Graphic Design) at 20A (Lot 4) Bishopsgate Street, Lathlain, as indicated on the written information dated received 2 October 2017 be Approved subject to the following conditions:**
 - 1.1 Condition No 3 of development approval DA Reference No. 5.2016.369.1 dated 13 December 2016 being deleted.**
 - 1.2 Remainder of development complying with Development Application DA No. 5.2016.369.1 approved on 13 December 2016.**
- 2. Those persons who made a submission in respect to the application being advised of the Council's decision.**



11.4 Final Approval of Amendment No. 77 to Town Planning Scheme No.1 relating to Service Industry Use

File Reference:	PLA/7/77
Appendices:	No

Date:	22 November 2017
Reporting Officer:	C. McClure
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – Council resolve to adopt proposed Amendment No. 77 to Town Planning Scheme No.1 without modifications and forward Amendment No. 77 to the WAPC for final approval.

- Amendment No. 77 proposes to: modify the definitions of Industry and Light Industry, add a new land use definition of Service Industry and insert the use class and permissibility of Service Industry within the Zoning Table.
- Amendment was advertised for 42 days. During the advertising period 12 submissions were received, with 11 submissions being in support and one (1) not stating a position.
- Recommended that Council grants Final Approval to Amendment No. 77 to Town Planning Scheme No. 1 with no modifications.

TABLED ITEMS:

- Minutes of the Council’s Ordinary Council Meeting held on 8 August 2017;
- Letter dated 14 September 2017 from Environmental Protection Authority;
- Amendment 77 documents to Town Planning Scheme No. 1; and
- 12 public submissions received.

BACKGROUND:

The Council at its Ordinary Meeting held on 8 August 2017 resolved to initiate Amendment No. 77 to Town Planning Scheme No. 1 as follows:

1. *Council resolve pursuant to Section 75 of the Planning and Development Act 2005 to initiate an Amendment (Amendment No. 77) to the Town of Victoria Park Town Planning Scheme No. 1 as follows:*

- 1.1 *Modify the definition of ‘industry’ in Schedule B ‘Definitions’ of the Scheme Text to the following :*

“industry” means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes —

- (a) the storage of goods;*
- (b) the work of administration or accounting;*
- (c) the selling of goods by wholesale or retail;*

- (d) *the provision of amenities for employees; and*
- (e) *incidental purposes.*

1.2 *Modify the definition of ‘light industry’ in Schedule B ‘Definitions’ of the Scheme Text to the following :*

“light industry” means an industry –

- (a) *in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, do not cause any injury to or adversely affect the amenity of the locality;*
- (b) *the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services.*

1.3 *Insert a definition of ‘service industry’ in Schedule B ‘Definitions’ of the Scheme Text as follows :*

“service industry” means –

- (a) *an industry – light carried out from premises which may have a retail shopfront and from which goods manufactured on the premises may be sold by wholesale or retail; or*
- (b) *premises which may have a retail shop front used for the laundering, dry cleaning, servicing or repair of goods either on the premises or elsewhere.*

1.4 *Modify the Zoning Table in the Scheme Text by adding the use class ‘Service Industry’ in the left hand column under the heading ‘Use Class’ and inserting the permissibility of this use in each zone as follows :*

Use Class	Zone	1.	2.	3.	4.	5.	6.	7.	8.	9.
		<i>Residential</i>	<i>Residential/Commercial</i>	<i>Office/Residential</i>	<i>Local Centre</i>	<i>District Centre</i>	<i>Commercial</i>	<i>Industrial (1)</i>	<i>Industrial (2)</i>	<i>Special Use</i>
<i>Service Industry</i>		X	AA	AA	AA	AA	AA	P	AA	<i>Refer to provisions in Precinct Plan</i>

P-Permitted Use

AA-Discretionary Use

X-Prohibited Use

- 1.5 *Updating the extract of the Zoning Table that appears in all Precinct Plans for all zones to reflect the modifications to the Zoning Table in the Scheme Text referred to in item 1.4 above.*

DETAILS:

There has been an increasing interest in businesses in the Town's commercial areas, particularly along Albany Highway, seeking to undertake uses of an industrial nature in association with other activities undertaken on their premises such as retail sales or providing food and drinks.

The proposed amendment will provide the ability for Council to consider applications which include activities of an industrial nature within the Town's commercial areas whilst precluding the operation of full scale industrial business within the identified locations. In order to achieve this, the following amendments are proposed to the Scheme:

1. Amend the definition of 'Industry' to be consistent with the definition contained in the model provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Amend the definition of 'light industry' to ensure that light industry is defined appropriately and that light industry uses are not defined so as to be reliant on any ameliorative measures.
3. Insert a new definition of 'service industry' into the Scheme.
4. Insert the use class 'service industry' into the Zoning Table and identify the permissibility of the use in each zone.

A letter from the Environmental Protection Authority (EPA) was received by Council on 14 September 2017 advising that it was not necessary for them to provide any advice or recommendation on Amendment No. 77.

Amendment No. 77 was advertised for a period of 42 days. The public advertising period commenced on 17 October and will conclude on 28 November 2017. As the public advertising period has not concluded at the time of writing this report, any further submissions received will be included in an updated report presented to the Ordinary Council Meeting.

Legal Compliance:Relevant General Provisions of *Planning and Development Act 2005*

- Part 5 'Local planning schemes';
- Clause 75 'Amending schemes';
- Division 3 'Relevant considerations in preparation or amendment of local planning scheme'; and
- Division 4 'Advertisement and approval'.

An amendment to a Town Planning Scheme must be undertaken in accordance with the provisions set out in Part 5 'Local planning schemes' of the *Planning and Development Act 2005*. After Council has resolved to initiate an amendment to the Scheme, the amendment

process includes a public consultation period of 42 days, advertisement in a newspaper circulating within the district, a sign on site and letters to surrounding owners and occupiers. The Council then considers any submissions received and determines whether to adopt the proposed amendment or recommend to the WAPC that the proposed amendment be modified or abandoned.

The Hon. Minister for Planning, Lands and Heritage is ultimately responsible for determining the Scheme Amendment.

Submissions:

Community Consultation:

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposal was the subject of community consultation for 42 days. At the time of writing this report, 12 public submissions have been received as follows:

CONSULTATION SUBMISSIONS	
<i>Submission from owner/occupants of 1/68 McMaster Street, Victoria Park</i>	
Comments Received	Officer's Comments
<ul style="list-style-type: none"> • Would love for small businesses in Victoria Park to be able to manufacture onsite. • I think this will only attract more/new visitors to Victoria Park and make businesses more profitable and diverse. 	Noted
<i>Submission from owner/occupants of 45a Beatty Street, East Victoria Park</i>	
Comments Received	Officer's Comments
<ul style="list-style-type: none"> • I support the amendment to allow manufacturing and selling eg Microbreweries • Victoria Park should lead the way for business innovations and less red tape. 	Noted
<i>Submission from owner/occupants of 5b Baillie Avenue, East Victoria Park</i>	
Comments Received	Officer's Comments
<ul style="list-style-type: none"> • I think amendments to allow light industries such as microbreweries, bakeries and drycleaners could be a good addition to Victoria Park. 	Noted
<i>Submission from owner/occupants of 55 Etwell St, East Victoria Park</i>	
Comments Received	Officer's Comments
<ul style="list-style-type: none"> • I wholeheartedly support the proposed amendment which I believe will bring about even more vibrancy and diversity in the Town of Victoria Park. 	Noted

<i>Submission from owner/occupants of 68A Egham Road, Lathlain</i>	
Comments Received	Officer's Comments
<ul style="list-style-type: none"> • The amendment to Town Planning Scheme No. 1 is wholly supported. • The current Scheme is coming up to 20 years old and is not reflective of the current state of commercial and retail development with the Town and the wider metropolitan area. • The inclusion of additional land use definitions is supported and responds appropriately to the diversifying nature of commercial and retail operations and consumer demands within the Town, assisting with the Town's growth and maturing of commercial and retail centres. • The Scheme amendment will facilitate increasingly diverse retail and commercial development options and cement the Town of Victoria Park as a progressive and economically diverse municipality, attracting increased numbers visitors and patrons to commercial centres from within the Town as well as surrounding local government areas. • I support the proposed amendments to allow small business to expand their services with minimal or no impact on surrounding residents or businesses. 	Noted
<i>Submission from owner/occupants of 29 Cornwall Street, Lathlain</i>	
Comments Received	Officer's Comments
<ul style="list-style-type: none"> • I support the proposed amendments to allow small business to expand their services with minimal or no impact on surrounding residents or businesses. 	Noted

<i>Submission from owner/occupants of 732 Albany Highway, East Victoria Park</i>	
Comments Received	Officer's Comments
<p>The existing "industrial" language does not fit in currently into the Town of Victoria Park and need to be more flexible. For example the production of electricity is considered industrial in the scheme.</p> <ul style="list-style-type: none"> • This is due to language written before solar panels were used significantly. But good sense prevails and the IGA is allowed to produce energy with some 240 panels on the roof. • Any change in the scheme that allows for a more measured approach to both the economic environment and vibrancy of the Town should be taken up. In my mind this amendment should move forward. 	Noted
<i>Submission from owner/occupants of 134a Rutland Avenue</i>	
Comments Received	Officer's Comments
<ul style="list-style-type: none"> • Great idea to amend the planning scheme. • The ability for local business to produce/manufacture food stuffs on site is a great move. I'd welcome the change, and would be happy to see the results. 	Noted
<i>Submission from owner/occupants of 37 Basinghall Street, East Victoria Park</i>	
Comments Received	Officer's Comments
<ul style="list-style-type: none"> • Fully support proposed amendment. • Great opportunity to create diversity along the Albany Highway precinct. 	Noted

<i>Submission from owner/occupants of 23a Miller Street, Victoria Park</i>	
Comments Received	Officer's Comments
<ul style="list-style-type: none"> • Support the amendment for the following reasons: Current industry definitions are somewhat vague and outdated (Victoria Park one of many local governments). • Updating in line with current trends is a positive step and further proves Victoria Park is an accommodating and flexible local government willing to do the extra work to improve its statutory documents. • New definitions provide more land use opportunities for local businesses to stay in the area and attract new. • Any perceived amenity impacts can be managed through appropriate conditions, management plans and Local Laws (and regular officer inspections) • Retail shops fronts can activate spaces, and ensure goods offered for sale are fresh and do not need to be transported (sustainable practice). 	Noted
<i>Submission from owner/occupants of 141 Hubert Street, East Victoria Park</i>	
Comments Received	Officer's Comments
<ul style="list-style-type: none"> • I agree completely with the proposed changes. • The ability for businesses along Albany Highway to be both retail and wholesale will bring some exciting and diverse concepts to the area and allow existing businesses to diversify. • One of the key reasons people love living in Victoria Park is the vibrancy of Albany Highway - this proposal will ensure the vibrancy continues and improves. 	Noted
<i>Submission from owner/occupants of 3/111 Swansea Street, East Victoria Park</i>	
Comments Received	Officer's Comments
<ul style="list-style-type: none"> • I would like to see the strip used for commercial use as well. 	Noted. The amendment proposes to modify the existing industry land uses and introduce the new service industry land use and will not impact on the ability for land to be used for commercial purposes along Albany Highway.

Policy Implications:

Nil

Risk management considerations:

Risk & Consequence	Consequence Rating	Likelihood X Rating	= Overall Risk Analysis	Mitigation / Actions
The Minister for Planning, Lands and Heritage is ultimately responsible for approving Scheme Amendments. It is possible that the Minister may decide to refuse or modify the Amendment notwithstanding Council's resolution	Minor	Unlikely	Low	Nil

Strategic Plan Implications:

The proposed amendment accords with promoting a sustainable, diverse, resilient and prosperous place for everyone. There would be economic development benefits for businesses in the Town if Council had the discretion to consider application for such uses.

Financial Implications:

Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

At the time of writing this report, 12 public submissions have been received with 11 being in support of the amendment and one (1) with comments regarding Albany Highway being used for commercial uses as well. The community feedback obtained is supportive of the proposed amendments to the existing industry definitions and introduction of a service industry use class into the Scheme. The general response is that the changes will facilitate diversity in retail and commercial land uses and further business opportunities within the Town.

There are no changes proposed to the amendment in its advertised form.

CONCLUSION:

The proposed amendment to the Scheme is in response to the recognised trend towards commercial and/or retail based businesses undertaking industrial based activities in association with other activities occurring on the same site. The amendment will enable Council to consider applications for such activities and determine them based on their merit and appropriateness in each instance.

The community feedback obtained during the consultation period is supportive of the proposed amendments to modify the existing industry uses and introduce a service industry use class.

It is recommended that Council resolve to adopt Amendment 77 to Town of Victoria Park Town Planning Scheme No. 1 for final approval with no modifications.

RECOMMENDATION/S:

1. Council resolve pursuant to Section 75 of the *Planning and Development Act 2005* to adopt Amendment No. 77 to the Town of Victoria Park Town Planning Scheme No. 1 as follows:

1.1 Modify the definition of 'industry' in Schedule B 'Definitions' of the Scheme Text to the following :

"industry" means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes —

- (a) the storage of goods;*
- (b) the work of administration or accounting;*
- (c) the selling of goods by wholesale or retail;*
- (d) the provision of amenities for employees; and*
- (e) incidental purposes.*

1.2 Modify the definition of ‘light industry’ in Schedule B ‘Definitions’ of the Scheme Text to the following :

“light industry” means an industry –

- (c) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, do not cause any injury to or adversely affect the amenity of the locality;***
- (d) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services.***

1.3 Insert a definition of ‘service industry’ in Schedule B ‘Definitions’ of the Scheme Text as follows :

“service industry” means –

- (c) an industry – light carried out from premises which may have a retail shopfront and from which goods manufactured on the premises may be sold by wholesale or retail; or***
- (d) premises which may have a retail shop front used for the laundering, dry cleaning, servicing or repair of goods either on the premises or elsewhere.***

1.4 Modify the Zoning Table in the Scheme Text by adding the use class ‘Service Industry’ in the left hand column under the heading ‘Use Class’ and inserting the permissibility of this use in each zone as follows :

Use Class	Zone								
	1. Residential	2. Residential/Commercial	3. Office/Residential	4. Local Centre	5. District Centre	6. Commercial	7. Industrial (1)	8. Industrial (2)	9. Special Use
Service Industry	X	AA	AA	AA	AA	AA	P	AA	Refer to provisions in Precinct Plan

P-Permitted Use

AA-Discretionary Use

X-Prohibited Use

- 1.5 Updating the extract of the Zoning Table that appears in all Precinct Plans for all zones to reflect the modifications to the Zoning Table in the Scheme Text referred to in item 1.4 above.**
- 2. The Chief Executive Officer and Mayor be authorised to execute the Town Planning Scheme No. 1 Amendment No. 77 documents and to have the Common Seal affixed.**
- 3. Amendment No. 77 be forwarded to the Western Australian Planning Commission for final approval.**
- 4. Those persons who lodged a submission on Amendment No. 77 be advised of the Council's decision.**

11.5 Application for Subdivision Approval – Lot 9506 Victoria Park Drive, Burswood

File Reference:	PR25316
Appendices:	No

Landowner:	BL Developments
Applicant:	Everett Bennett Pty Ltd
Application Date:	28 September 2017
WAPC Ref:	155738
MRS Zoning:	Urban
TPS Zoning:	Special Use
TPS Precinct:	Precinct P2 ‘Burswood’
Use Class:	N/A
Use Permissibility:	N/A

Date:	28 November 2017
Reporting Officer:	R. Cruickshank
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – Council recommend to the Western Australian Planning Commission that the subdivision application be approved subject to conditions.

- The application proposes the subdivision of a portion of Lot 9506 into 17 residential lots and a portion of road reserve.
- The portion of Lot 9506 that is proposed to be subdivided comprises those lots identified in the Burswood Lakes Structure Plan as superlot 3 (in full) and superlot 2 (in part).
- The Burswood Lakes Structure Plan depicts the development of superlot 3 with a maximum of 31 dwellings in a building of up to six (6) storeys height, while superlot 2 is permitted to have up to 30 dwellings and a 7 storey building.
- The proposed 17 lots range in size from 184m² to 298m², with lot frontages to Victoria Park Drive ranging from 6.9m to 11m. Some of the proposed lots also have a direct frontage to Bow River Crescent at the rear, while others are separate from Bow River Crescent by a portion of proposed road reserve containing a road, parking bays and public open space.
- The proposed lot sizes comply with the minimum site area requirement applicable under the Town Planning Scheme No. 1 Precinct Plan P2 ‘Burswood’.
- The applicant has prepared initial concept plans for the site, which depict the development of the proposed lots with two (2) storey dwellings.
- The proposed form and type of development proposed is not consistent with that contemplated under the Burswood Lakes Structure Plan. The proposed subdivision is to create Single House lots, typically two (2) storeys in height, whereas the Structure Plan allows for additional height and density within an apartment building.
- Under the *Planning and Development (Local Planning Schemes) Regulations 2015*, the decision-maker on the subdivision application, being the WAPC, is to have due regard to the Structure Plan, but is not bound by the Structure Plan.

- The application is referred to Council for consideration, as under the Delegations from Council, Council Officers are not authorised to provide a recommendation to the WAPC on subdivision applications proposing more than 10 lots.
- Council Officers recommend that the subdivision application be supported subject to conditions, inclusive of a condition requiring the applicant to prepare and obtain approval for a Local Development Plan to guide the form of future development on the proposed lots.

TABLED ITEMS:

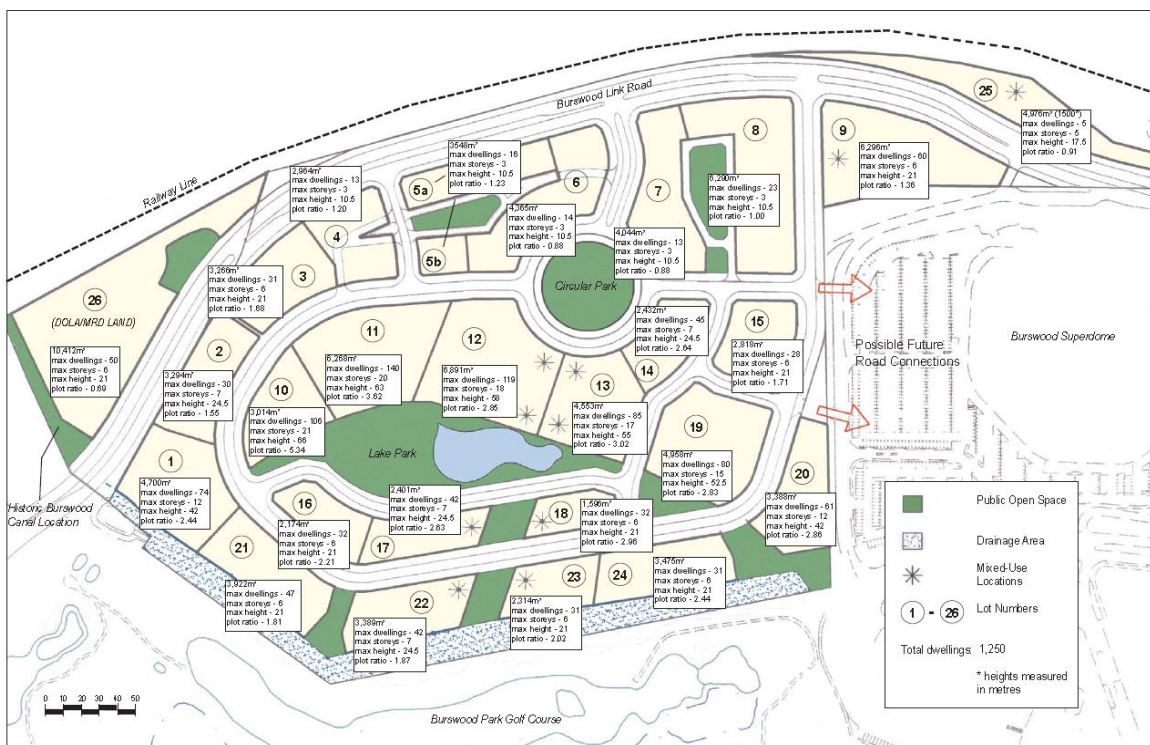
- Approved Burswood Lakes Structure Plan;
- TPS No.1 Burswood Precinct Plan P2; and
- Subdivision application correspondence received from the WAPC, dated received 5 October 2017.

BACKGROUND:

Existing Burswood Lakes Structure Plan

The Burswood Lakes Structure Plan was approved by Council on 17 December 2002 and by the Western Australian Planning Commission on 22 April 2003. The purpose of the Structure Plan is to guide the future subdivision and development of land within the Structure Plan area. The land subject to the Structure Plan, comprises primarily the land being developed by Mirvac known as ‘The Peninsula’, and other surrounding land parcels.

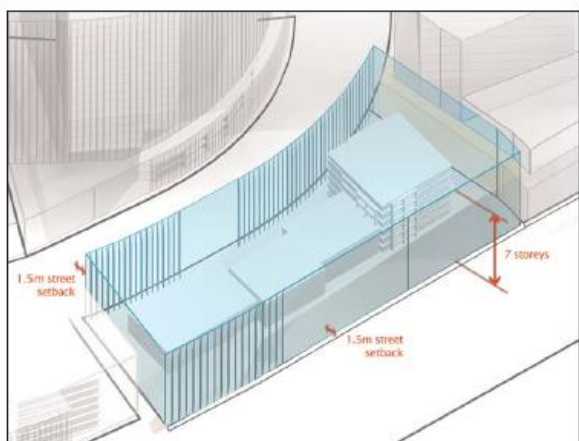
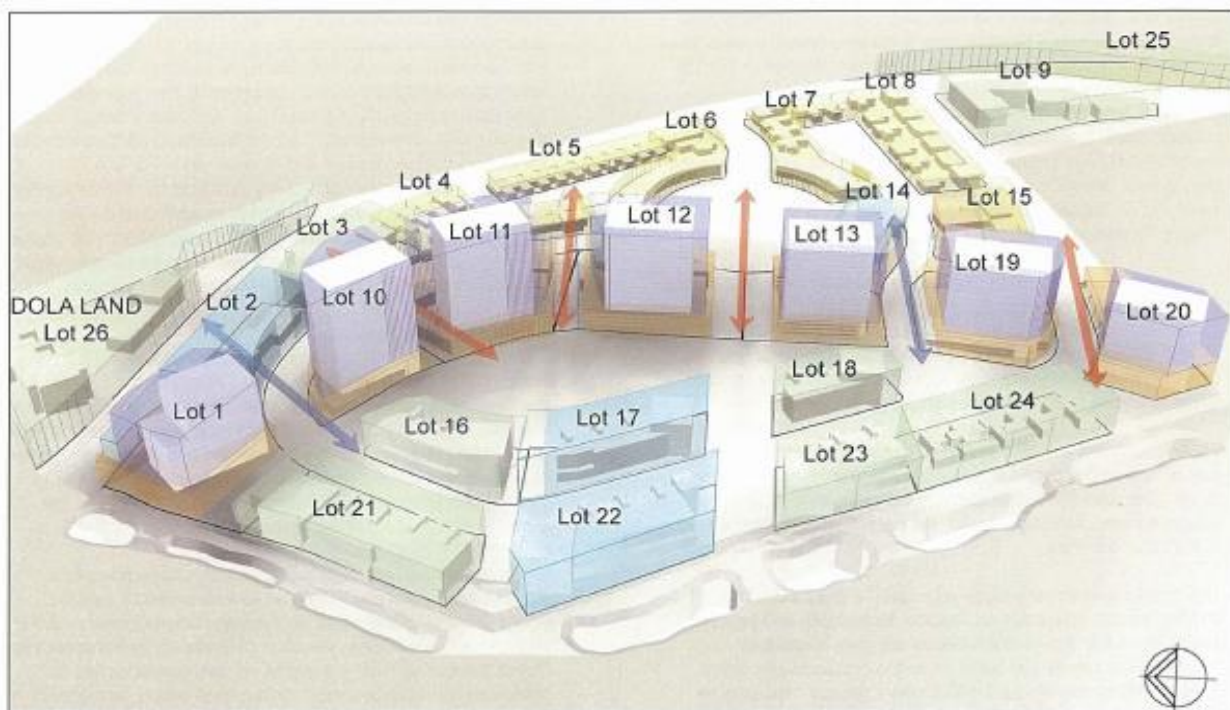
The Structure Plan depicts there being 26 superlots to be developed, as well as roads, easements, public open space and drainage areas. Figure 19 of the Structure Plan (below) outlines the primary development standards that apply to all of the superlots, being density, plot ratio and building height.



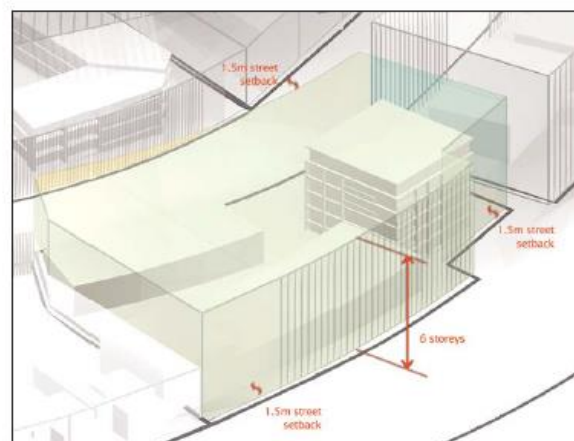
68 **Figure 19**
Structure Plan

A significant extent of development has already occurred within the Structure Plan area, including the construction of residential towers on superlots 11, 12, 13, 19 and 20, medium rise apartments on superlots 23 and 24, and single residential dwellings on superlots 4, 5, 6, 7, 8, 14 and 18.

Figures 24-29 of the Structure Plan also outline building control envelopes that apply to each of the superlots. The purpose of the building control envelopes is to control the built form, mass and location of any building on each superlot, in addition to the permitted density, plot ratio and building height. The relevant Figures which apply to the subject lots are as follows:



LOT 2



LOT 3

Change to Status of Local Structure Plans

Formerly, the Burswood Lakes Structure Plan was considered to comprise part of the Town of Victoria Park Town Planning Scheme No. 1.

The introduction of the *Planning and Development (Local Planning Scheme) Regulations* in October 2015 changed the weight and status afforded to Local Structure Plans such that they:

- No longer comprise part of the Local Planning Scheme; and are
- No longer given statutory significance, with decision makers to instead give “due regard” to Local Structure Plans when determining development or subdivision applications.

WAPC approval of Burswood Peninsula District Structure Plan

The WAPC released the Burswood Peninsula District Structure Plan for public comment in September 2014. The Structure Plan was approved by the WAPC on 24 February 2015. The District Structure Plan provides high level strategic direction for the future development of land across the peninsula and informs the master planning and local structure planning that is attended to occur for the various precincts identified within the District Structure Plan framework.

The land within The Peninsula is identified as an area for ‘High Density’ residential and mixed use development, and are captured within the ‘Burswood Station West’ neighbourhood which is:

“Planned as a comprehensive redevelopment of the land formerly occupied by the Burswood Dome and surrounding carpark, Burswood Station West is envisaged as a mixed residential, commercial and entertainment precinct that stitches together The Peninsula and Crown Perth with an upgraded Burswood Station.”



Relevant matters noted in the District Structure Plan for the precinct (Burswood Station West and East as a whole) include:

- *“Developed around an upgraded Burswood Railway Station, the precinct will introduce a mix of medium to high density residential, office, retail and entertainment within the station’s walkable catchment.*
- *The redeveloped precinct will ‘stitch’ together the Peninsula, the Springs and Crown Perth as part of an integrated, legible and comfortable urban setting.*
- *A high quality network of local roads, pathways and public spaces will make the area more convenient, secure and enjoyable to move around.*
- *Provision of upgraded parking facilities to cater for existing and proposed development across the precinct.”*

The District Structure Plan estimates that the combined Burswood Station West and East precincts will have a development yield of approximately:

- 4,500 dwellings;
- 7,700 residents;
- 160,000m² office/commercial; and
- 30,000m² retail.

The District Structure Plan does not define what level of density is contemplated by the term 'high density' on the basis that this will be determined by the relevant authorities responsible for undertaking the master planning and detailed local structure planning for the various precincts within the district structure plan area, to determine such matters as building heights, site densities/dwelling yields, building envelopes, etc.

Page 34 of the District Structure Plan states that its purpose is *"to establish the future land use and development intent for the Peninsula, and clearly identify areas that require additional detailed planning and investigation before development can proceed."*

The implementation table at page 70 of the District Structure Plan indicates that the Department of Planning is expected to finalise the masterplan and local structure plan for the Burswood Station West precinct. Additionally, the 'Governance' section at page 76 indicates that the Town will *"consider whether the existing Precinct Plans require amendment or new plans prepared to accommodate the significant proposals identified in the Burswood DSP."*

DETAILS:

The subdivision application proposes the subdivision of a portion of Lot 9506 Victoria Park Drive, Burswood. Lot 9506 currently comprises a balance lot of 2.256ha from which each of the proposed superlots is subdivided and created. The proposed subdivision is to occur over that part of Lot 9506 identified in the Burswood Lakes Structure Plan as superlots 3 (in full) and 2 (in part).

The application proposes the creation of 17 lots ranging in size from 184m² to 298m², with lot frontages to Victoria Park Drive ranging from 6.9m to 11m. Some of the proposed lots also have a direct frontage to Bow River Crescent at the rear, while others are separate from Bow River Crescent by a portion of proposed road reserve containing a road, 14 public parking bays and public open space.

In support of the application, a justification letter dated 22 September 2017 has been prepared by the applicant describing the proposed subdivision and the planning merits for the proposal, including the following:

- *"The subdivision application and the associated built form outcome will continue the current housing theme fronting Victoria Park Drive by delivering two-storey attached dwellings on green title lots. The lots will be built-out by a single builder to coordinate practical construction as well as design outcomes. The result will be high standard elevations to Victoria Park Drive that provide a continuous building frontage and surveillance over the street.*

- *The overarching design intent is to deliver single residential lots in a manner that continues the existing housing typology along Victoria Park Drive i.e. two-storey dwellings with minimal front setbacks and rear loaded vehicle access. Other factors that have influenced the subdivision design are summarised as follows:*
- *A 20m road reserve width is provided for Bow River Crescent consistent with Figure 22 'Infrastructure and Amenities Plan' of the Structure Plan;*
- *14 visitor parking bays will be provided and accessed from the proposed 6m laneway and within the future road reserve. The balance of this area will be developed as landscaping to soften the presentation of the parking area from Bow River Crescent; and*
- *9 on-street bays within the Victoria Park Drive road reserve in front of the proposed lots. This will provide convenient access for visitors to the primary frontage of the adjacent dwellings.*
- *Whilst not part of the subdivision application area, Mirvac's overall planning for the Peninsula will provide a future pedestrian access way (PAW) immediately abutting the western application boundary as part of the future tower development on lot 1 (as depicted on Figure 19 of the Structure Plan). The PAW will be designed as dual-use with ramp grades designed to meet disability access standards.*
- *All lots will orientate towards Victoria Park Drive with rear loaded vehicle access obtained from either the proposed 6m laneway or Bow River Crescent.*
- *It is proposed to prepare a Local Development Plan (LDP) to coordinate future dwelling designs and deliver a high-standard presentation. Mirvac is keen to ensure that the proposed lots deliver housing diversity and innovation whilst enhancing the presentation of The Peninsula both internally and towards Victoria Park Drive. Key matters that the LDP would seek to address are:*
- *Access restrictions onto Victoria Park Drive;*
- *Setbacks and surveillance of Victoria Park Drive;*
- *Garage setbacks and rear elevations;*
- *Surveillance and interface with the future adjoining PAW; and*
- *Boundary walls.*

The application was submitted to the Western Australian Planning Commission (WAPC) on 28 September 2017. The application was subsequently referred to the Town and other relevant agencies for comments by 14 November 2017. An extension of time has been sought and granted from the WAPC for the Town to provide its comments by 13 December 2017 given the need for the matter to be referred to a Council Meeting for determination.

Following an initial assessment of the subdivision application and a meeting with the applicant, further correspondence was received from the applicant on 27 November 2017, addressing a number of points including the following:

- The provision of concept plans for the proposed laneway lots illustrating the intent to provide a second storey above the garage for 5 of the 10 laneway lots. The 7 lots with direct access from Bow River Crescent will all have a double storey component above the garage.
- *“With regards to the provision of pedestrian access between Bow River Crescent and Victoria Park Drive, the strategy is to rationalise the connections depicted within the structure plan and provide a consolidated connection point abutting the western boundary of the proposed subdivision. The most appropriate location in terms of serving the highest potential number of dwellings and accommodating disabled access is abutting the western boundary of the subdivision application. It will also serve as an effective buffer and transition between the proposed single dwelling lots and the future apartment development on indicative lot 1.”*
- *“The structure plan limits the maximum number of dwellings to 1,250 and does not contain any requirement for minimum densities. The structure plan contemplates a maximum of 1,135 dwellings excluding the maximum allowance of 115 dwellings for the non Mirvac-controlled lots 9, 25 and 26. Based on Mirvac’s development strategy for its undeveloped apartment sites being lots 1, 10, 21 and 22, 1,135 dwellings will be delivered in total. As demonstrated in the table, this will require density to be transferred from previously developed sites to these undeveloped sites. As you are aware, lot 10 has a valid approval for 176 dwellings in lieu of the maximum permitted 106 dwellings under the structure plan. The ability to deliver additional yields on lots 1, 21 and 22 are obviously subject to the requisite planning process however, additional density on these sites is considered to have strong planning merits. Also worth considering is the recent structure plan amendment undertaken by others for lots 9 and 25 within the precinct, which increased the maximum allowable density across both of those sites from 65 to 584 dwellings. Whilst Mirvac’s development strategy maintains the maximum number of dwellings across their development sites, lots 9 and 25 deliver far greater density than what the original structure plan envisaged.”*

Legal Compliance:

State Government Legislation & Policy

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015; Schedule 2, Part 4;*
- *State Planning Policy 3.1 Residential Design Codes;*
- *State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning; and*
- *Burswood Peninsula District Structure Plan.*

Local Government Planning Scheme & Policy

- *Town Planning Scheme No. 1 (TPS1);*
- *TPS 1 Precinct Plan P2 – ‘Burswood Precinct’;*
- *Burswood Lakes Structure Plan; and*
- *Local Planning Policy 9 – Design Guidelines for Burswood Lakes.*

Submissions:

No community consultation has been undertaken on the proposal. Consultation on subdivision applications is not required under the planning framework or Council’s Local Planning Policy 37 ‘Community Consultation on Planning Proposals’. Furthermore Council’s role in the subdivision application is as a referral agency providing comments and recommendations only, with the WAPC being responsible for determining the application.

Risk Management:

Risk & Consequence	Consequence Rating	Likelihood Rating	Overall Risk Analysis	Mitigation Actions /
The proponent has the right of review against the WAPC’s decision, including any conditions included therein, in accordance with the <i>State Administrative Tribunal Act 2004</i> and the <i>Planning and Development Act 2005</i> .	Moderate	Likely	High	Ensure that Council and the WAPC is provided with information to make a sound decision based upon relevant planning considerations including the Scheme and applicable Local Planning Policies.

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The application proposes the subdivision of Lot 9506 into 17 residential lots and a road reserve comprising a laneway, 14 visitors parking bays and an area of public open space. The lots range in size from 184m² to 298m², with lot frontages to Victoria Park Drive ranging from 6.9m to 11m. The lots are proposed to have access to on-site parking at the rear either via Bow River Crescent or the proposed laneway.

The lots are compliant with the provisions of the TPS 1 Precinct Plan in relation to lot sizes and configuration.

The portion of Lot 9506 to be subdivided is that portion depicted as superlot 3 (in full) and superlot 2 (in part) in the Burswood Lakes Structure Plan. The Burswood Lakes Structure Plan depicts the development of superlot 3 with a maximum of 31 dwellings in a building of up to six (6) storeys height, while superlot 2 is permitted to have up to 30 dwellings and a 7 storey building. In the case of both lots, the Structure Plan contemplates the development of both superlots with a building of an apartment type.

In accordance with Schedule 2, Clause 27 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and as outlined above, the introduction of the Regulations has changed the weight and status afforded to Local Structure Plans such that they:

- No longer comprise part of the Local Planning Scheme; and are
- No longer given statutory significance, with decision makers to instead give “due regard” to Local Structure Plans when determining development or subdivision applications.

Schedule 2, deemed Clause 27 of the Regulations is clear that the decision-maker is to have due regard to the Structure Plan, but is not bound by it.

In this respect, while the building typology proposed is different to that indicated in the Structure Plan, it is acknowledged that the density of development and height of buildings proposed as a result of the subdivision, will be less than that permitted under the Structure Plan. It is anticipated that existing landowners within The Peninsula would be supportive of a lesser density and building height on the land. From a planning perspective, while the subdivision will deliver less density than that allowed under the Structure Plan, Council Officers note the information provided by the applicant demonstrating that the reduction in density for the subject lots is likely to be offset by the future development on remaining undeveloped lots. This is considered acceptable.

The Burswood Lakes Structure Plan (Figures 22 and 23) depict a pedestrian link over the subject land linking Bow River Crescent and Victoria Park Drive. This is shown as being between superlots 2 and 3. The subdivision application makes no provision for a pedestrian link between superlots 2 and 3, but instead contemplates the required pedestrian link being contained in a more consolidated area of open space further to the north-west, directly adjacent to the last lot forming part of this subdivision application. The rationale for this location is described further above by the applicant and is accepted.

In view of these factors, Council Officers are supportive of the proposed subdivision notwithstanding it not being consistent with the approved Structure Plan.

There are however some concerns regarding the potential resultant built form on each of the proposed lots, due to a number of site constraints including the confined lot widths, the lot sizes and the significant change in levels across the lots. While the applicant’s intent to provide rear loaded vehicle access to each lot is supported, this will potentially result in double garages forming a visually dominant element in the streetscape to Bow River Crescent and the proposed laneway. Suitable design and built form controls need to be put in place to ensure that the design of dwellings on each lot is sensitively treated to downplay the potential visual dominance of garages.

In this respect the applicant has submitted conceptual drawings for 10 of the proposed lots (those abutting the laneway) depicting a design solution which incorporates an upper floor located directly above the garage to 5 of the lots, which is considered to be an acceptable design response to reduce the visual dominance of garages. The applicant has indicated that 5 of the 10 lots abutting the laneway will have an upper floor above the garage, while the other 5 will not. The optimal and preferred outcome would be for all 10 lots abutting the laneway to have an upper floor above the garage. It is intended that this aspect of the concept plans be further negotiated and discussed between the applicant, Council Officers and the Council's Design Review Committee. It should be clarified that in terms of the remaining 7 lots, each of which has a direct frontage to Bow River Crescent, the applicant has confirmed that each of these dwellings will have an upper floor located directly above the garage.

Additionally, noting that the land falls significantly down from Bow River Crescent to Victoria Park Drive, and that vehicle access to all lots will be from the rear, significant site works and retaining walls will be required particularly along the Victoria Park frontage. The applicant has indicated the intent for the wall to be terraced and include landscaping to enhance their street presentation.

Given the site constraints, and the aforementioned issues, there is a need for Council to impose an appropriate level of built form controls over the proposed lots, to ensure that high quality and acceptable design outcomes are achieved. The appropriate mechanism for this is through the preparation and approval of a Local Development Plan. A Local Development Plan is a plan setting out specific and detailed guidance for the future development of land including site and development standards that apply to the land. In this instance it would be expected that the Local Development Plan would deal with a range of matters including (but not limited to) : preventing vehicles access onto Victoria Park Drive; setbacks and surveillance to both Victoria Park Drive and Bow River Crescent; garage setbacks and locations; building designs that reduce the visual dominance of garages; retaining wall heights and terracing; landscaping treatment to the area of open space; boundary walls; noise attenuation given the proximity to the railway line and the Perth Stadium.

Consistent with Schedule 2, deemed clause 47 of the Regulations, it is recommended that a condition be imposed on the subdivision approval requiring the applicant to prepare a Local Development Plan. Schedule 2, Part 6 of the Regulations outlines the process for the preparation and adoption of a Local Development Plan, which includes advertising for public comments and approval or refusal by the local government.

The imposition of a condition requiring the preparation of a Local Development Plan, gives Council Officers comfort that the form of future development on the proposed lots can be agreed upon and controlled prior to the actual creation of the lots and prior to applications for development on the lots. In the absence of a condition requiring the approval of a Local Development Plan, Council Officers would otherwise recommend refusal of the subdivision application given the uncertain and potentially unacceptable built form outcomes that may result.

CONCLUSION:

The proposed subdivision is not consistent with the development anticipated for the relevant portion of Lot 9506 under the approved Burswood Lakes Structure Plan. However noting the reduced density and building height and alternative building type, and the intent to still maintain forecast density targets across the overall area, Council Officers are supportive of the proposed subdivision. There are however some concerns regarding potential built form outcomes, in which case it is recommended that a condition of approval include the need for the preparation of a Local Development Plan to ensure that high quality built form standards are delivered.

Council Officers recommend that Council advise the Western Australian Planning Commission of its support for the proposed subdivision subject to conditions.

RECOMMENDATION/S:

The Council advises the Western Australian Planning Commission that it recommends approval of the application for the subdivision of Lot 9506 Victoria Park Drive, Burswood (WAPC Ref. 155738) subject to the following conditions:

- 1. A Local Development Plan being prepared and approved by the Town prior to subdivision clearance, outlining appropriate built form controls for the future development of dwellings on each lot.**
- 2. The landowner/applicant shall make arrangements to ensure that prospective purchasers of the lots subject of the Local Development Plan are advised in writing that Local Development Plan provisions apply.**
- 3. The proposed reserve(s) shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as reserve(s) for roads and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown.**
- 4. Arrangements being made for the area of landscaping within the road reserve to be developed and maintained by the landowner/applicant to the satisfaction of the Town, until a time consistent with the existing agreements in place between the Town and the landowner for other portions open space within the overall subdivision.**
- 5. Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.**

As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC.

6. **The land being filled, stabilised, drained and/or graded as required to ensure that:**
 - I. **lots can accommodate their intended development; and**
 - II. **finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and**
 - III. **stormwater is contained on-site, or appropriately treated and connected to the local drainage system. (Local Government)**
7. **Suitable arrangements being made for connection of the land to the comprehensive district drainage system at the landowner/applicant's cost.**
8. **Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.**
9. **A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows :**

“The lot(s) are situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise.”



11.6 Request for Amendment to Town Planning Scheme No. 1 relating to Lots 9 and 9525 Victoria Park Drive, Burswood

File Reference:	PLA/7/79 PLA/6/24
Appendices:	No

Date:	6 December 2017
Reporting Officer:	L. Parker
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

<p>Executive Summary: Recommendation – Council resolve to initiate a ‘complex’ Amendment to Town Planning Scheme No. 1 to effect the changes to density, building height, plot ratio and land use permissibility for Lots 9 and 9525 Victoria Park Drive, Burswood contained within the amendment to the Burswood Lakes Structure Plan approved by the Western Australian Planning Commission.</p> <ul style="list-style-type: none"> • An application to amend Town Planning Scheme No. 1 (TPS1) in relation to the density and land use provisions relating to Lots 9 and 9525 Victoria Park Drive, Burswood has been received by the Council. • The proposed amendment is consistent with and required in order to effect the amendment to the Burswood Lakes Structure Plan in relation to the lots, which was approved by the Western Australian Planning Commission (WAPC) on 12 September 2017. • Under the current provisions of TPS1, the stated maximum building heights for the sites is 5 and 6 storeys and the land uses of Hotel and Serviced Apartments are prohibited and therefore incapable of being approved. • The application seeks to amend TPS1 to be consistent with the approved Structure Plan variation so as to allow for the potential development of one 16-storey tower on Lot 9525 and two towers (25-storeys and 10 storeys) on Lot 9, and enable the discretionary approval of Hotel and Serviced Apartments uses on the sites. • Council’s administration and Elected Members have consistently been opposed to the now approved changes to the Burswood Lakes Structure Plan, given it was seen as premature to the completion of detailed local structure planning for the Burwood Station West Precinct. • In view of the WAPC’s approval of the structure plan amendment it is considered unreasonable to oppose the subject local planning scheme amendment request. • It is recommended that Council resolve to initiate the requested amendment to Council’s Town Planning Scheme No. 1 as a complex Amendment. 	
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TABLED ITEMS:

- Minutes of the Ordinary Council Meeting held 8 November 2016;
- WAPC Structure Plan Amendment approval notification letter dated 28 September 2017;
- Application to Amend Town Planning Scheme No.1 received 12 October 2017;
- TPS No.1 Burswood Precinct Plan P2 – Sheet B; and
- WAPC Approved Amendment to Burswood Lakes Structure Plan

BACKGROUND:

Existing Burswood Lakes Structure Plan

The Burswood Lakes Structure Plan was approved by Council on 17 December 2002 and by the Western Australian Planning Commission on 22 April 2003. The purpose of the Structure Plan is to guide the future subdivision and development of land within the Structure Plan area. The land subject to the Structure Plan, comprises primarily the land being developed by Mirvac known as ‘The Peninsula’, and other surrounding land parcels.

The Structure Plan depicts there being 26 superlots to be developed, as well as roads, easements, public open space and drainage areas. Figure 19 of the Structure Plan (below) outlines the primary development standards that apply to all of the superlots, being density, plot ratio and building height.

A significant extent of development has already occurred within the Structure Plan area, including the construction of residential towers on superlots 11, 12, 13, 19 and 20, medium rise apartments on superlots 23 and 24, and single residential dwellings on superlots 4, 5, 6, 7, 8, 14 and 18.

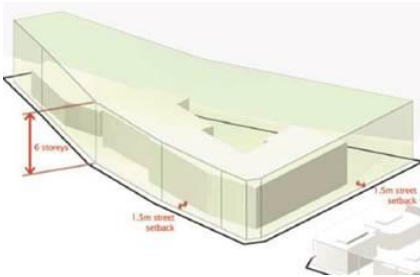
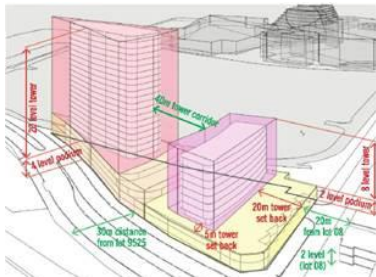
Application to Amend Burswood Lakes Structure Plan

An application to amend the Burswood Lakes Structure Plan to vary the provisions applying to Lots 9 and 9525 Victoria Park Drive, Burswood was received in February 2016 from the planning consultant acting on behalf of the owner of the two (2) lots.

After a series of changes to the amendment documents and an initial round of community consultation and numerous reviews by Council’s Design Review Committee, the scale and form of the proposed changes was revised for each of the sites as follows:

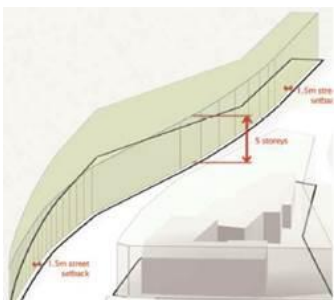
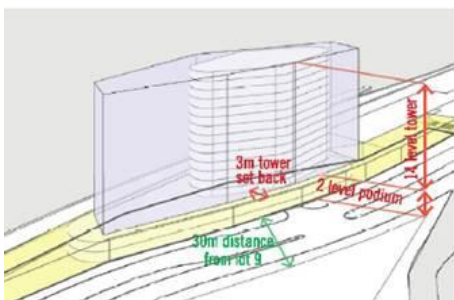
Lot 9:

Requirement for Lot 9	Original Structure Plan Provisions	Approved Structure Plan Amendment (Sep 2017)
Maximum dwellings	60 dwellings	353 dwellings (incl. 13 townhouses)
Maximum storeys	6 storeys	Podium - 2-4 storeys Tower 1 - 10 storeys Tower 2 – 24 storeys
Maximum height	21 metres	75 metres
Plot ratio	1.36	4
Land Use	Dwelling permitted. Hotel & Serviced Apartment uses prohibited.	Dwellings (permanent accommodation)
Vehicular Access	Not designated	Victoria Park Drive

Proposed Changes to Lot 9 Building Envelope	
Existing Structure Plan	Approved Structure Plan Amendment (Sep 2017)
	

Lot 9525 (referred to as Lot 25 within the Burswood Lakes Structure Plan):

Requirement for Lot 9525	Original Structure Plan Provisions	Approved Structure Plan Amendment (Sep 2017)
Maximum dwellings	5 dwellings	208 units/hotel rooms
Maximum storeys	5 storeys	Podium – 2 storeys Tower – 16 storeys
Maximum height	17.5 metres	51 metres
Plot ratio	0.27	2.3
Land Use	Dwellings permitted. Hotel & Serviced Apartment prohibited.	To permit Hotel and Serviced Apartments uses
Vehicular Access	Not designated	Victoria Park Drive

Proposed Change to Lot 9525 Building Envelope	
Original Structure Plan Provisions	Approved Structure Plan Amendment (Sep 2017)
	

A significant level of community consultation was undertaken in relation to the original and revised structure plan amendment application, with a total of 129 objections, two (2) supporting submissions, and a 65 signature petition objecting to the amendment being received by the Council.

Consideration by Council

At the Ordinary Meeting of the Council held on 8 November 2016, Council resolved to **not support** the application and **recommend its refusal** by the Western Australian Planning Commission as follows:

- “1. *The Council advises the Western Australian Planning Commission that it is in favour of increasing the density around the Burswood railway station and adjacent lands in an orderly and structured manner incorporating appropriate infrastructure and via preparation and adoption of a local structure plan for the Burswood Station West Precinct.*
2. *The Council acknowledges the significant revision of the proposal by the applicant and the improved design outcomes that have arisen through the modifications made to the proposal for Lot 9 in particular, which has an improved interface with low-rise development along Bow River Crescent and also reduced the previously overwhelming scale at pedestrian level of the podium.*
3. *The Council resolves to recommend that the Western Australian Planning Commission Refuse the application submitted by TPG Town Planning, Urban Design & Heritage (LG Reference PLA/7/24) to amend the Burswood Lakes Structure Plan in relation to the density/dwelling yield, land use, plot ratio and building envelope controls applying to Lots 9 and 9525 Victoria Park Drive, Burswood, as indicated in the revised application documents received on 29 July 2016 for the following reasons:*
 - 3.1 *The proposed amendment may prejudice the future planning and long-term objectives for the Burswood Station West Precinct and is contrary to the planning, governance and implementation framework outlined within the Burswood Peninsula District Structure Plan.*
 - 3.2 *The approval of such a significant uplift in development potential for Lots 9 and 9525 in the absence of an adopted Local Structure Plan for the Burswood Station West Precinct is fundamentally premature and inconsistent with the orderly and proper planning of the locality.*
 - 3.3 *The variations are proposed prior to any detailed planning provisions to deal with density (minimum or maximum) or plot ratio, but more importantly, prior to any built form study to determine the best outcome for the whole area in recognition of the importance of this area to the development of this Precinct.*
 - 3.4 *The variations are proposed without an understanding of Burswood Entertainment Complex’s plans, the potential redevelopment of the former Dome site, gradients and finished levels for development to ensure best connectivity for the Precinct to the train station.*
 - 3.5 *The proposed variations are being sought ahead of any coordinated view in regard to the servicing and infrastructure needs of the areas around the Burswood Station particularly given the densities sought, which if replicated would have significant servicing requirements.*
 - 3.6 *Approval of the requested variations may drive the form of development around the Burswood Station or within the Precinct as a whole, which may not result in the optimum development outcome for the area thus prejudicing the progressive redevelopment of the area, given that local structure planning for the sites and surrounding areas is yet to be completed.*

4. *The Council advises the applicant and relevant State Government agencies that opportunities to undertake a land swap/land rationalisation process, or joint venture proposal in respect to the development of Lot 9525 and the future redevelopment of Burswood Train Station should first be explored and determined, as the rationalisation of Lot 9525 and the Burswood Train Station land into more regularly shaped parcels, or their development as part of a single comprehensive redevelopment, would facilitate better built form and urban design outcomes for the Burswood Station West and Burswood Station East Precincts as a whole.*
5. *That the 65 signature petition from Burswood residents and land owners objecting to the E.G Custodian Funds Pty Ltd application (reference PLA/6/24) to amend the Burswood Lakes Structure Plan in relation to Lots 9 and 9525 Victoria Park Drive, Burswood be Received by the Council.*
6. *The Council respectfully acknowledges the concerns and issues raised by members of the community, as expressed at the Community Information Session, and as detailed within the individual written submissions and the petition objecting to the application.*
7. *The Council expresses its disappointment to the Western Australian Planning Commission on the lack of commitment to progress the local structure planning for Burswood Station West and requests the Commission to progress this as a matter of priority.*
8. *Those persons who lodged a submission regarding the structure plan amendment application and the lead petitioner be advised of Council's decision."*

WAPC Approval of Structure Plan Amendment

At its meeting held on 4 April 2017, the Statutory Planning Committee of the WAPC resolved to endorse the recommendation of Officers from the Department of Planning, which recommended that the proposed Amendment to the Burswood Lakes Structure Plan be approved subject to a number of modifications first being undertaken to the satisfaction of the WAPC.

In summary, the modifications included:

- Minor textual and formatting changes to the proposed Amendment documents and diagrams/figures;
- Insertion of a new section relating to Burswood train station requiring the southern portion of Lot 9525 to remain undeveloped and available for the future redevelopment of the Burswood train station as follows:

"This area of land is required to remain undeveloped and available for the future station redevelopment, including potential for underground access, until such time as future land requirements for the station have been determined by the state government.

Prior to construction of development on Lot 9525 the area of this lot required for access and/or development of the station is expected to be ceded to the Crown by subdivision, or by alternate agreement."

- The area of land for the future station redevelopment is required to be detailed on a revised diagram/figure within the Amendment documents, to the specifications of the Public Transport Authority in consultation with the Town of Victoria Park, to the satisfaction of the WAPC, as part of the required modifications to the Amendment.

The applicant completed the above modifications and the amendment was approved by resolution of the WAPC's Statutory Planning Committee at its meeting held on 12 September 2017. Final approval of the structure plan amendment document was issued by the WAPC on 27 September 2017.

DETAILS:

An application to amend the Town of Victoria Park Town Planning Scheme No. 1 (TPS1) was received by Council on 12 October 2017 from the planning consultant acting on behalf of the owner of both lots. The application seeks to effect the approved changes to the Burswood Lakes Structure Plan granted final approval by the WAPC in September 2017, in relation to Lots 9 and 9525 Victoria Park Drive, Burswood.

Site Details:

Lots 9 and 9525 are located at the southern end of the land subject to the Burswood Lakes Structure Plan. These lots are located within the Special Use zone of the Burswood Lakes Environmental and Geotechnical Special Control Area (BVS1) of the Burwood Precinct under TPS1 as detailed on Precinct Plan P2 (Sheet B). The development of land in this area is required to be generally consistent with the approved Burswood Lakes Structure Plan, as amended.

Lot 9 has a lot area of 6441m². This lot is located on the western side of Victoria Park Drive and also has a street frontage to Bow River Crescent on its northern boundary. The site is adjoined to the west by the former Burswood Dome site.

Lot 9525 has a land area of 5013m². This lot is located on the eastern side of Victoria Park Drive, and has the Perth-Armadale railway line directly adjoining its eastern boundary. The Burswood Train Station is located directly to the south of this lot.

Local Planning Scheme Amendment Details:

Specifically, the local planning scheme amendment application requests amendments to the TPS1 Burswood Precinct Plan P2 (Sheet B), in relation to the permitted density, building height, plot ratio and land use permissibility controls applicable to the development of lots within the Burswood Lakes Structure Plan Area.

The TPS1 Burswood Precinct Plan P2 (Sheet B) defines a number of statutory planning controls relating to land use permissibility, dwelling density, building setbacks, plot ratio, building height, open space and other controls, in order to enable the development of sites within the Precinct that are consistent with the form and scale of development outlined within the Burswood Lakes Structure Plan.

The recent approval by the WAPC of the applicant's application to amend the Burswood Lakes Structure Plan, has resulted in the need to also amend the TPS1 Burswood Precinct Plan P2 (Sheet B), as the provisions applying to Lots 9 and 9525 under the TPS1 Precinct Plan are now inconsistent with the approved amendment to the Burswood Lakes Structure Plan.

The ability to approve development on these sites consistent with the land uses envisaged under the amended Burswood Lakes Structure Plan will not be possible until such time as the TPS1 Burswood Precinct Plan P2 (Sheet B) is amended to reflect these changes. However discretion still exists under TPS1 to approve the proposed variation to building height, plot ratio and other standards.

Specifically, the local planning scheme amendment application seeks the following changes to the TPS1 Burswood Precinct Plan P2 (Sheet B):

- **Lot 9:**

	Existing Provision	Proposed Provision
Open Space (m²)	16	Nil
Maximum Plot Ratio	1.36	4
Minimum Site Area per Dwelling (m²)	100m ²	18m ²
Maximum storeys	6 storeys	24 storeys
Maximum height	21 metres	75 metres

- **Lot 9525 (Lot 25):**

	Existing Provision	Proposed Provision
Open Space (m²)	Nil	Nil (no change)
Maximum Plot Ratio	0.27	2.3
Minimum Site Area per Dwelling (m²)	110m ²	24 m ²
Maximum storeys	5 storeys	16 storeys
Maximum height (m)	17.5 metres	51 metres
'Hotel' Use	'X' (Prohibited use)	'AA' (Discretionary use)
'Serviced Apartments' Use	'X' (Prohibited use)	'AA' (Discretionary use)

Land Use Permissibility Changes

It is proposed to amend the "Use Area" table for the Special Use Zone under TPS1 Precinct Plan P2 (Sheet B) and the related Footnotes to effect the above land use permissibility changes for Lot 9525 and allow for the development of Hotel and/or Serviced Apartments uses on this site.

The approved Structure Plan amendment also includes the provision of up to 2,400m² of retail floor area across the two sites, with no single tenancy exceeding 400m² of retail net leasable area.

Precinct Plan P2 (Sheet B) currently has a single footnote to the "Use Area" table for the Special Use Zone, stating the following in respect to the use of 'Shop':

"Footnotes:

1. *The maximum net leasable area of retail floor space for 'Shop' within the Special Use Zone shall not exceed 2,000m²"*

Accordingly, it is proposed to amend the “Use Area” table and related footnotes as follows:

Use Class	Use Area Residential R-IC
Hotel, Motel, Tavern	AA ¹ /X
Lodging House, Serviced Apartment	X/AA ²
Shop	AA ^{3,4}

Footnotes:

1. The ‘Discretionary Use’ notation applies only to the use of ‘Hotel’ on Lot 25 (also known as Lot 9525) Victoria Park Drive, Burswood within the Special Use Zone.
2. The ‘Discretionary Use’ notation applies only to the use of ‘Serviced Apartment’ on Lot 25 (also known as Lot 9525) Victoria Park Drive, Burswood within the Special Use Zone.
3. The maximum net leasable area of retail floor space for ‘Shop’ within the Special Use Zone, excluding Lots 9 and 25, shall not exceed 2,000m².
4. The maximum net leasable area of retail floor space for ‘Shop’ on Lots 9 and 25 within the Special Use Zone shall not exceed a combined area of 2,400m², with a maximum single tenancy size of 400m² retail net leasable area.

Legal Compliance:

Relevant General Provisions of *Planning and Development Act 2005*

- Part 5 ‘Local planning schemes’;
- Clause 75 ‘Amending schemes’;
- Clause 76 ‘Minister may order local government to prepare or adopt scheme or amendment’;
- Division 3 ‘Relevant considerations in preparation or amendment of local planning scheme’; and
- Division 4 ‘Advertisement and approval’.

Regulation 35(2) contained within Part 5 - Division 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires a resolution of a local government to prepare or adopt an amendment to a local planning scheme to do the following:

- “(2) A resolution must –
- (a) specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and

- (b) *include an explanation of the reason for the local government forming that opinion.”*

Should Council resolve to initiate an amendment to the Scheme, it must be undertaken in accordance with the provisions set out in Part 5 ‘Local planning schemes’ of the *Planning and Development Act 2005*. The amendment process includes a public consultation period of 42 days (for a standard amendment) or 60 days (for a complex amendment), advertisement in a newspaper circulating within the district, signs on site and letters to surrounding owners and occupiers. The Council would then consider any submissions received and determine whether to adopt the proposed amendment or recommend to the WAPC that the proposed amendment be modified or abandoned.

The Hon. Minister for Planning, Lands and Heritage is ultimately responsible for determining the Scheme Amendment.

Risk Management Considerations:

Risk & Consequence	Consequence Rating	Likelihood Rating	Overall Risk Analysis	Mitigation / Actions
If Council refuses to initiate the amendment to be consistent with the Structure Plan, it will be likely that the Minister may direct the Council to initiate the amendment process in any case. This would result in additional time delays and use of resources by the Town.	Moderate	Highly likely	Medium	Avoid causing unnecessary delay to the Scheme Amendment process and determine to initiate Amendment No. 79 to TPS1 as recommended.
That the requested Amendment (if initiated by Council) will lead to high levels of objection being received during the community consultation process from surrounding property owners and residents.	Moderate	Likely	Medium	The Town is already aware of the opposition expressed by community members during the Structure Plan amendment process. Further objections are likely although a number of community members have already expressed a level of resignation regarding their view of the likely outcome, given the WAPC’s support of the Structure Plan amendment.

Sustainability Assessment:External Economic Implications:

The proposed local planning Scheme Amendment will facilitate the potential development of the sites as envisaged in the approved amendment to the Burswood Lakes Structure Plan. Whilst premature to the detailed local structure planning for the Burswood Station West Precinct, the development of the site may increase pressure for this to occur and encourage further planning and investment by the State Government, Crown and other stakeholders to consider redevelopment of the former Burswood Dome site and improvements to the Burswood Train Station and pedestrian movements/links throughout the area.

Social Issues:

There has been (and will likely continue to be) community opposition to the development of the sites in accordance with the approved Structure Plan amendment. This is anticipated on the basis of the significant level of objection voiced by residents and property owners from the Burswood Lakes Estate immediately to the north of the sites during the community consultation period for the Structure Plan amendment application.

Notwithstanding the above, if the development of the sites does proceed, it may increase the level of pedestrian activity, surveillance and use of Burswood Train Station by users and occupants of the developments on these sites. This has potential to positively impact and reduce the level of antisocial behaviour that is known to occur in and around the Burswood Train Station.

Cultural Issues:

Nil

Environmental Issues:

Any future development application for a proposal that involves excavation of the sites will be subject to assessment and conformance with requirements set out for the Burswood Environmental and Geotechnical Control Area under the Burswood Precinct Plan. This includes the need to prepare a geotechnical report and if necessary address issues with regard to potential asbestos contamination associated with the former cement kiln within the Special Control Area, if relevant to the sites and not already remediated or adequately addressed.

COMMENT:

It is considered appropriate that Council undertake the necessary amendments to the TPS1 Precinct Plan P2 (Sheet B) to provide consistency between the recently approved amendment to the Burswood Lakes Structure Plan and TPS1.

Clause 76 of the *Planning and Development Act 2005* states that the Minister for Planning may order a local government to prepare or adopt an amendment to its local planning scheme, where satisfied on any representation from any person that the local government has failed to prepare or adopt a proposed amendment that ought to have been prepared or adopted. This includes an amendment proposed by the owners of any land within the scheme area.

In view of the WAPC’s approval of the applicant’s application to amend the Burswood Lakes Structure Plan it is considered likely that the WAPC would favourably consider a request from the landowners to amend TPS1, should Council resolve to refuse to initiate the subject local planning Scheme Amendment. Accordingly, any refusal is likely to only protract the local planning scheme amendment process which is almost certain to be supported by the WAPC in light of its decision to approve the related amendment to the Burswood Lakes Structure Plan.

CONCLUSION:

It is recommended that Council resolve to initiate Amendment No. 79 to the Town of Victoria Park Town Planning Scheme No. 1 to amend the TPS1 Precinct Plan P2 (Sheet B) in order to effect the approved changes to the Burswood Lakes Structure Plan in relation to the development of Lots 9 and 9525 Victoria Park Drive, Burswood.

RECOMMENDATION/S:

1. Council resolve pursuant to Section 75 of the *Planning and Development Act 2005* to initiate an Amendment (Amendment No. 79) to the Town of Victoria Park Town Planning Scheme No. 1 in order to amend the Burswood Precinct Plan P2 (Sheet B) as follows:

1.1 Amending the ‘Use Area’ table for the Special Use Zone and related Footnotes in the following manner:

1.1.1 Deleting existing Footnote 1;

1.1.2 Amending the notation to the ‘AA’ (discretionary) land use permissibility for ‘Shop’ from ‘AA¹’ to ‘AA^{3,4}’;

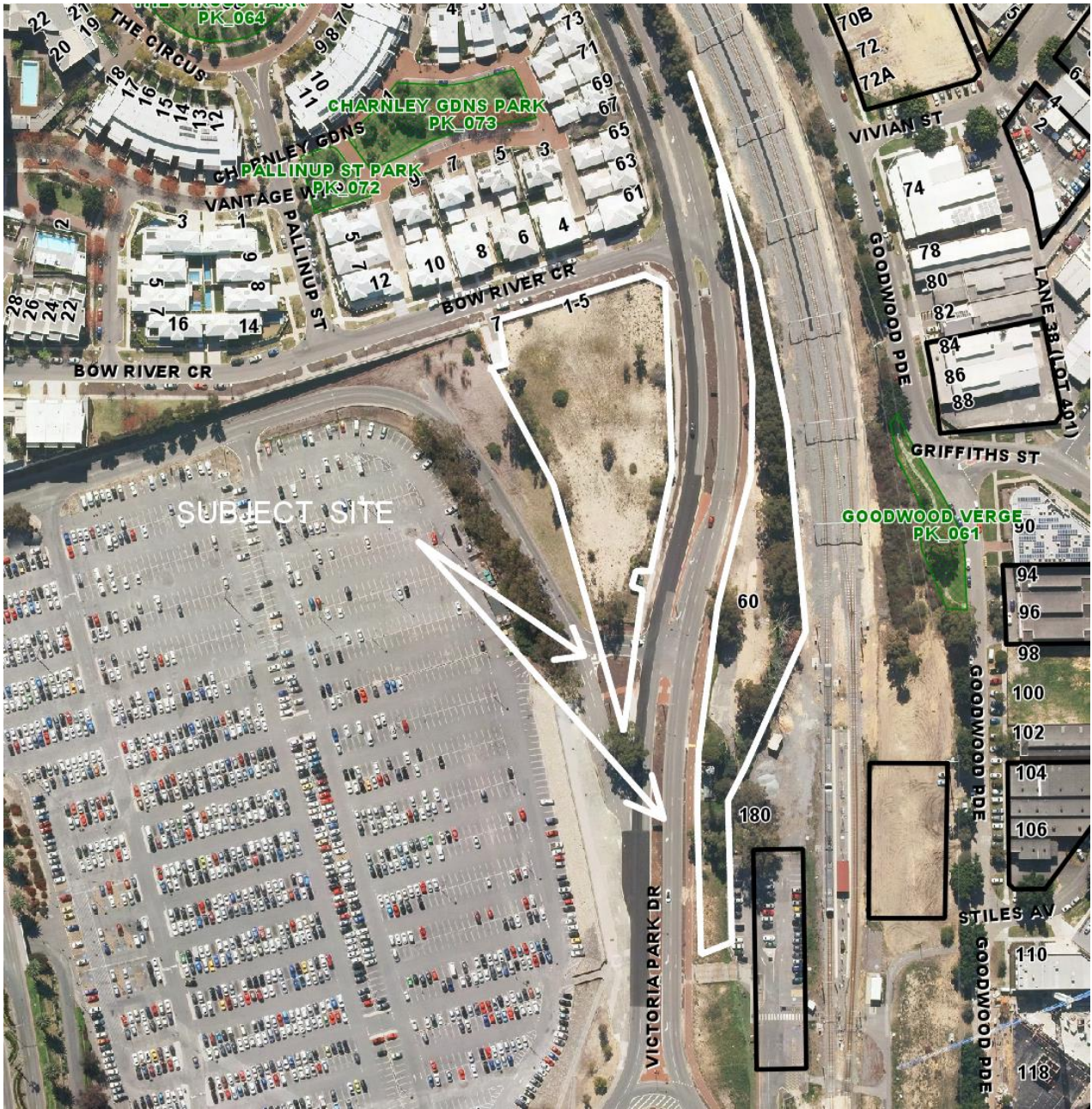
1.1.3 Amending the land use permissibility for the uses of ‘Hotel’ and ‘Serviced Apartment’ from ‘X’ prohibited uses to ‘AA’ (discretionary) uses, with notations 1 and 2 respectfully, as follows:

Use Class	Use Area Residential R-1C
Hotel, Motel, Tavern	AA ¹ /X
Lodging House, Serviced Apartment	X/AA ²

- 1.1.4 Inserting the following Footnotes 1 to 4, corresponding to notations 1 to 4 to the 'AA' (discretionary) uses listed within the 'Use Area' table:**
- 1. The 'Discretionary Use' notation applies only to the use of 'Hotel' on Lot 25 (also known as Lot 9525) Victoria Park Drive, Burswood within the Special Use Zone.**
 - 2. The 'Discretionary Use' notation applies only to the use of 'Serviced Apartment' on Lot 25 (also known as Lot 9525) Victoria Park Drive, Burswood within the Special Use Zone.**
 - 3. The maximum net leasable area of retail floor space for 'Shop' within the Special Use Zone, excluding Lots 9 and 25, shall not exceed 2,000m².**
 - 4. The maximum net leasable area of retail floor space for 'Shop' on Lots 9 and 25 within the Special Use Zone shall not exceed a combined area of 2,400m², with a maximum single tenancy size of 400m² retail net leasable area.'**
- 1.2 Modifying the minimum communal open space requirement for Lot 9 from '16 m²' to 'Nil';**
- 1.3 Modifying the maximum plot ratio requirement for Lot 9 from '1.36' to '4', and for Lot 25 from '0.27' to '2.3';**
- 1.4 Modifying the minimum site area per dwelling requirement for Lot 9 from '100' to '18', and for Lot 25 from '110' to '24';**
- 1.5 Modifying the maximum building height requirement for Lot 9 from '6' storeys and '21' metres maximum to '24' storeys and '75' metres maximum; and**
- 1.6 Modifying the maximum building height requirement for Lot 25 from '5' storeys and '17.5' metres to '16' storeys and '51' metres;**
- 2. Council considers Amendment No. 79 to the Town of Victoria Park Town Planning Scheme No. 1 to constitute a 'complex amendment' in accordance with Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:**
- 2.1 The amendment relates to development that is of a scale, or will have an impact, that is significant relative to development in the locality.**
- 3. The Chief Executive Officer and Mayor be authorised to execute the Town Planning Scheme No. 1 Amendment No. 79 documents.**

4. **Amendment No. 79** be forwarded to the Environmental Protection Authority for assessment in accordance with Section 81 of the *Planning and Development Act 2005*, and the Western Australian Planning Commission for information.
5. Subject to no objections being received from the Environmental Protection Authority, Amendment No. 79 be advertised for public comments for a period of 60 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, with the following advice being included in all advertising notices and consultation letters circulated:

This proposed Amendment is available for inspection and public comment, and it should not be construed that final approval will be granted. Your written comments are welcome and will be considered by Council prior to a recommendation being made to either proceed, modify or abandon the proposal.



11.7 Modifications to Local Planning Policy 32 ‘Minor Residential Development’ to become Local Planning Policy 32 ‘Exemptions from Development Approval’

File Reference:	PR7280
Appendices:	Yes

Date:	28 November 2017
Reporting Officer:	R. Cruickshank
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – That Council adopts the amended version of Local Planning Policy 32 as contained within the Appendices.

- A review of Council’s Local Planning Policy 32 ‘Minor Residential Development’ has been undertaken.
- The proposed revisions amongst other things, aligns the Policy with the *Planning and Development (Local Planning Scheme) Regulations 2015*.
- The proposed revisions extend the scope of the policy to deal with minor forms of non-residential and residential development, beyond its current ‘residential-only’ focus. As such the Policy is proposed to be renamed ‘Exemptions from Development Approval’.
- It is considered that the proposed policy changes will reduce a level of red-tape that exists for forms of development which have a low risk of negatively impacting on the Town’s streetscapes and surrounding properties.
- The revisions were advertised for public comment, with one (1) supporting submission received.
- It is now recommended that Council adopts the amended Policy.

TABLED ITEMS:
 Nil

DETAILS:
 Council’s Local Planning Policy 32 ‘Minor Residential Development’ was adopted in March 2012, (formerly known as Council Policy PLNG6) with amendments being made in July 2013. The purpose of the current Policy is to specify various forms of minor residential development, including the use of land, within the Town which have been exempted from the need to obtain formal development approval. The objective of the Policy is to provide certainty for applicants, landowners and Council staff regarding the forms of minor development which are exempt from the need to obtain formal development approval, whilst assisting in the effective and efficient operation of the Town’s Built Life Program.

The impetus for this review was driven by the introduction of the *Planning and Development (Local Planning Scheme) Regulations 2015* which outlines a number of development types that are exempt from development approval. The review of Local Planning Policy 32 will align the Town’s practices with these Regulations, as well as outlining additional exemptions.

The Policy review process has involved meetings with Urban Planning staff, and reviewing similar policies that exist for other local governments.

A report on the Policy review was presented to the Elected Members Briefing Session on 4 October 2016. A number of questions were raised regarding the Policy, which resulted in the item not appearing on the Agenda for the Ordinary Council Meeting.

Council Officers have now further reviewed the draft revised Policy with a view to simplifying the contents.

Council at its Ordinary Meeting on 10 October 2017 resolved to support the recommendation from the Future Planning Committee that the draft revised Policy be the subject of community consultation. Community consultation was undertaken for a period of 21 days with one (1) submission received stating support for the proposed amendments.

Legal Compliance:

Town of Victoria Park Town Planning Scheme No. 1

Schedule A of the Town of Victoria Park Town Planning Scheme No. 1, and deemed Clauses 61 (1) and 61 (2) of the *Planning and Development (Local Planning Scheme) Regulations 2015* outline development types that are exempt from development approval, and provides for local planning policies to be prepared which detail additional exemptions.

Local Planning Policies

Reviews of a Local Planning Policy are undertaken in accordance with deemed provisions 3 and 4 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, including:

- Community consultation for a period of not less than 21 days; and
- Consideration of public submissions and a Council resolution to proceed with the policy with or without modifications, or not proceed.

Policy Implications:

The revised Policy will align with current State Government planning legislation and extend the scope of minor development types that do not require development approval to be obtained from the Council.

The revised Policy will provide greater clarity and certainty to members of the community regarding the requirement for development approval.

Risk Management Considerations:

Risk & Consequence	Consequence Rating	Likelihood Rating	Overall Risk Analysis	Mitigation / Actions
Should the Policy not be amended then there will be forms of development which will continue to require development approval, notwithstanding that they may have minimal impact	Moderate	Likely	Low	Amend the Policy.

Amending the Policy in the manner proposed is seen as reducing a level of red-tape and increasing efficiency.				
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Sustainability Assessment:

External Economic Implications:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

A review of Local Planning Policy 32 ‘Minor Residential Development’ has now been completed.

The objectives of the draft revised Policy are:

- a) To identify development types that are exempt from development approval, in addition to exemptions that exist under other planning provisions; and
- b) To exempt certain forms of minor development from the requirement for development approval, where they qualify with specified standards to ensure consistency and minimal risk of adverse impacts on the amenity of neighbouring properties, the streetscape or within the Town generally.

Key features of the draft revised Policy include:

- Outlining the relationship between the Policy and the *Planning and Development (Local Planning Scheme) Regulations 2015*;
- The policy dealing with exemptions from development approval generally instead of focussing upon minor residential developments only. This change is reflected in the renaming of the Policy;
- An increase in the number of development types that are exempt from development approval either generally or where they meet the specified conditions;
- The inclusion of Notes to provide guidance on certain matters, however recognising that non-compliance with the Notes does not necessitate development approval;
- The ability for Council Officers on a case-by-case basis, to determine that in a particular case the proposed works or land uses are of a minor nature and does not require development approval; and
- Introducing provisions which provide clarity on when changes to an approved development are acceptable without requiring the need for an amended development approval.

In an effort to improve efficiency whilst reducing ‘red tape’, the Town’s Built Life Program deemed it appropriate to include a number of additional forms of development types that are exempt from the need to obtain development approval as part of this Policy review. Generally, these forms of development are considered to be ‘minor’ by Council Officers, and

have been included as additional exemptions as they will not have the potential to generate adverse impacts on surrounding areas either generally or where developed in line with the associated conditions contained in the Policy that must be met to qualify as exempt development.

The revised Policy contains details of the full range of exemptions proposed.

The revised Policy was advertised for public comments for a period of 21 days, with one (1) supporting submission received.

Accordingly it is now recommended that Council adopt the revised Policy as contained as an Attachment to this report.

RECOMMENDATION/S:

That Council adopt the revised version of Local Planning Policy 32 'Exemptions from Development Approval' as contained within the Appendices, with the revised Policy taking effect upon publication of a notice in the Southern Gazette newspaper.

11.8 Delegation to issue and withdraw Infringement Notices for Non-Compliant Swimming Pool Barriers

File Reference:	DEV/8/0001~05
Appendices:	No

Date:	28 November 2017
Reporting Officer:	R. Cruickshank
Responsible Officer:	R. Cruickshank
Voting Requirement:	Absolute Majority

Executive Summary:
Recommendation – That Council provide Delegation to the CEO to issue and withdraw Infringement Notices for non-compliant barriers to swimming pools.

- Under the *Building Regulations 2012*, each barrier to a private swimming pool is to be inspected at least once every 4 years.
- The Royal Life Saving Society, acting for the Town, have recently completed the required 4 yearly inspection of all swimming pool barriers in the Town.
- Notwithstanding the identification of a number of non-compliant swimming pool barriers, and follow up inspections and correspondence from the Royal Life Saving Society and Council Officers, there remain non-compliant barriers.
- Opportunity exists under the *Building Regulations 2012* for Infringement Notices to be issued to the owners of properties with non-compliant swimming pool barriers, as both a penalty for non-compliance and as an incentive to bring barriers into compliance.
- Council Officers are not currently delegated authority from Council to issue or withdraw Infringement Notices for swimming pool barriers.
- It is recommended that delegation be given to the CEO to issue or withdraw Infringement Notices for non-compliant swimming pool barriers.

TABLED ITEMS:

Nil

BACKGROUND:

Nil

DETAILS:

Local governments utilise levels of delegated authority to undertake day-to-day statutory functions, thereby allowing Council to focus on policy development, representation, strategic planning and community leadership, with the organisation focussing on the day-to-day operations of the Town. The use of delegated authority means the large volume of routine work of a local government can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery to the community.

As far as possible and reasonable, Councils should be predominantly concerned with dealing with higher level policy matters for their local governments. Those duties and powers which are operational in nature but exercise discretion should be delegated to the CEO and/or Council officers.

Under the *Building Regulations 2012*, each barrier to a private swimming pool is to be inspected at least once every 4 years. The Royal Life Saving Society, acting for the Town, have recently completed the required 4 yearly inspection of all swimming pool barriers in the Town. Notwithstanding the identification of a number of non-compliant swimming pool barriers, and follow up inspections and correspondence from the Royal Life Saving Society and Council Officers, there remain non-compliant barriers.

Opportunity exists under the *Building Regulations 2012* for Infringement Notices to be issued to the owners of properties with non-compliant swimming pool barriers, as both a penalty for non-compliance and as an incentive to bring barriers into compliance. The modified penalty for a non-compliant swimming pool barrier is \$750.

Council Officers are not currently delegated authority from Council to issue Infringement Notices.

Legal Compliance:

Local Government Act 1995

The relevant sections of the *Local Government Act 1995* are as follows:

5.16. Delegation of some powers and duties to certain committees

(1) *Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.*

** Absolute majority required*

5.42 Delegation of some powers and duties to the Chief Executive Officer

(1) *A local government may delegate* to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in Section 5.43.*

** Absolute majority required.*

(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation*

5.43 Limits on delegations to Chief Executive Officer

A local government cannot delegate to a Chief Executive Officer any of the following powers or duties:

(a) *any power or duty that requires a decision of an absolute majority or 75% majority of the local government;*

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

(c) *appointing an auditor;*

(d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*

(e) *any of the local government's powers under Sections 5.98, 5.98A, 5.99, 5.99A and 5.100 of the Act;*

- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in Section 9.5;*
- (h) *any power or duty that requires the approval of the Minister or Governor; or*
- (ha) *the power under Section 9.49A(4) to authorise a person to sign documents on behalf of the local government; and*
- (i) *such other duties or powers that may be prescribed by the Act.*

5.44 Chief Executive Officer may delegate powers and duties to other employees

- (1) *A Chief Executive Officer may delegate to any employee of the local government the exercise of any of the Chief Executive Officer's powers or the discharge of any of the Chief Executive Officer's duties under this Act other than the power of delegation.*

5.45 Other matters relevant to delegations under this Division

- (2) *Nothing in this Division is to be read as preventing –*
 - (a) *a local government from performing any of its functions by acting through a person other than the Chief Executive Officer; or*
 - (b) *a Chief Executive Officer from performing any of his or her functions by acting through another person.*

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

Building Act 2012

Section 127

- (6A) *The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section but in the case of such a power or duty—*
 - (a) *the CEO's power under this subsection to delegate the exercise of that power or the discharge of that duty; and*
 - (b) *the exercise of that power or the discharge of that duty by the CEO's delegate,**are subject to any conditions, qualifications, limitations or exceptions imposed by the local government on its delegation to the CEO.*

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

Risk Management Considerations:

Risk & Consequence	Consequence Rating	Likelihood Rating	Overall Risk Analysis	Mitigation / Actions
Should Delegation not be granted then either Infringement Notices will not be issued and non-compliant barriers may remain, or a report will need to be presented to Council in each situation that an Infringement Notice is intended to be issued.	Moderate	Unlikely	Low	Delegation be granted

COMMENT:

The Royal Life Saving Society, acting for the Town, have completed the required four (4) yearly inspection of all swimming pool barriers in the Town. Following an initial inspection of properties and the identification of non-compliant barriers, relevant landowners were given the opportunity to bring non-compliant barriers into compliance. Follow up inspections by Royal Life Saving Officers or Council Officers has been undertaken, and while a number of non-compliant barriers have been remedied, there remain a number of non-compliant pool barriers (approximately 50) in the Town.

While not the preferred course of action, given the safety risks that exist with non-compliant swimming pool barriers, and the lack of co-operation by some landowners to bring their non-compliant barrier into compliance, it is considered appropriate that Council Officers be delegated the authority to issue Infringement Notices. The ability to issue Infringement Notices is seen as a means to require landowners of non-compliant swimming pool barriers to achieve compliance.

It is intended that a condition of the delegation be that Infringement Notices only be issued where the owner has been given notice in writing on at least two (2) occasions to bring the pool barrier into compliance, and has failed to do so.

In association with providing Delegation, it is necessary that appropriate staff be appointed as authorised officers for the purposes of issuing and withdrawing infringement notices. This is addressed in part 2 of the recommendation below.

RECOMMENDATION/S:

1. That by an Absolute Majority Council delegate the following function to the CEO:

Issue or withdraw Infringement Notices for non-compliant Swimming Pool Barriers	
Date Adopted	12 December 2017
Date Review	-
Authority	<i>Local Government Act 1995 – s.5.42</i> <i>Building Act 2012 – Section 127</i>
Reference	Nil
Delegation	To issue or withdraw Infringement Notices for non-compliant swimming pool barriers pursuant to regulation 69 of the <i>Building Regulations 2012</i> .
Conditions	Infringement Notice only to be issued where the owner has been given prior notice in writing on at least two (2) occasions to bring the pool barrier into compliance, and has failed to do so.
Sub-delegation	Yes

2. In accordance with Section 96 of the *Building Act 2011* and Regulation 96 of the *Building Regulations 2012*, the following positions be designated as authorised officers for the purposes of issuing or withdrawing Infringement Notices for non-compliant swimming pool barriers: Principal Building Surveyor; Senior Building Surveyor; Building Surveyor.

12 OPERATIONS REPORTS

12.1 Petition to Install Traffic Calming Devices in State Street, Victoria Park

File Reference:	ROA/8/0115
Appendices:	No

Date:	30 October 2017
Reporting Officer:	M. Ragireddy
Responsible Officer:	B. Killigrew
Voting Requirement:	Simple Majority

Executive Summary:	
Recommendation - The Council:	
1.	Receives the petition submitted regarding the installation of traffic calming treatments on State Street.
2.	Introduces parking restrictions on road and verge (both sides) to improve safety for pedestrians using the children’s playground.
3.	Investigates the feasibility of introducing a pedestrian median island in the vicinity of the park.
4.	Accepts the preliminary findings and interim actions as a result of the Town’s initial assessment.

TABLED ITEMS:

- Petition submitted by Julian Hilton of 35 Canterbury Terrace, East Victoria Park.

BACKGROUND:

The Town received a petition on 3 November 2017 which is summarised as follows:

- State Street is used as a rat-run during peak hours;
- Hoon behaviour that puts life of local children at risk who use the playground; and
- Install traffic calming devices on State Street between Albany Highway and Berwick Street, Victoria Park.

Of the 55 signatories to the petition, 46 of these are electors.

DETAILS:

Local Area Traffic Management (LATM) is the management of traffic on local streets to increase the safety of all road users through the introduction of physical road features which predominantly encourage lower travel speeds thus reducing severity of road crashes on the road network, and potentially improving amenity to residents living on those streets.

Many streets within the Town have received treatments in the past as a result of complaints and a desire to improve the immediate area. It is critical however that any proposed treatment be looked at in the context of the surrounding area including adjoining streets and the potential flow on impacts to other parallel routes.

Over the years, a considerable amount of funding has gone into improvements along the entire length of State Street as part of the S5 precinct Structure Plan which was developed in November 2001.

Historical budget information suggests that the Town has spent more than \$115,000 towards a range of traffic treatments, including intersection improvements in the 2003/2004 & 2006/2007 financial year. More recently the State Street Reserve was upgraded at a cost to the Town of just over \$50,000.

In order to address complaints associated with hoon related activities, the Town undertakes investigations in accordance with the Council endorsed Traffic Warrant System. This is a risk based tool which provides staff with a quantitative assessment to rank projects for future budget consideration.

It's important to note that every year Council receive numerous requests from ratepayers to install traffic calming devices. Investigations include traffic data comprised of speed statistics, traffic volumes, crash history, road design and topography, vulnerable road users and activity generators (e.g. Schools, Retail and Parks etc.).

State Street between Albany Highway and Berwick Street is classified as an "Access Road" under the Perth Metropolitan Area Functional Road Hierarchy. The current speed limit for State Street is 50km/h. The design traffic volume for local roads such as State Street is in the order of up to 3,000 vehicles per day (vpd) as per the Liveable Neighbourhoods guidelines produced or developed by the Western Australian Planning Commission.

As previously mentioned, in November 2001, Council adopted the Victoria Park S5 Precinct Structure Plan to introduce road treatments to address streetscape, pedestrian, cyclist, traffic speeds and on-street parking. During the site visit in early November 2017 it was noted that many initiatives from the S5 Precinct Structure Plan had already been constructed to improve amenity for residents in State Street.

Mid-block investigation

Table 1 provides the speed, volume and crash statistics for State Street mid-block sections (between Albany Highway and Berwick Street), Victoria Park. Most of these crashes were related to parking or cars leaving driveways.

Table 1 Traffic statistics for State Street between Albany Highway and Berwick Street

Location	Average Weekday Volume in vehicles per day (vpd)	85th* Percentile Speed (kph)	Total number of mid-block crashes (2012-2016)
State Street between Albany Highway and Washington Street (2016)	996	46	4 'Property Damage Only'
State Street between Washington Street and Gloucester Street (2017)	585	50	1 'Property Damage Only'
State Street between Berwick Street and Gloucester Street (2016)	868	51	1 'Property Damage Only'

*Speed at which 85 per cent of motorists travel at or under

The mid-block sections of State Street (between Albany Highway and Berwick Street) were weighed against the Council endorsed traffic warrant system and all mid-block sections denoted as sites with low priority where non-physical treatments are to be considered to address the alleged hoon behaviour. Therefore, the placement of traffic calming devices along State Street cannot be justified at this point in time through the Town’s Traffic Warrant System.

Given the lower safety and amenity concerns when compared to other Streets in the Town, the Town’s Variable Message Sign will be placed on State Street for a two week period reminding motorists of a 50kph environment.

The warrant scoring provides an indication that the existing treatments introduced through the S5 Precinct Structure Plan have had a positive effect. Furthermore, speed data from previous years shows a reduction in 85th percentile speed.

Further to the mid-block assessment, two intersections along State Street were also assessed as future improvements to junctions can also influence a reduction in speed depending on the type of solution. The intersection of State Street with Washington Street revealed zero crashes and the intersection of State Street and Gloucester Street recorded three right angled crashes between 1 January 2012 and 31 December 2016 which is still very low, compared to other locations in the Town.

Any proposals to improve safety at the intersection of State Street and Gloucester Street should take into account the existing network configuration within the precinct area and the potential reassignment of traffic through the local road network.

Site observations at the intersection of State Street and Gloucester Street include the following:

An advance warning sign advising a four way intersection exists on State Street north. In 2016, the Town requested Main Roads Western Australia to install ‘PLAY GROUND’ advisory signage approaching the children’s park.



Figure 1 - State Street looking south



Figure 2 - State Street looking north

Though State Street does not qualify for any mid-block treatments, introduction of parking restrictions on road and verge (both sides) opposite the State Street Reserve playground may have the potential to improve sightlines for motorists to view children/pedestrians crossing the roadway.

The four wheel drive in figure 3 parked on the crossover abutting the children’s playground can be considered as an obstruction to motorists to see any children waiting to cross State Street near the State Street Reserve. It’s also important to note that parking on driveways is illegal under the Road Traffic Code 2000.



Figure 3 - Parked vehicle on the crossover of the park reduces visibility of children who may wish to cross State Street

Legal Compliance:

Nil

Policy Implications:

Nil

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Reputational. Negative public perception towards the Town if physical treatments to slow down traffic are not supported	Moderate	Likely	High	<ul style="list-style-type: none"> • Provide ratepayers with adequate response and reasoning why the project ranks at the low in terms of priority assessment to introduce pedestrian refuge island
Conflict between motorists and vulnerable road users – Children crossing the road	Moderate	Likely	High	<ul style="list-style-type: none"> • Implement parking restriction to improve visibility • Undertake feasibility assessment to introduce pedestrian refuge island. Island which will narrow the carriageway and provide a staged crossing for pedestrians

Strategic Plan Implications:

This initiative aligns with the following objectives of the Town of Victoria Park Strategic Community Plan:

- EN2 – A safe, interconnected and well maintained transport network that makes it easy for everyone to get around;
- EN3 – A place with sustainable, safe and convenient transport options for everyone; and
- CI10 – Legislative responsibilities are resourced and managed appropriately, diligently and equitably.

Financial Implications:

Internal Budget:

An estimate will be prepared for future budgeting purposes in relation to the new median island crossing

Total Asset Management:

All future infrastructure will be maintained by the Town through its operational maintenance budgets.

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Improvements to the road environment will positively impact amenity for residents.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

Traffic calming at mid-block locations is not warranted on State Street at this stage. Parking restrictions on road or verge (both sides) will improve visibility in the immediate area, closest to the children's Playground, however may not necessarily be supported by residents.

To improve pedestrian crossing safety, investigations have to be undertaken to introduce a pedestrian refuge island in the vicinity of the park. The island will assist pedestrians to cross State Street in a staged manner.

Given the existing width of State Street, introducing a pedestrian refuge island in State Street (between Gloucester Street and Berwick Street) or in front of the park will require some minor road widening, ultimately, impacting on-road/verge parking facilities.

CONCLUSION:

An assessment to introduce pedestrian refuge island will be undertaken and will be considered for 2018-19 budget.

The Town's Variable Message Sign has been scheduled (for early 2018) to be installed on State Street (between Gloucester Street and Berwick Street) for a two week period to advise motorists of a built-up area.

The Town works with the Police on a number of traffic related issues and encourages residents to report to the Police on 131 444 or by completing the required details at <https://www.police.wa.gov.au/Police-Direct/Traffic/Traffic-Complaint-Form/Questions-A> to raise the concerns regarding enforcement of the Road Traffic Code should they witness any traffic offences or hoon behaviours. This would assist the Police in prioritising their enforcement works in the area.

RECOMMENDATION/S:**That Council:**

- 1. Receives the petition submitted regarding the installation of traffic calming treatments on State Street.**
- 2. Investigates the introduction of parking restrictions on road and verge (both sides) to improve safety for pedestrians using the children's park as a short term solution.**
- 3. Investigates the feasibility of introducing a pedestrian median island in the vicinity of the playground and consider a minor works budget for this item in the 2018/2019 financial year.**
- 4. Installation of the Town's Variable Message Sign on State Street for a two week period advising motorists of a 50kph environment.**
- 5. Engage the residents of State Street informing them of this issue and advising what works may or may not be carried out, as a result of this petition.**

12.2 TVP/17/09 - Provision of Plumbing Services

File Reference:	TVP/17/09
Appendices:	No

Date:	5 December 2017
Reporting Officer:	D. Wakeham
Responsible Officer:	B. Killigrew
Voting Requirement:	Simple Majority

Executive Summary:	
Recommendation –That Council endorses the Chief Executive Officer entering into a three (3) year contract, with two (2) possible one (1) year extensions via General Conditions of Contract, as advertised in tender TVP/17/09 Provision of Plumbing Services, with UN PLUMBING	
<ul style="list-style-type: none"> • Request for tender was advertised in the West Australian on 21 October 2017; • 21 submissions were received; and • Recommend awarding to UN Plumbing. 	

TABLED ITEMS:

- Tender Request document titled “Provision of Plumbing Services” under tender number TVP/17/09;
- Tender submissions; and
- Tender Analysis Worksheet.

BACKGROUND:

The Town of Victoria Park uses plumbing services for several program areas including Assets, Parks and Engineering. Previously, we have used quotes and schedule of rates for the procurement of services, but as the figure spent on plumbing maintenance works in the last three (3) years is close to \$150,000, a tender is required under our purchasing guidelines.

DETAILS:

The Town advertised the tender request in the West Australian on 21 October 2017 titled “TVP/17/09 Provision of Plumbing Services”, and the tender closed at 2pm on 7 November 2017. The tender submissions received on the closing date were evaluated and assessed by an approved Evaluations Panel consisting of the Town’s Officers.

Following receipt of the responses, the Evaluation Panel deemed 21 submissions received as being compliant as per the tender specifications and conditions. All tenders were received by the Town prior to the closing date and time and the required information for the purpose of evaluation has been provided.

The 21 companies, having made a compliant submission, are listed below:

- Charter Plumbing;
- GXR Plumbing and Gas;
- UN Plumbing;

- ABS Solutions;
- AAA Hillarys Plumbing and Gas;
- McDermott Group Pty Ltd;
- Snap Plumbing;
- AE Hoskins & Sons;
- Apollo Plumbing and Gas;
- Arden Group;
- AVP Building Co.;
- Australian Utility Services;
- Ace Plus;
- Freeflo Ptd Lty;
- HA Young Plumbing Contractors;
- Majestic Plumbing;
- MI Plumbers;
- Pride Plumbing and Gas;
- Rowson’s Plumbing Services;
- Swift Flow; and
- Zambezi Plumbing and Gas;

Description of compliance criteria

The information sought to comply with the compliance criterion for TVP/17/04 included the following:

Description of Compliance Criteria	
<p>i) Compliance with the Conditions of this Tender Tenderers are to provide acknowledgment that your organisation has submitted in accordance with the Conditions of Tender including completion of the Offer Form and provision of your pricing submitted in the format required by the Principal</p>	Yes / No <input type="checkbox"/> <input type="checkbox"/>
<p>ii) References Provide a minimum of three (3) references. You should give examples of work provided for your referees where possible.</p>	Yes / No <input type="checkbox"/> <input type="checkbox"/>
<p>iii) Complete Respondents Offer</p>	Yes / No <input type="checkbox"/> <input type="checkbox"/>
<p>iv) Complete Pricing Schedule</p>	Yes / No <input type="checkbox"/> <input type="checkbox"/>
<p>v) Corporate Information Respondents to submit organisation profile. Advise if agent for another party, include name and address of Principal.</p>	Yes / No <input type="checkbox"/> <input type="checkbox"/>
<p>vi) Financial Position a) Respondent to confirm ability to pay all debts in full as and when they fall due; and</p>	Yes / No <input type="checkbox"/> <input type="checkbox"/>
<p>b) Advise of any current litigation as a result of which you may be liable for \$50,000 or more.</p>	Yes / No <input type="checkbox"/> <input type="checkbox"/>

<p>c) Will you be able to fulfil the Financial Requirements from your own resources or from resources readily available to you to pay all your debts in full as and when they fall due?</p>	<p>Yes / No <input type="checkbox"/> <input type="checkbox"/></p>
<p>vii) Conflict of Interest Advise of any actual or potential conflict of interest in the performance of your obligations under the Contract, or if any such conflict of interest likely to arise during the Contract.</p>	<p>Yes / No <input type="checkbox"/> <input type="checkbox"/></p>
<p>viii) Insurance Provide details of the insurance coverage that meets the insurance requirements for this Request. A copy of the Certificate of Currency is to be provided to the Principal within seven days of acceptance.</p>	<p>Yes / No <input type="checkbox"/> <input type="checkbox"/></p>
<p>ix) Disability Access and Inclusion Plan (DAIP) If this Contract involves the supply of Services to the public, then the successful Contractor will to the extent practicable, implement the Principal’s “Disability Access and Inclusion Plan” prepared under the Disability Services Act 1993 for the duration of the Contract as outlined in clause 3.52.2.</p>	<p>Not Applicable</p>

Description of qualitative selection criteria

Having assessed the compliance criterion, the evaluation panel proceeded to evaluate the submissions in accordance with the Qualitative and Price criterion nominated in the request for tender documents for TVP/17/09. The criterion were point scored according to the weighting system which indicated the relative degree of importance of each criteria.

Tenders were assessed against the following weighted criterion:

<p>Relevant Experience Describe your experience in completing /supplying similar Requirements. Respondents must, as a minimum, address the following information in an attachment and label it “Relevant Experience”:</p> <ul style="list-style-type: none"> i) Provide details of similar work; ii) Provide scope of the Respondent’s involvement including details of outcomes; iii) Provide details of issues that arose during the project and how these were managed; iv) Demonstrate competency and proven track record of achieving outcomes; and v) Demonstrate sound judgement and discretion. 	<p>Weighting 30%</p>
---	---

<p>Current Capability:</p> <ul style="list-style-type: none"> i) Organisation’s capacity and capability ii) Organisation’s structure iii) Organisation’s vision and mission alignment iv) Plant, equipment and materials; and v) Any contingency measures or back up of resources including personnel (where applicable). <p>Tenderers must address the enquired information in an attachment and label it: (Current Capability)</p>	<p>Weighting 20%</p>
<p>Demonstrated Understanding</p> <p>Respondents should detail the process they intend to use to achieve the Requirements of the Specification. Areas that you may wish to cover include:</p> <ul style="list-style-type: none"> i) A project schedule/timeline (where applicable); ii) The process for the delivery of the goods/services; iii) Training processes (if required); and iv) A demonstrated understanding of the scope of work <p>Supply details and provide an outline of your proposed methodology in an attachment labelled “Demonstrated Understanding”.</p>	<p>Weighting 20%</p>
<p>Tendered Rates and Price/s</p> <p>The price to supply the goods or services in accordance with the Request Rates or prices for variations</p>	<p>Weighting 30%</p>

The assessment of the compliant submissions was formally undertaken by an Assessment Panel of three, the A/Business Unit Manager Assets, Building Assets Officer and Building Officer.

Their individual scores had the weightings applied, and were then averaged. They were then ranked as per the ranking table below:

Company	Ranking
Charter Plumbing	6
GXR Plumbing and Gas	21
UN Plumbing	1
ABS Solutions	18
AAA Hillarys Plumbing and Gas	15
McDermott Group PTY Ltd	3
Snap Plumbing	9
AE Hoskins & Sons	5

Apollo Plumbing and Gas	14
Arden Group	19
AWB Building Co.	4
Australian Utility Services	7
Ace Plus	10
Freeflo Ptd Ltd	20
HA Young Plumbing Contractors	16
Majestic Plumbing	2
MI Plumbing	11
Pride Plumbing & Gas	17
Rowson's Plumbing Services	8
Swift Flow	12
Zambezi Plumbing and Gas	13

Specific details of the evaluation and assessment process of the tender submissions are documented in the Tender Analysis Worksheet which is provided as Tabled Items.

Legal Compliance:

Local Government Act 1995 Section 3.57.

Local Government (Functions and General) Regulations 1996 Division 2 Part 4.

In accordance with Part 4 of the *Local Government (Functions and General) Regulations 1996 ("the Regulations")*, tenders shall be invited before the Town enters into a contract for another person to supply goods or services if the consideration under the contract is or is expected to exceed \$150,000.

Policy Implications:

Council Policy FIN5 Purchase of Goods and Services requires Council to invite tenders before the Town enters into a contract if the consideration under the contract is or expected to exceed \$150,000 and has been complied with.

Council Delegation 1.24 – Limits on Delegations to CEO requires all tenders exceeding \$200,000 to be brought before Council for determination.

Risk Management Considerations:

The risk identification and categorisation below relies on the [Town’s Risk Assessment and Acceptance Criteria](#).

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Should the contract not proceed, works over \$5,000 will need to execute a request of a minimum of (3) quotations or tendering process. The Town may not be able to utilise contractors once we have spent \$150,000 over 3 years with that company.	Moderate	Likely	High	All works will need to go through a minimum request of 3 quotations and there will be a significant additional workload requiring additional human resource to manage.

According to the AS/NZS ISO 31000:2009, Risk is defined as the ‘effect of uncertainty on objectives’.

The potential value of the contract dictates it must be awarded through a public tender process and this has been undertaken appropriately.

Strategic Plan Implications:

The Town of Victoria Park’s new Strategic Community Plan 2017 – 2032 (SCP) identifies:

- EN5: Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.

Financial Implications:

Internal Budget:

Council, at the adoption of each year’s Annual Budget, approves a budget for Engineering, Parks and Assets maintenance services and Capital Works upgrade and renewal programs.

The estimated annual costs to be incurred under this panel contract are within the allocated amounts provided in the recently approved budget of 2017/18 and the anticipated future budgets.

Total Asset Management:

The maintenance of the Town’s assets extends its useability life, and ensure compliance with statutory and regulatory requirements.

Sustainability Assessment:External Economic Implications:

Generation of business and employment opportunities for the Contractors working for the Town.

Social Issues:

Well-maintained infrastructure contributes to the economic development and growth of the community, making the Town a dynamic place for everyone.

Cultural Issues:

Nil

Environmental Issues:

Ensuring well maintained water and sewer pipes, reduces water use and the discharge of toxins into the groundwater.

COMMENT:

UN Plumbing has met the criteria set in the specification set out in the tender document TVP/17/09. It is located within close proximity to the Town in Welshpool, and have been used extensively by the Town over a twenty year period. The quality of work produced for the Town by UN Plumbing has always met acceptable standards in respect to workmanship and efficiency. Their experience and familiarity with our buildings and plumbing infrastructure, has assisted greatly in minimising down time of our assets. UN Plumbing have a history of being regularly available for afterhours call outs for urgent works. On assessment by the Evaluation Panel and application of the weightings, UN Plumbing's submission was determined unanimously as being the most advantageous to the Town

CONCLUSION:

It is recommended that the tender submitted by UN Plumbing be accepted by Council and be awarded a contract accordingly for a period of three (3) years, with two (2) possible one(1) year extensions, commencing on the date on the contract acceptance letter which will be signed by the individual companies.

RECOMMENDATION/S:

That Council endorses the Chief Executive Officer entering into a three (3) year contract, with two (2) possible one (1) year extensions, via General Conditions of Contract as advertised in tender TVP/17/09 Provision of Plumbing Services, with UN PLUMBING, for the specified services and materials under the following contractual parameters:

- **Contract is based on a Schedule of rates submitted by the tenderer.**
- **Contract value of approximately \$50,000 (ex GST) per year.**
- **Three (3) year contract with two (2) possible one (1) year extensions, based on satisfactory work performance.**
- **Random audits to be carried out by subject matter expert on a quarterly basis.**
- **General Conditions of Contract.**

13 COMMUNITY REPORTS

There are no Community reports.

14 BUSINESS LIFE PROGRAM REPORTS

14.1 Schedule of Accounts for 30 October 2017

File Reference:	FIN/11/0001~09
Appendices:	Yes
Date:	17 November 2017
Reporting Officer:	A. Thampoe
Responsible Officer:	N. Cain
Voting Requirement:	Simple Majority
Executive Summary:	
Recommendation - That Council, confirms the Schedule of Accounts paid for the month ended 30 October 2017.	
<ul style="list-style-type: none"> • The Accounts Paid for 30 October 2017 as attached to and forming part of this report; • Direct lodgement of payroll payments to the personal bank accounts of employees are also included. 	

TABLED ITEMS:

Nil

BACKGROUND:

Council has delegated to the Chief Executive Officer the authority to make payments from the Municipal and Trust funds in accordance with the *Local Government (Financial Management) Regulations 1996*.

Under Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the Municipal fund or the Trust fund, each payment from the Municipal fund or the Trust fund is to be noted on a list compiled for each month showing:

- a) The payee's name;
- b) The amount of the payment
- c) The date of the payment; and
- d) Sufficient information to identify the transaction

That list should then be presented at the next Ordinary Meeting of the Council following the preparation of the list, and recorded in the minutes of the meeting at which it is presented.

DETAILS:

The list of accounts paid in accordance with *Regulation 13(1) of the Local Government (Financial Management) Regulations 1996* is contained within the Appendices, and is summarised as thus -

Fund	Reference	Amounts
Municipal Account		
Automatic Cheques Drawn	608174 – 608216	107,545
Creditors – EFT Payments		3,607,312
Payroll		1,467,474
Bank Fees		23,359
Corporate MasterCard		10,566
		5,216,256
Trust Account		
Automatic Cheques Drawn	3482 – 3492	23,065
		23,065

Legal Compliance:

Section 6.10 (d) of the Local Government Act 1995 refers, ie. -

6.10. Financial management regulations

Regulations may provide for —

- (d) the general management of, and the authorisation of payments out of —
 - (i) the municipal fund; and
 - (ii) the trust fund,
 of a local government.

Regulation 13(1), (3) & (4) of the Local Government (Financial Management) Regulations 1996 refers, ie. -

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 —
 - (a) the payee’s name;
 - (b) the amount of the payment;
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (3) A list prepared under subregulation (1) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Policy Implications:

Nil

Risk Management Considerations:

Three risks have been identified as outlined below:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Compliance: Council not accepting Schedule of Accounts	Moderate	Unlikely	Moderate	Provide reasoning and detailed explanations to Council to enable informed decision making.
Financial Impact: Misstatement or significant error in Schedule of Accounts	Major	Unlikely	Moderate	Daily and monthly reconciliations. Internal and external audits.
Financial Impact: Fraud and illegal acts	Catastrophic	Rare	Moderate	Stringent internal controls. Internal audits. Segregation of duties

Strategic Plan Implications:

CL6 – Finances are managed appropriately, sustainably and transparently for the benefit of the community.

CL 10 – Legislative responsibilities are resourced and managed appropriately, diligently and equitably.

Financial Implications:

Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

All accounts paid have been duly incurred and authorised for payment as per approved purchasing and payment procedures and it is therefore recommended that the payments, as attached to and forming part of this report, be confirmed.

RECOMMENDATION/S:

That Council, pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996 (as amended)*, confirm:

1. The Accounts Paid for 30 October 2017 as attached to and forming part of this report; and
2. Direct lodgement of payroll payments to the personal bank accounts of employees.

14.2 Financial Statements for the Month ending 30 October 2017

File Reference:	FIN/11/0001~09
Appendices:	No
Attachments:	Yes

Date:	17 November 2017
Reporting Officer:	A. Thampoe
Responsible Officer:	N. Cain
Voting Requirement:	Absolute Majority

Executive Summary:
Recommendation - That Council, by an Absolute Majority, approves the budget amendments and accepts the Financial Activity Statement Report – 30 October 2017 as attached to and forming part of this report.

- The Financial Activity Statement Report is presented for the month ending 30 October 2017. The report complies with the requirements of Regulation 34 (Financial activity statement report) of the *Local Government (Financial Management) Regulations 1996*.
- The following additional initiatives and amendments have been included in the recommendation for approval by absolute majority:
 - Reallocate budget funds to facilitate minor renewal works of 874 Albany Highway to create a Pop-up Hive for the Community Development team.

TABLED ITEMS:

Nil

BACKGROUND:

Each month officers are required to prepare monthly financial reports, covering prescribed information, and present these to Council for acceptance.

DETAILS:

Presented is the Financial Activity Statement Report – 30 October 2017.

Revenue

Operating Revenue and Non-Operating Revenue – Material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and, in these instances, an explanatory comment has been provided.

Expense

Operating Expense, Capital Expense and Non-Operating Expense – Material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and, in these instances, an explanatory comment has been provided.

For the purposes of explaining each material variance, a three-part approach has been applied. The parts are:

1. **Period Variation**
Relates specifically to the value of the variance between the Budget and Actual figures for the period of the Report.
2. **Primary Reason(s)**
Explains the primary reason(s) for the period variance. Minor contributing factors are not reported.
3. **End-of-Year Budget Impact**
Forecasts the likely financial impact on the end-of-year financial position. It is important to note that figures in this part are 'indicative only' at the time of reporting, for circumstances may subsequently change prior to the end of the financial year.

Legal Compliance:

Regulation 34 (Financial activity statement report) of the *Local Government (Financial Management) Regulations 1996* states –

- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*
 - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
 - (b) *budget estimates to the end of the month to which the statement relates;*
 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
 - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing —*
 - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
 - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown —*
 - (a) *according to nature and type classification; or*
 - (b) *by program; or*
 - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
 - (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*

- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

Section 6.8 of the *Local Government Act 1995* (Expenditure from municipal fund not included in annual budget) states –

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) *is authorised in advance by resolution*; or*
 - (c) *is authorised in advance by the Mayor or president in an emergency.*

** Absolute majority required.*

(1a) *In subsection (1) — additional purpose means a purpose for which no expenditure estimate is included in the local government’s annual budget.*

- (2) *Where expenditure has been incurred by a local government —*
- (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
 - (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

Policy Implications:

Nil

Risk Management Considerations:

Four risks are outlined below:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Financial Impact: Council not accepting budget amendment recommendation	Moderate	Unlikely	Moderate	Provide reasoning and detailed explanations to Council to enable informed decision making.
Compliance: Financial statement not complying with the requirements of the <i>Local</i>	Moderate	Unlikely	Moderate	Internal review of monthly Financial activity statement. External audits of monthly financial statements.

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
<i>Government (Financial Management) Regulations 1996</i>				
Financial impact: Misstatement or significant error in financial statements	Major	Unlikely	Moderate	Daily and monthly reconciliations. Internal and external audits.
Financial Impact: Fraud and illegal acts	Catastrophic	Rare	Moderate	Stringent internal controls. Internal audits. Segregation of duties.

Strategic Plan Implications:

CL6 – Finances are managed appropriately, sustainably and transparently for the benefit of the community.

CL 10 – Legislative responsibilities are resourced and managed appropriately, diligently and equitably.

Financial Implications:

Internal Budget:

The Statement of Financial Activity, as contained in the body of the Financial Activity Statement Report, refers and explains.

Total Asset Management:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

It is recommended that the Financial Activity Statement Report – 30 October 2017 be accepted, noting the following inclusion in the Report.

Reallocate budget funds to facilitate minor renewal works of 874 Albany Highway to create a Pop-up Hive for the Community Development team.

The Manager Community has submitted the following:

Enkel Co. have held a month by month lease at 874 Albany Highway valued at \$1 per annum, since 1 August 2015. Enkel recently gave notice and ceased their lease as of 5 November 2017, inclusive of disconnecting the electricity and internet.

The Town's Community Development team has experienced rapid expansion over the past year and a half, resulting in staff exceeding office space / desks. The team has also undergone a cultural and operational transformation towards Asset Based Community Development and partnership approach. There is a genuine need and desire for the Community Development team to have a street level interface with the local community and to be easily available.

With Enkel vacating the premises, an opportunity is now available for the Community Development team to be the primary tenant at 874 Albany Highway on a temporary basis. This would be achieved through three to four hot desks; and a meeting space.

The Customer Service team will have a team member present on site to:

- provide direct customer service to community members;*
- provide facilities and service for the paying of bills, dog registration etc;*
- to have a presence within the community;*
- be brand ambassadors for the Town; and*
- reduce the requirement for community members to travel to Admin building, 99 Shepperton Road.*

The 'main room' will be available for community use / hire.

Phase one renewal works include:

- internal painting*
- office fit out*
- air conditioning*
- flooring*
- other capital works items as they are identified.*

It is requested that \$17,000 is allocated towards Capital works and \$5,000 is allocated towards operational costs for the set up of the Pop-Up Hive.

CONCLUSION:

The Financial Activity Statement Report – 30 October, complies with the requirements of Regulation 34 (Financial activity statement report) of the *Local Government (Financial Management) Regulations 1996*. The budget amendment requests complies with the requirements of the *Local Government Act 1995 Section 6.8*. It is therefore recommended that the Financial Activity Statement Report – 30 October be accepted, and the budget amendments be approved.

RECOMMENDATION/S:

That Council:

1. Pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, accepts the Financial Activity Statement Report – 30 October 2017 as attached to, and forming part of, this report.
2. By an Absolute Majority, pursuant to Section 6.8 of the *Local Government Act 1995*, amends the 2017-2018 Annual budget as follows:

Increase Capital Expenditure	
Renew Building – 874 Albany Highway	\$17,000
Increase Operating Expenditure	
Assets – Property (W14)	\$ 5,000
Decrease Operating Expenditure	
Service - Project Management Consultancy (W1901)	\$15,000
Decrease Operating Expenditure	
Programs – Access Inclusions and Seniors (W838)	\$ 7,000

To facilitate minor renewal works of 874 Albany Highway to create a Pop-up Hive for the Community Development team.

(Absolute Majority Required)



Financial Activity Statement Report

For the month ended 30 October 2017



Contents

Statement of Financial Activity Variances

Proposed Budget Amendments

Accounting Notes

Business Unit Definitions

Statement of Financial Activity

Net Current Funding Position

Cash and Cash Investments

Receivables (Rates and Sundry Debtors)

Grants and Contributions

Reserve Funds

Capital Items

Statement of Financial Activity Variances

Material Variances Defined

For the purposes of reporting the material variances in the Statement of Financial Activity (by Business Unit) (as contained in this document), the following indicators, as resolved, have been applied –

Revenues (Operating and Non-Operating)

Business Unit material variances will be identified where, for the period being reviewed, the actual varies to budget by an amount of (+) or (-) \$25,000 and, in these instances, an explanatory comment will be provided.

Expenses (Operating, Capital and Non-Operating)

Business Unit material variances will be identified where, for the period being reviewed, the actual varies to budget by an amount of (+) or (-) \$25,000 and, in these instances, an explanatory comment will be provided.

Before commenting on each of the specific material variances identified it is important to note that, whilst many accounts will influence the overall variance, only those accounts within the affected Business Unit that significantly contribute to the variance will be highlighted.

For the purposes of explaining each variance, a multi-part approach has been taken. The parts are –

1. Period Variation – Relates specifically to the value of the variance between the Budget and Actual figures for the period being reviewed.
2. Primary Reason – Explains the primary reasons for the period variance. As the review is aimed at a higher level analysis, only major contributing factors are reported.
3. Budget Impact – Forecasts the likely \$ impact on the year end surplus or deficit position. It is important to note that values in this part are indicative only at the time of reporting, for circumstances may subsequently change.

Material Variances Explained

As shown in the in the Statement of Financial Activity (contained within this document), the following variances have been identified -

Revenue

Community Life

- **Aqualife**
 - The period variation is down on the period budget by \$33,668.
 - The variation is predominantly due to lower than expected swimming attendances during August and September 2017.
 - The estimated impact on the yearend position is a reduction in revenue of \$50,000.

Operating Expense

Chief Executive Office

- **Communications**

- The period variation is up on the period budget by \$44,395.
- The variation is predominantly due to staff vacancies within the area.
- The estimated impact on the yearend position is a reduction in expenses of \$40,000.

- **Project Management**

- The period variation is up on the period budget by \$52,597.
- The variation is predominantly due to staff vacancies within the area.
- The estimated impact on the yearend position is a reduction in expenses of \$40,000.

Business Life

- **Parking Management**

- The period variation is up on the period budget by \$41,384.
- The variation is predominantly due to staff vacancies within the area.
- The estimated impact on the yearend position is a reduction in expenses of \$30,000.

Capital Expense

Renew Life

- **Street Operations**

- The period variation is up on the period budget by \$182,355.
- The variation is predominantly a result of minor delays in capital projects.
- The estimated impact on the yearend position is nil as this is a budget timing variance.

Non-Operating Revenue

No material variance to report

Non-Operating Expenses

No material variance to report

Proposed Budget Amendments

Reallocate budget funds to facilitate minor renewals of 874 Albany Highway to create a Pop-up Hive for the Community Development team.

The Manager Community has submitted the following:

Enkel Co. have held a month by month lease at 874 Albany Highway valued at \$1 per annum, since 1 August 2015. Enkel recently gave notice and ceased their lease as of 5 November 2017, inclusive of disconnecting the electricity and internet.

The Town's Community Development team has experienced rapid expansion over the past year and a half, resulting in staff exceeding office space/ desks. The team has also undergone a cultural and operational transformation towards Asset Based Community Development and partnership approach. There is a genuine need and desire for the Community Development team to have a street level interface with the local community and to be easily available.

With Enkel vacating the premises, an opportunity is now available for the Community Development team to be the primary tenant at 874 Albany Highway on a temporary basis. This would be achieved through three to four hot desks; and a meeting space.

The Customer Service team will have a team member present on site to:

- *provide direct customer service to community members;*
- *provide facilities and service for the paying of bills, dog registration etc;*
- *to have a presence within the community;*
- *be brand ambassadors for the Town; and*
- *reduce the requirement for community members to travel to Admin building, 99 Shepperton Highway.*

The 'main room' will be available for community use/ hire.

Phase one capital works include:

- *internal painting*
- *office fit out*
- *split systems*
- *flooring*
- *other capital works items as they are identified.*

It is requested that \$17,000 is allocated towards Capital works and \$5,000 is allocated towards operational costs for the setup of the Pop-Up Hive.

Accounting Notes

Significant Accounting Policies

The significant accounting policies that have been adopted in the preparation of this document are:

(a) Basis of Preparation

The document has been prepared in accordance with applicable Australian Accounting Standards (as they apply to local government and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations.

The document has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

(b) The Local Government Reporting Entity

All Funds through which the Council controls resources to carry on its functions have been included in this document.

In the process of reporting on the local government as a single unit, all transactions and balances between those Funds (for example, loans and transfers between Funds) have been eliminated.

(c) 2017- 2018 Actual Balances

Balances shown in this document as 2017 - 2018 Actual are subject to final adjustments.

(d) Rounding Off Figures

All figures shown in this document, other than a rate in the dollar, are rounded to the nearest dollar.

(e) Rates, Grants, Donations and Other Contributions

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

(f) Superannuation

The Council contributes to a number of Superannuation Funds on behalf of employees. All funds to which the Council contributes are defined contribution plans.

(g) Goods and Services Tax

Revenues, expenses and assets capitalised are stated net of any GST recoverable. Receivables and payables in the statement of financial position are stated inclusive of applicable GST. The net amount of GST recoverable from, or payable to, the ATO is included with receivables on payables in the statement of financial position. Cash flows are presented on a Gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

(h) Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, cash at bank, deposits held at call with banks, other short term highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and that are subject to an insignificant risk of changes in value and bank overdrafts. Bank overdrafts are shown as short term borrowings in current liabilities.

(i) Trade and Other Receivables

Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

(j) InventoriesGeneral

Inventories are measured at the lower of cost and net realisable value. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Land Held for Resale

Land purchased for development and/or resale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed.

Revenue arising from the sale of property is recognised as at the time of signing an unconditional contract of sale. Land held for resale is classified as current except where it is held as non-current based on Council's intentions to release for sale.

(k) Fixed Assets

Each class of fixed asset is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

Initial Recognition

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost, or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Council includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to the Council and the cost of the item can be measured reliably. All other repairs and maintenance are recognised as expenses in the period in which they are incurred.

Revaluation

Certain asset classes may be re-valued on a regular basis such that the carrying values are not materially different from fair value. For infrastructure and other asset classes, where no active market exists, fair value is determined to be the current replacement cost of an asset less, where applicable, accumulated depreciation calculated on the basis of such cost to reflect the already consumed or expired future economic benefits of the asset. Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases of the same asset are recognised against revaluation surplus directly in equity; all other decreases are recognised in profit or loss. Any accumulated depreciation at the date of revaluation is eliminated against the gross carrying amount of the asset and the net amount is restated to the re-valued amount of the asset.

Those assets carried at a re-valued amount, being their fair value at the date of revaluation less any subsequent accumulated depreciation and accumulated impairment losses, are to be re-valued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

Land Under Roads

In Western Australia, all land under roads is Crown land, the responsibility for managing which, is vested in the local government. Council has elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16 (a) (i) prohibits local governments from recognising such land as an asset. In respect of land under roads acquired on or after 1 August 2008, as detailed above, Local Government (Financial Management) Regulation 16 (a) (i) prohibits local governments from recognising such land as an asset.

Whilst such treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4 (2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail. Consequently, any land under roads acquired on or after 1 September 2008 is not included as an asset of the Council.

Depreciation of Non-Current Assets

All non-current assets having a limited useful life (excluding freehold land) are systematically depreciated over their useful lives in a manner that reflects the consumption of the future economic benefits embodied in those assets. Assets are depreciated from the date of acquisition or, in respect of internally constructed assets, from the time the asset is completed and held ready for use. Depreciation is recognised on a straight-line basis, using rates that are reviewed each reporting period. Major depreciation periods are:

Furniture and Equipment		5 – 10 years
Plant and Machinery		2 – 10 years
Sealed Roads	- Clearing and Earthworks	Not depreciated
	- Construction and Road Base	5 – 80 years
	- Original Surface / Major Resurface	5 – 80 years
Drainage		5 – 80 years
Pathways		5 – 80 years
Parks and Reserves		5 – 80 years

Asset residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period. An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount. Gains and losses on disposals are determined by comparing proceeds with the carrying amount. When revalued assets are sold, amounts included in the revaluation surplus relating to that asset are transferred to retained earnings.

Capitalisation Threshold

Expenditure on capital items under \$2,000 is not individually capitalised. Rather, it is recorded on an Asset Low Value Pool listing.

(I) Financial Instruments

Initial Recognition and Measurement

Financial assets and financial liabilities are recognised when the Council becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Council commits itself to either the purchase or sale of the asset (i.e. trade date accounting is adopted). Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit or loss', in which case transaction costs are expensed to profit or loss immediately.

Classification and Subsequent Measurement

Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method or cost. Fair value represents the amount for which an asset could be exchanged or a liability settled, between knowledgeable, willing parties. Where available, quoted prices in an active market are used to determine fair value. In other circumstances, valuation techniques are adopted.

Amortised cost is calculated as:

- a. the amount in which the financial asset or financial liability is measured at initial recognition;
- b. less principal repayments;
- c. plus or minus the cumulative amortisation of the difference, if any, between the amount initially recognised and the maturity amount calculated using the effective interest rate method; and
- d. less any reduction for impairment.

The effective interest method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.

Financial assets at fair value through profit and loss

Financial assets at fair value through profit or loss are financial assets held for trading. A financial asset is classified in this category if acquired principally for the purpose of selling in the short term. Derivatives are classified as held for trading unless they are designated as hedges. Assets in this category are classified as current assets.

Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Loans and receivables are included in current assets where they are expected to mature within 12 months after the end of the reporting period.

Held-to-maturity investments

Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments that the Council's management has the positive intention and ability to hold to maturity. They are subsequently measured at amortised cost. Held-to-maturity investments are included in current assets where they are expected to mature within 12 months after the end of the reporting period. All other investments are classified as non-current. They are subsequently measured at fair value with changes in such fair value (i.e. gains or losses) recognised in other comprehensive income (except for impairment losses). When the financial asset is derecognised, the cumulative gain or loss pertaining to that asset previously recognised in other comprehensive income is reclassified into profit or loss.

Available-for-sale financial assets

Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.

They are subsequently measured at fair value with changes in such fair value (i.e. gains or losses) recognised in other comprehensive income (except for impairment losses). When the financial asset is derecognised, the cumulative gain, or loss, pertaining to that asset previously recognised in other comprehensive income is reclassified into profit or loss. Available-for-sale financial assets are included in current assets, where they are expected to be sold within 12 months after the end of the reporting period. All other financial assets are classified as non-current.

Financial liabilities

Non-derivative financial liabilities (excluding financial guarantees) are subsequently measured at amortised cost.

Impairment

At the end of each reporting period, the Council assesses whether there is objective evidence that a financial instrument has been impaired. In the case of available-for-sale financial instruments, a prolonged decline in the value of the instrument is considered to determine whether impairment has arisen. Impairment losses are recognised in profit or loss. Any cumulative decline in fair value is reclassified to profit or loss at this point.

Derecognition

Financial assets are derecognised where the contractual rights for receipt of cash flows expire or the asset is transferred to another party, whereby the Council no longer has any significant continual involvement in the risks and benefits associated with the asset.

Financial liabilities are derecognised where the related obligations are discharged, cancelled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.

(m) Impairment

In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired. Where such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount.

Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss, unless the asset is carried at a revalued amount in accordance with another standard (e.g. AASB 116). For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset. At the time of adopting the Annual Budget, it was not possible to estimate the amount of impairment losses (if any) as at 30 June 2018. In any event, an impairment loss is a non-cash transaction and consequently, has no impact on the Annual Budget.

(n) Trade and Other Payables

Trade and other payables represent liabilities for goods and services provided to the Council prior to the end of the financial year that are unpaid and arise when the Council becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured and are usually paid within 30 days of recognition.

(o) Employee Benefits

Provision is made for the Council's liability for employee benefits arising from services rendered by employees to the end of the reporting period. Employee benefits that are expected to be settled within one year have been measured at the amounts expected to be paid when the liability is settled.

Employee benefits payable later than one year have been measured at the present value of the estimated future cash outflows to be made for those benefits. In determining the liability, consideration is given to employee wage increases and the probability that the employee may not satisfy vesting requirements. Those cash flows are discounted using market yields on national government bonds with terms to maturity that match the expected timing of cash flows.

(p) Borrowing Costs

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset.

(q) Provisions

Provisions are recognised when:

- a. The Council has a present legal or constructive obligation as a result of past events;
- b. for which it is probable that an outflow of economic benefits will result; and
- c. that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

(r) Current and Non-Current Classification

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where the Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for resale where it is held as non-current based on the Council's intentions to release for sale.

(s) Comparative Figures

Where required, comparative figures have been adjusted to conform to changes in presentation for the current reporting period.

(t) Budget Comparative Figures

Unless otherwise stated, the Budget comparative figures shown in this Budget document relate to the original Budget estimate for the relevant item of disclosure.

Business Unit Definitions

The Town operations, as disclosed in this report, encompass the following service-oriented Business Units –

Chief Executive Office

Chief Executive Office

The Chief Executive Office area includes the responsibility for core organisational services, leadership and strategic direction of the Town.

Communications

The Communications area supports project teams within the organisation on issues relating to community engagement, marketing, media relations and branding. The area also develops and manages materials relating to the image and reputation of the Town.

Governance

Governance deals with the values, policies and procedures the Council and staff members adopt to provide ethical, transparent and accountable local government.

Human Resources and Organisational Development

The Human Resources and Organisational Development area coordinates all aspects of Human Resources including workforce planning, recruitment, selection and payroll. In addition it is responsible for change management initiatives and the coordination of business planning and performance management. It also manages the coordination of Occupational Safety and Health responsibilities.

Project Management

The Project Management area oversees project management and development in the organisation. It provides management support to internal officers and works collaboratively to deliver major projects to the Council by implementing the necessary standards and procedures. Its secondary function is to provide standardised project reporting to elected members and senior management – in this sense the unit operates as the eyes and ears of management and can alert them to risk and issues early to allow timely interventions to be made.

Business Life Program

Business Life Program (BLP) Administration

This Business Unit includes the administration of the Director of the Business Life Program, including specialist programs and projects relating to the Business Life Program.

Budgeting

The Budgeting area includes the administration of non-cash expenditure and revenue associated with local government accounting requirements, including profit and loss and depreciation.

Business Development

Business Development is an externally focussed Business Unit concentrating on the development of the local economy, in conjunction with local businesses, as well as the generation of revenue from funding sources outside of the District.

Corporate Funds

The Corporate Funds area includes loans, reserve funds, restricted funds, rate revenue and corporate grant funding.

Customer Relations

The Customer Relations team aims to provide a consistent high level of customer service that is professional and friendly. The focus is to simplify processes and make interaction with the Town easy.

Finance

The Finance area includes the administration and operation of all corporate finance related matters, including cash receipting, billing, and investment of funds, payment of creditors, and the corporate finance systems.

Information and Communication Technology (ICT) Services

The ICT Services area includes the provision, operation and maintenance of the corporate computer systems, including software management, hardware management, printing and consumables, telephones and communications networks, and also includes the provision and maintenance of the Corporate Records System.

Parking

Parking is responsible for the management, and safe use, of parking in the District.

Regulatory Services

Regulatory Services combines the Environmental Health, Rangers and Parking areas. The Environmental Health area includes the administration, inspection and operations of programs concerned with the general health of the community and includes the provision of immunisation programs, inspection and licencing of food premises and conducting preventative service programs. The Rangers and Parking area includes the administration and operation of fire prevention services, animal control, enforcement of local laws and vehicle impoundment.

Community Life Program

Community Life Program (CLP) Administration

This Business Unit includes the administration of the Director of the Community Life Program, including specialist programs and projects relating to the Community Life Program.

Active Life

Active Life aims to improve the community's wellbeing through the provision of health related community based programs and activities.

Aqualife

Aqualife aims to improve the community's wellbeing by increasing participation rates in physical activity and leisure interest activities at the Town's Aquatic Facilities. A wide range of program options are offered, which include Learn to Swim programs, recreational swimming, organised swimming and health and fitness services.

Digital Hub

The Digital Hub provides free computer courses and online training for the local community, not-for-profit organisations and businesses. Residents are able to participate in friendly, interactive training sessions to learn how to access and explore the online world.

Lifelong Learning

The Lifelong Learning area provides local history and library services to engage the community with opportunities to explore ideas, interact with others, discover the Town's history and become lifelong learners.

Neighbourhood Enrichment

The Neighbourhood Enrichment area aims to foster the enrichment of people, place and participation through community and cultural engagement.

Sporting Life

Sporting Life aims to increase participation in physical activity and improve the community's wellbeing by providing contemporary facilities, organised sport and community programs.

Future Life and Built Life Programs

Future Life and Built Life Program (FLBLP) Administration

This Business Unit includes the administration of the Director of the Future Life and Built Life Programs, including specialist programs and projects relating to the Future Life and Built Life Programs.

Future Life Program

Strategic Planning

The Strategic Planning Business Unit includes both Strategic Planning and Strategic Asset Planning. Strategic Planning aims to provide an integrated comprehensive direction for the future development of the Town. Strategic Asset Planning aims to optimise the sustainable use of the Town's assets.

Strategic Projects

Strategic Projects aims to implement projects to achieve the desired future character of the Town.

Built Life Program

Building

Building aims to ensure buildings are safe, liveable, accessible and sustainable, and meet statutory requirements.

Urban Planning

Urban Planning seeks to enhance our unique character by promoting the development of a high quality built environment and liveable, vibrant streetscapes.

Renew Life Program

Renew Life Program (RLP) Administration

This Business Unit includes the administration of the Director of the Renew Life Program, including specialist programs and projects relating to the Renew Life Program.

Asset Management

Asset Management aims to effectively manage, maintain and renew the Town's assets.

Fleet Management

Fleet Management aims to improve and provide fleet and plant management services that are delivered to a standard that meets community expectations and contributes to a vibrant lifestyle within the Town.

Parks

The Parks area aims to ensure the parks and natural areas are provided to the best standard, and that the Town's streetscapes are safe, clean and attractive.

Street Improvement

The Street Improvement area manages the Town's public assets to a standard that creates the foundation for vibrancy and a quality lifestyle.

Street Operations

Street Operations provides the maintenance and construction services related to street infrastructure.

Waste

Waste provides the ongoing services related to the waste collection, minimisation and disposal in a sustainable manner.



*Statement of Financial Activity
For the period 1 July 2017 to 31 October 2017*

Particulars	\$	Material Variance		31 October 2017		
		\$	%	Revised Budget	Year-to-Date Budget	Year-to-Date Actual
				\$	\$	\$
Revenue						
Chief Executive Office				101,000	3,680	1,684
Chief Executive Office				0	0	350
Communications				1,000	320	24
Governance				0	0	960
Human Resources				10,000	3,360	350
Project Management				90,000	0	0
Business Life				50,004,200	46,118,150	46,134,811
BLP Administration				1,000	320	5,672
Budgeting				20,800	6,960	0
Business Development				0	0	0
Corporate Funds				46,203,800	44,356,490	44,356,268
Customer Relations				0	0	0
Finance				742,900	594,280	611,495
ICT Services				13,000	4,320	625
Parking Management				2,629,000	876,400	901,267
Regulatory Services				393,700	279,380	259,483
Community Life				5,183,600	1,614,748	1,605,662
CLP Administration				500	160	866
Active Life				25,000	8,320	11,176
Aqualife	33,668	▼	4.9%	2,518,700	688,170	654,502
Digital Hub				1,900	680	327
Lifelong Learning				36,900	12,360	10,758
Neighbourhood Enrichment				365,100	125,160	147,907
Sporting Life				2,235,500	779,898	780,126
Future Life / Built Life				651,400	277,200	287,748
FLBLP Administration				0	0	350
Building				361,000	120,360	116,524
Strategic Planning				700	240	146
Strategic Projects				0	0	0
Urban Planning				289,700	156,600	170,727
Renew Life				6,812,200	4,910,464	4,944,569
RLP Administration				3,516,500	3,505,520	3,500,350
Asset Management				153,000	101,120	115,572
Fleet Management				0	0	5,955
Parks				247,500	15,880	24,127
Street Improvement				38,000	8,126	26,336
Street Operations				1,966,200	562,818	543,883
Waste				891,000	717,000	728,345
Total Revenue				62,752,400	52,924,242	52,974,474



Statement of Financial Activity
For the period 1 July 2017 to 31 October 2017

Particulars	\$	Material Variance		31 October 2017		
				Revised Budget	Year-to-Date Budget	Year-to-Date Actual
		%	\$	\$	\$	
Operating Expense						
Chief Executive Office			(4,329,700)	(1,357,972)	(1,271,572)	
Chief Executive Office			(1,010,800)	(362,820)	(375,891)	
Communications	44,395	▼	17%	(826,800)	(265,315)	(220,920)
Governance				(484,400)	(165,453)	(180,948)
Human Resources				(1,055,300)	(351,772)	(333,797)
Project Management	52,597	▼	25%	(952,400)	(212,612)	(160,015)
Business Life				(16,835,523)	(2,901,372)	(2,851,706)
BLP Administration				(571,623)	(190,552)	(191,069)
Budgeting				(7,706,800)	(13,928)	0
Business Development				(239,000)	(59,672)	(42,358)
Corporate Funds				(542,300)	(59,768)	(49,757)
Customer Relations				(887,100)	(295,700)	(280,326)
Finance				(1,188,000)	(396,004)	(418,638)
ICT Services				(2,260,200)	(773,404)	(786,873)
Parking Management	41,384	▼	6%	(2,131,200)	(680,408)	(639,024)
Regulatory Services				(1,309,300)	(431,936)	(443,660)
Community Life				(10,213,000)	(3,198,122)	(3,173,461)
CLP Administration				(882,500)	(254,168)	(249,234)
Active Life				(284,300)	(83,956)	(78,149)
Aqualife				(2,911,280)	(899,304)	(886,788)
Digital Hub				(175,800)	(58,612)	(51,349)
Lifelong Learning				(1,158,800)	(386,276)	(406,270)
Neighbourhood Enrichment				(2,032,000)	(585,668)	(577,654)
Sporting Life				(2,768,320)	(930,138)	(924,018)
Future Life / Built Life				(3,043,000)	(869,096)	(840,268)
FLBLP Administration				(703,100)	(214,372)	(205,297)
Building				(481,300)	(177,304)	(172,530)
Strategic Planning				(804,700)	(166,112)	(146,086)
Strategic Projects				0	0	(7,093)
Urban Planning				(1,053,900)	(311,308)	(309,263)
Renew Life				(22,551,400)	(8,133,776)	(8,117,278)
RLP Administration				(4,282,800)	(3,024,800)	(3,009,012)
Asset Management				(3,666,000)	(1,226,752)	(1,214,659)
Fleet Management				0	(9,996)	(30,191)
Parks				(4,424,500)	(1,024,368)	(1,011,077)
Street Improvement				(1,285,800)	(413,981)	(419,290)
Street Operations				(2,641,200)	(800,167)	(810,627)
Waste				(6,251,100)	(1,633,712)	(1,622,423)
Total Operating Expense				(56,972,623)	(16,460,338)	(16,254,285)



*Statement of Financial Activity
For the period 1 July 2017 to 31 October 2017*

Particulars	Material Variance		31 October 2017			
	\$	%	Revised Budget \$	Year-to-Date Budget \$	Year-to-Date Actual \$	
Capital Expense						
Chief Executive Office			0	0	0	
Chief Executive Office			0	0	0	
Communications			0	0	0	
Governance			0	0	0	
Human Resources			0	0	0	
Project Management			0	0	0	
Business Life			(1,437,600)	(175,000)	(189,338)	
BLP Administration			0	0	0	
Budgeting			0	0	0	
Business Development			0	0	0	
Corporate Funds			0	0	0	
Customer Relations			0	0	0	
Finance			0	0	0	
ICT Services			(1,045,700)	(175,000)	(189,338)	
Parking Management			(391,900)	0	0	
Regulatory Services			0	0	0	
Community Life			(33,000)	(11,000)	(8,091)	
CLP Administration			0	0	0	
Active Life			0	0	0	
Aqualife			(23,000)	(11,000)	(8,091)	
Digital Hub			0	0	0	
Lifelong Learning			0	0	0	
Neighbourhood Enrichment			(10,000)	0	0	
Sporting Life			0	0	0	
Future Life / Built Life			0	0	0	
FLBLP Administration			0	0	0	
Building			0	0	0	
Strategic Planning			0	0	0	
Urban Planning			0	0	0	
Renew Life			(15,438,100)	(2,842,542)	(2,642,973)	
Asset Management			(4,272,200)	(928,989)	(916,989)	
Fleet Management			(1,107,000)	(288,300)	(272,250)	
Parks			(3,547,600)	(73,200)	(84,037)	
Street Improvement			0	0	0	
Street Operations	182,355	▼	12%	(6,500,300)	(1,552,053)	(1,369,698)
Waste			(11,000)	0	0	
Total Capital Expense			(16,908,700)	(3,028,542)	(2,840,402)	



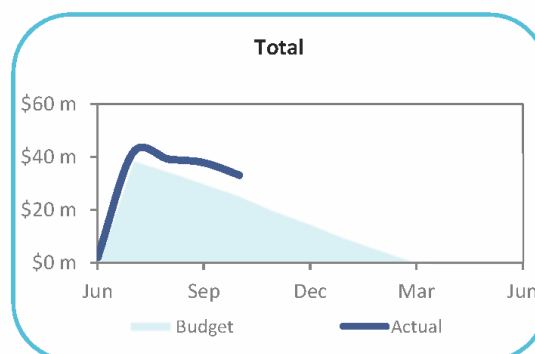
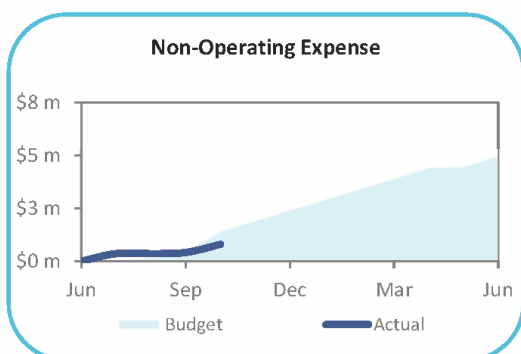
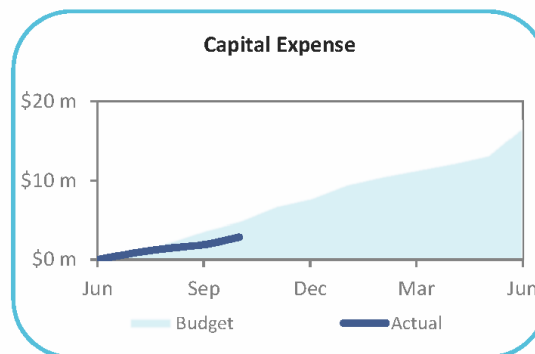
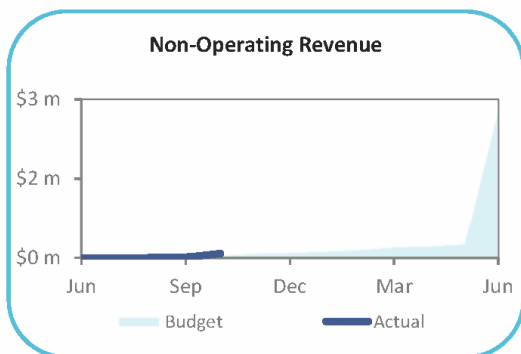
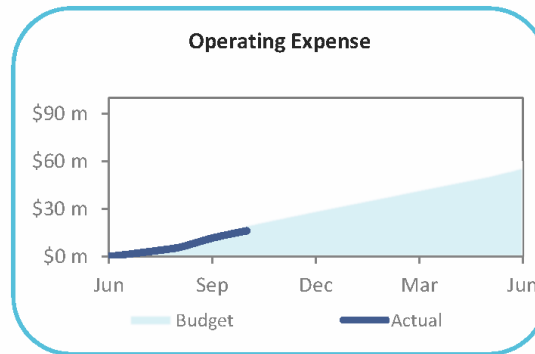
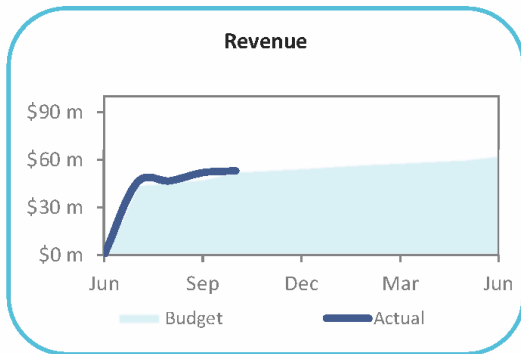
*Statement of Financial Activity
For the period 1 July 2017 to 31 October 2017*

Particulars	\$	Material Variance %	Revised Budget \$	31 October 2017	
				Year-to-Date Budget \$	Year-to-Date Actual \$
Non-Operating Revenue					
Business Life			2,678,800	0	0
Corporate Funds			2,678,800	0	0
Renew Life			293,000	80,000	83,406
Fleet Management			293,000	80,000	83,406
Total Non-Operating Revenue			2,971,800	80,000	83,406
Non-Operating Expense					
Business Life			(5,068,700)	(780,000)	(796,506)
Corporate Funds			(5,068,700)	(780,000)	(796,506)
Total Non-Operating Expense			(5,068,700)	(780,000)	(796,506)
Non-Cash Items Adjustments					
Profit and Loss			0	0	0
Depreciation			7,936,000	2,645,328	0
Total Non-Cash Items Adjustments			7,936,000	2,645,328	0
Suspense Items Yet To Be Applied				0	97,511
Opening Surplus / (Deficit)			5,289,823	5,289,823	6,689,971
Closing Surplus / (Deficit)			0	40,670,513	39,954,169



Statement of Financial Activity
For the period 1 July 2017 to 31 October 2017

Graphical Representation





Net Current Funding Position
For the period 1 July 2017 to 31 October 2017

Particulars	Brought Forward 1 July \$	2017-2018 Revised Budget \$	Year To Date Actual \$
Current Assets			
Cash - Unrestricted	10,533,455	4,080,896	31,211,305
Cash - Reserves / Restricted	24,441,643	25,249,343	24,442,390
Receivables and Accruals	4,532,901	2,000,000	18,718,704
Inventories	6,978	10,000	6,978
Land Held for Sale	479,097	509,104	479,097
	39,994,075	31,849,343	74,858,475
Less Current Liabilities			
Payables and Provisions	(8,862,461)	(6,600,000)	(10,461,916)
	(8,862,461)	(6,600,000)	(10,461,916)
Net Current Asset Position	31,131,614	25,249,343	64,396,559
Less			
Cash - Reserves / Restricted	(24,441,643)	(25,249,343)	(24,442,390)
Estimated Surplus / (Deficiency) Carried Forward	6,689,971	-	39,954,169



*Cash and Cash Investments
For the month ended 31 October 2017*

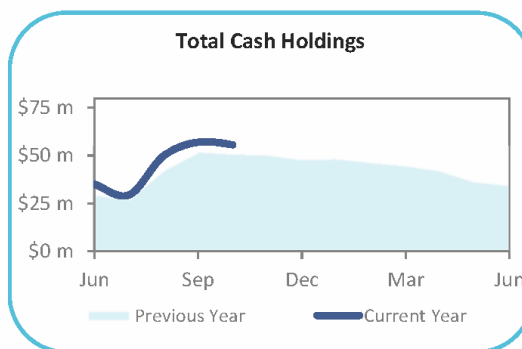
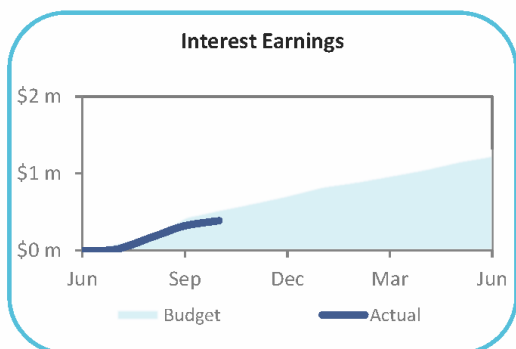
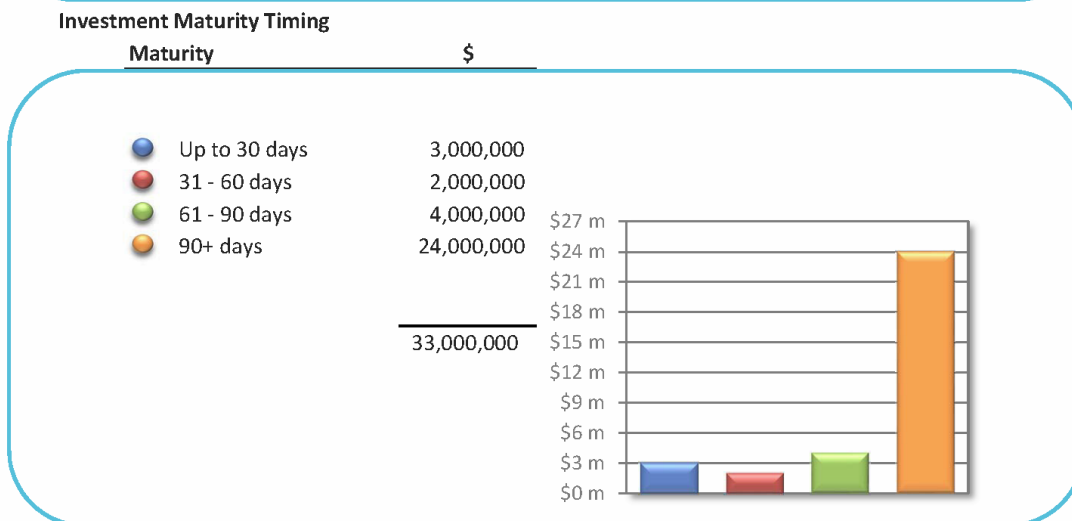
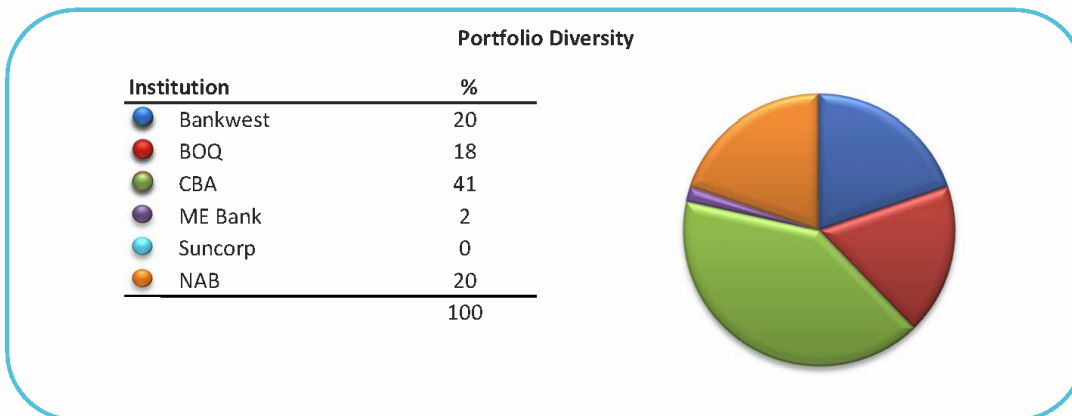
Cash and Investments Analysis

	Amount Invested \$	Interest Rate %	Term (Days)	Maturity Date	Projected Earnings \$	Percentage of Portfolio
Cash - Unrestricted						
Bankwest	6,000,000				41,408	11%
4632788	2,000,000	2.35	62	14 Nov 17	7,984	
4637718	4,000,000	2.50	122	29 Jan 18	33,425	
CBA	16,202,300				13,264	29%
At Call	16,202,300	Variable	11am	Daily	13,264	
ME Bank	1,000,000				10,411	2%
27391	1,000,000	2.50	152	12 Feb 17	10,411	
NAB	8,000,000				94,340	14%
36-264-3003	3,000,000	2.55	180	12 Mar 18	37,726	
36-280-8525	3,000,000	2.56	210	11 Apr 18	44,186	
36-294-1908	2,000,000	2.52	90	12 Dec 17	12,427	
Total Cash - Unrestricted	31,202,300				159,423	56%
Cash - Restricted						
CBA	6,442,390				247	12%
At Call	6,442,390	Variable	11am	Daily	247	
Bankwest	5,000,000				92,808	9%
4615238	5,000,000	2.50	271	23 Apr 18	92,808	
NAB	3,000,000				68,630	5%
97-887-7369	3,000,000	2.50	334	25 Jun 18	68,630	
BOQ	10,000,000				224,129	18%
026499	7,000,000	2.60	336	27 Jun 18	167,540	
027704	3,000,000	2.55	270	26 Jun 18	56,589	
Total Cash - Restricted	24,442,390				385,814	44%
Total Cash - Invested	55,644,691				545,237	100%
Cash on Hand	9,105					
Total Cash	55,653,796					



Cash and Cash Investments
For the month ended 31 October 2017

Cash and Investments Analysis

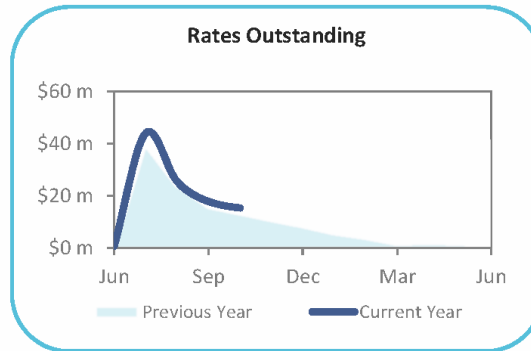




Receivables (Rates and Sundry Debtors)
For the month ended 31 October 2017

Rates Outstanding (Not Including Deferrals or Associated Fees and Charges)

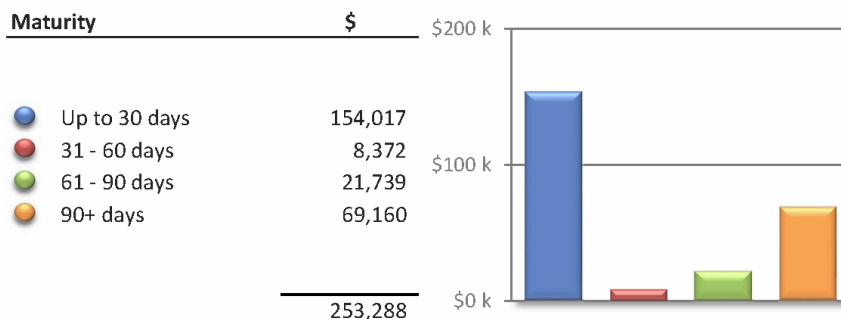
	Total
Balance from Previous Year	821,508
Rates Levied - Initial	0
Rates Levied - Interims	<u>44,127,074</u>
Total Rates Collectable	44,948,581
Current Rates Collected To Date	30,442,978
Current Rates Outstanding	14,505,603
% Rates Outstanding	32.3%



Sundry Debtors

Type	Total	30 Days	60 Days	90 Days	90+ Days
Grants and Subsidies	23,225	22,975	-	250	-
Property Rent	87,439	37,410	821	705	48,503
Aqualife Fees	28,441	25,909	1,707	-	825
Leisurelife Fees	26,656	23,605	1,984	345	722
Community Life Fees	12,269	9,436	-	280	2,554
Health Fees	28,555	4,588	3,860	19,103	1,004
Other Fees and Charges	24,988	8,378	-	1,056	15,554
Long Service Leave From Councils	399	399	-	-	-
Building and Planning Application Fees	21,317	21,317	-	-	(0)
Total Sundry Debtors	253,288	154,017	8,372	21,739	69,160

Sundry Debtor Aged Analysis





Grants and Contributions
For the month ended 31 October 2017

Grants and Contributions

Details	Original Budget	Revised Budget	Receipt Status	
	\$	\$	Invoiced	Remaining
Corporate Funds				
Federal Assistance	750,000	750,000	87,308	662,693
Federal Local Road	330,000	330,000	43,297	286,703
Lifelong Learning				
Book Council Grants - Local History	2,000	2,000	-	2,000
State Government Grants - Lifelong	2,000	2,000	1,000	1,000
State Government Grants - Adult Programs	2,000	2,000	-	2,000
Book Council Grants - Young People Services	3,600	3,600	-	3,600
Neighbourhood Enrichment				
Federal Gov Grants Access Inclusion & Seniors	4,500	200	-	200
Sponsorship Creative Arts	4,500	13,000	-	13,000
State Government Grants Cultural Engagement	20,000	1,000	-	1,000
State Government Grants Families and Youth	50,000	5,000	-	5,000
Lotterywest Grants Events and Volunteers	20,000	20,000	-	20,000
Sponsorship Events and Volunteers	14,000	2,000	-	2,000
State Gov Grants Neighbourhood Enrichment	4,500	35,000	10,000	25,000
State Gov Grants Information and Donations	4,500	-	-	-
Crime Prevention Grants Safer Neighbourhoods	20,000	5,000	-	5,000
Parks				
State Government Grant - Recreational	200,000	200,000	-	200,000
Street Operations				
MRWA Direct Road Grants	62,400	62,400	47,552	14,848
Street Lighting Subsidy	1,000	1,000	-	1,000
MRRG Road Rehabilitation Grants	180,000	180,000	76,640	103,360
MRWA Black Spot Grants	675,000	675,000	185,302	489,698
MRWA Other Grants	280,000	280,000	123,466	156,534
Transport Authority Grants	90,000	90,000	18,000	72,000
Transport Grants	285,700	285,700	-	285,700
State Government Grant	70,000	280,000	75,000	205,000
Total Cash Deposits	3,075,700	3,224,900	667,564	2,557,336



Reserve Funds Descriptions

The purposes for which funds have been set aside by Council, in Reserve Funds, are outlined below -

Building Renewal

To be used to fund renewal projects associated with Council's Building assets.

Community Art

To be used to fund the purchase and placement of art for the Council and Community.

Drainage Renewal

To be used to fund renewal projects associated with Council's Drainage infrastructure.

Edward Millen Site

To be used to assist in improving and / or maintaining the Edward Millen site, including the associated grounds.

Furniture and Equipment Renewal

To be used to fund renewal projects associated with Council's Furniture and Equipment assets.

Future Fund

To assist in funding projects and property purchases that diversify Council's revenue streams.

Future Projects

To assist in funding 'new' and 'upgrade' capital projects, with funding primarily derived from the sale of land assets.

Harold Hawthorne - Carlisle Memorial

To be used to provide funds to assist in conducting future Spring Garden Competitions.

Information Technology Renewal

*To be used to fund renewal projects associated with Council's information technology assets.
significant insurance claims.*

Insurance Risk Reserve

To be used for the purpose of meeting the difference between premiums and claims in the event of any significant insurance claims.

Other Infrastructure Renewal

To be used to fund renewal projects associated with Council's Other infrastructure.

Parks Renewal

To be used to fund renewal projects associated with Council's Parks infrastructure.

Pathways Renewal

To be used to fund renewal projects associated with Council's Pathways infrastructure

Plant and Machinery Renewal

To be used to assist in the acquisition and replacement of the Town's Plant and Machinery.



*Reserve Funds
For the month ended 31 October 2017*

Renewable Energy

To assist in investigating and funding renewable energy projects within the District.

Roads Renewal

To be used to fund renewal projects associated with Council's Roads Infrastructure

Underground Power

To assist in the funding of projects associated with the installation of underground power and associated landscaping.

Waste Management

To assist in the funding of waste management and waste minimisation strategies



*Reserve Funds
For the month ended 31 October 2017*

Reserve Funds Transactions

	Annual Opening Balance \$	Transfer to Reserve \$	Transfer from Reserve \$	31 October 2017 Balance Actual \$	Balance Budget \$	Annual Revised Budget \$
Building Renewal	400,466	12	-	400,478	400,466	418,266
Community Art	641,043	20	-	641,063	641,043	690,043
Drainage Renewal	172,720	5	-	172,725	172,720	225,920
Edward Millen Site	1,356,878	41	-	1,356,919	1,356,878	1,458,678
Furniture and Equip Renewa	558,907	17	-	558,924	558,907	599,907
Future Fund	12,332,193	377	-	12,332,570	12,332,193	13,658,793
Future Projects	1,798,878	55	-	1,798,933	1,798,878	450,178
Harold Hawthorn - Carlisle	126,430	4	-	126,434	126,430	148,630
Information Technology Ren	358,400	11	-	358,411	358,400	665,400
Insurance Risk Reserve	367,830	12	-	367,842	367,830	397,230
Other Infrastructure Renewa	574,443	17	-	574,460	574,443	615,443
Parks Renewal	261,025	8	-	261,033	261,025	46,225
Pathways Renewal	367,397	12	-	367,409	367,397	420,397
Plant and Machinery	235,342	7	-	235,349	235,342	269,342
Renewable Energy	220,980	7	-	220,987	220,980	75,380
Roads Renewal	788,737	24	-	788,761	788,737	882,337
Underground Power	2,962,799	90	-	2,962,889	2,962,799	3,241,999
Waste Management	917,175	28	-	917,203	917,175	985,175
	24,441,643	747	-	24,442,390	24,441,643	25,249,343



Capital Items

The following pages summarise the progress of the Capital Items.

For the purposes of these pages, the following indicators have been used -

Item Timing

This relates to how the item is tracking time-wise and is displayed using the following indicators -

- Behind
- On-Track
- In-Front

Budget Status

This relates to how the item is costing against the Revised Budget and is displayed using the following indicators -

- Over budget
- On budget
- Under budget

Completion Stage

This relates to where the item is currently, in terms of completion, and is displayed using the following indicators -

- Not commenced
- Commenced
- Half-way completed
- Nearing completion
- Completed



*Capital Items Progress
For the month ended 31 October 2017*

Capital Items

Particulars	Budget Status	Completion Stage	Revised Budget \$	Year-to-Date Actual \$
Buildings			4,042,200	881,476
New - Buildings				
New - Rayment Park Toilets	□	■ ■ ■ ■	42,800	0
Aqualife - Energy Efficiency Initiatives	□	■ □ □ □	100,000	0
Leisurelife - Energy Efficiency Initiatives	□	■ □ □ □	100,000	0
New Community Facility - Zone 6 - LPRP - Capital	□	■ ■ ■ □	31,900	7,307
Upgrade - Buildings				
Administration Centre - Security Card Entry Control	□	■ ■ ■ □	64,100	0
Lifelong Learning - Library Entrance Upgrade	□	□ □ □ □	95,400	0
Parking Management - Security Card Entry Control	□	□ □ □ □	2,000	0
Leisurelife - Emergency Management Switchboard	□	■ ■ ■ ■	5,000	0
Administration Centre - Accessibility	□	□ □ □ □	70,000	0
Leisurelife - Reception and Cafe Area	□	□ □ □ □	50,000	0
Police and Citizens Youth Centre (Kensington PCYC) - Swit	□	■ ■ □ □	40,000	0
Upgrade Lot 61 Lathlain Place - Zone 8 - LPRP - Capital	□	□ □ □ □	48,700	0
Renewal - Buildings				
Aqualife Centre - Pool Deck Floor (Stage 1)	□	■ ■ ■ □	434,500	111,670
Aqualife Centre - Airconditioning Replacement	□	■ ■ ■ □	33,000	0
Air Conditioning System - Council Administration - Renewal	□	■ ■ ■ □	860,200	600,097
Shepperton Road Underpass - Retiling	□	■ ■ □ □	15,000	0
Aqualife Centre - Renew Leisure Pool - Pump & Water feat	□	■ ■ ■ ■	38,000	35,950
Aqualife Centre - Replacement of Boilers	□	■ ■ ■ □	97,500	85,560
Aqualife Centre - Renew Spa Plant Room, Filter & Pipeworl	□	■ ■ ■ □	16,900	0
Aqualife Centre - Tiling of 50m Swimming Pool	□	■ □ □ □	142,500	0
Aqualife Centre - Renewal Circulation and Chemical Pumps	□	■ □ □ □	8,900	0
Aqualife Centre - Training Room Fitout	□	□ □ □ □	30,800	0
6 Kent Street - Accessibility and Internal Renewal	□	■ □ □ □	230,000	900
8 Kent Street - Accessibility and Internal Renewal	□	■ □ □ □	200,000	900
Administration Centre - Fire Panel Replacement	□	□ □ □ □	65,000	0
Aqualife Centre - Chemical Shed	□	□ □ □ □	15,000	0
Aqualife Centre - Window Tinting	□	■ □ □ □	10,000	0
Archer Street Toilets - LED Lighting	□	□ □ □ □	2,000	0
Balbuk Reserve Toilets - LED Lighting	□	□ □ □ □	2,000	0
Carlisle Reserve Clubrooms - Flooring Replacement	□	■ ■ ■ □	15,000	0
Depot Rear Shed - Roof and Cladding Replacement	□	□ □ □ □	177,000	0
GO Edwards Park Toilets (1) - LED Lighting	□	■ ■ ■ ■	2,000	1,685
GO Edwards Park Toilets (2) - LED Lighting	□	□ □ □ □	2,000	0
Hubert Street Carpark Toilets - LED Lighing	□	□ □ □ □	2,000	0
John Macmillan Park Toilets - Lighting, accessibility access	□	■ □ □ □	97,000	2,460



*Capital Items Progress
For the month ended 31 October 2017*

Capital Items

Particulars	Budget Status	Completion Stage	Revised Budget \$	Year-to-Date Actual \$
Renewal - Buildings (continued)				
Leisurelife - Commercial Kitchen Flooring	<input type="checkbox"/>	■□□□	15,000	990
Leisurelife - Court Flooring	<input type="checkbox"/>	□□□□	95,000	0
Leisurelife - Courts Lighting	<input type="checkbox"/>	■□□□	70,000	0
Leisurelife - Emergency Exit Doors	<input type="checkbox"/>	■□□□	20,000	0
Leisurelife - Entrance and Signage Renewal	<input type="checkbox"/>	■□□□	35,000	0
Leisurelife - Gym Flooring	<input type="checkbox"/>	□□□□	65,000	0
Leisurelife - Roofing	<input type="checkbox"/>	■□□□	25,000	8,225
Leisurelife - Squash Courts (3 and 4)	<input type="checkbox"/>	■□□□	55,000	23,272
Leisurelife - Toilets and Change Rooms	<input type="checkbox"/>	□□□□	180,000	0
Library - Facility Lighting	<input type="checkbox"/>	■□□□	20,000	0
Library - Fire Panel Replacement	<input type="checkbox"/>	□□□□	35,000	0
Library - Public Area Carpets	<input type="checkbox"/>	□□□□	80,000	0
McCallum Park Toilets - LED Lighting	<input type="checkbox"/>	□□□□	2,000	0
Read Park Toilets - LED Lighting	<input type="checkbox"/>	□□□□	2,000	0
Taylor Street Reserve Toilets - Upgrade	<input type="checkbox"/>	□□□□	162,000	2,460
Victoria Park Carlisle Bowling Club - Toilets	<input type="checkbox"/>	□□□□	35,000	0
Plant and Machinery			1,107,000	272,250
New - Plant and Machinery				
Trailer Purchase - Engineering (149VPK - Plant 167)	<input type="checkbox"/>	□□□□	28,000	0
Vehicle Purchase - Parking Management (a)	<input type="checkbox"/>	□□□□	25,000	0
Vehicle Purchase - Parking Management (b)	<input type="checkbox"/>	□□□□	25,000	0
Plant - Electric Bikes	<input type="checkbox"/>	■□□□	6,100	118
Plant - Street Operations - High Pressure Cleaner and Trail	<input type="checkbox"/>	■□□□	29,000	11,694
Renewal - Plant and Machinery				
Purchase Major Plant - Light Truck Parks (160VPK - Plant 4	<input checked="" type="checkbox"/>	■□□□	85,000	103,216
Purchase Major Plant - Mower Slasher Parks (147VPK Plan	<input type="checkbox"/>	■□□□	37,000	27,974
Purchase Major Plant - Mowing Trailer Parks (158VPK - Pla	<input type="checkbox"/>	■□□□	20,500	0
Minor Plant Renewal - Low Value Pool - Parks	<input type="checkbox"/>	■□□□	15,700	708
Minor Plant Renewal - Street Improvement	<input type="checkbox"/>	□□□□	10,700	0
Minor Plant Renewal - Workshop Pressor (Replacing CVR#	<input type="checkbox"/>	□□□□	10,000	0
Fleet - Aqualife - 1EMT367 (Plant 365)	<input type="checkbox"/>	■□□□	25,000	22,241
Fleet - Asset Management - 179VPK (Plant 385)	<input type="checkbox"/>	□□□□	25,000	0
Fleet - Building Services - 113VPK (Plant 368)	<input type="checkbox"/>	■□□□	25,000	22,448
Fleet - Business Life Administration - 106VPK (Plant 369)	<input type="checkbox"/>	■□□□	35,000	32,736
Fleet - Community Life Administration - 110VPK (Plant 371)	<input type="checkbox"/>	■□□□	35,000	0
Fleet - Community Life Administration - 166VPK (Plant 379)	<input type="checkbox"/>	■□□□	35,000	0
Fleet - Environmental Health - 116VPK (Plant 372)	<input type="checkbox"/>	■□□□	25,000	0
Fleet - Leisurelife - 112VPK (Plant 364)	<input type="checkbox"/>	■□□□	25,000	21,947
Fleet - Lifelong Learning - 164VPK (Plant 386)	<input type="checkbox"/>	□□□□	25,000	0
Fleet - Ranger Services - 183VPK (Plant 366)	<input type="checkbox"/>	□□□□	25,000	0



*Capital Items Progress
For the month ended 31 October 2017*

Capital Items

Particulars	Budget Status	Completion Stage	Revised Budget \$	Year-to-Date Actual \$
Renewal - Plant and Machinery (continued)				
Fleet - Renew Life Administration - 111VPK (Plant 360)	☐	☐☐☐☐	35,000	0
Fleet - Street Improvement - 128VPK (Plant 384)	☐	☐☐☐☐	25,000	0
Fleet - Urban Planning - 108VPK (Plant 377)	☐	☐☐☐☐	25,000	0
Plant - Street Operations - High Pressure Cleaner (239)	☐	☐☐☐☐	5,000	0
Plant - Street Operations - High Pressure Cleaner (332)	☐	☐☐☐☐	5,000	0
Plant - Street Operations - Plate Compactor (315)	☐	☐☐☐☐	5,000	0
Plant - Street Operations - Plate Compactor (316)	☐	☐☐☐☐	5,000	0
Truck - Street Operations - 131VPK (44)	☐	☐☐☐☐	105,000	0
Truck - Street Operations - 145VPK (43)	☐	☐☐☐☐	150,000	0
Utility (Fleet) - Parks - 130VPK (283)	☐	■☐☐☐	40,000	0
Utility (Fleet) - Parks - 148VPK (329)	☐	☐☐☐☐	30,000	0
Utility (Fleet) - Street Operations - 135VPK (287)	☐	■☐☐☐	30,000	29,168
Utility (Fleet) - Street Operations - 141VPK (296)	☐	☐☐☐☐	45,000	0
Utility (Fleet) - Street Operations - 144VPK (297)		■☐☐☐	30,000	0
Furniture and Equipment			330,400	45,314
New - Furniture and Equipment				
New - Noise Monitoring Device - Environmental Health	☐	■☐☐☐	22,600	1,710
Handheld Enforcement devices and associated equipment -	☐	■☐☐☐	11,900	0
Licence Plate recognition devices and associated equipmen	☐	☐☐☐☐	8,900	0
Hardware, software and cabling - Parking Initiative	☐	☐☐☐☐	23,000	0
Renewal - Furniture and Equipment				
Renew Furniture & Equipment - Depot - Low Value Pool	☐	■☐☐☐	6,000	65
Renew Minor Plant - Bins	☐	■☐☐☐	11,000	0
Renew Furniture - Administration Centre - Low Value Pool	☐	■☐☐☐	33,000	10,360
Parking Management Office - Office Furniture	☐	☐☐☐☐	5,000	0
Renew Furniture & Equipment - Aqualife - Low Value Pool	☐	☐☐☐☐	10,000	0
Renewal - Furniture & Equipment - Aqualife Cafe	☐	■☐☐☐	5,000	0
Renewal - Equipment - Aqualife - Pool Scrubber	☒	■☐☐☐	8,000	8,091
Aqualife - Creche Furniture	☐	☐☐☐☐	4,000	0
Aqualife - Gymnasium Equipment (Assorted)	☐	■☐☐☐	20,000	1,036
Aqualife - Pool Equipment	☐	■☐☐☐	40,000	900
Renewal - Equipment - Leisurelife- Gym Equipment	☐	■☐☐☐	20,000	1,333
Leisurelife - Court Floor Cleaner	☒	■☐☐☐	15,000	17,146
Leisurelife - Bingo Furniture	☐	■☐☐☐	7,000	240
Leisurelife - Sports Equipment	☐	☐☐☐☐	23,000	0
Renewal - Furniture & Equipment - Leisurelife Cafe	☐	☐☐☐☐	5,000	0
Renew Furniture & Equipment - Leisurelife - Low Value Poo	☐	■☐☐☐	15,000	4,433
Renew Furniture & Equipment - Lifelong Learning - Low Val	☐	☐☐☐☐	20,000	0
Renew Furniture & Equipment - Digital Hub - Low Value Poc	☐	☐☐☐☐	2,000	0
TAPP - Aqualife - Access and Inclusion Pool Hoist	☐	■☐☐☐	12,000	0
TAPP - Aqualife - Disability Floatation devices	☐	■☐☐☐	3,000	0



*Capital Items Progress
For the month ended 31 October 2017*

Capital Items

Particulars	Budget Status	Completion Stage	Revised Budget \$	Year-to-Date Actual \$
Information Technology			1,011,200	187,628
New - Information Technology				
TAPP - Lighten Up - Mobile App Software	☐	☐☐☐☐	5,000	0
Library - RFID Self-Service System	☐	☐☐☐☐	90,000	0
New - Software - Mobile Health	☐	☐☐☐☐	100,000	0
New - Software - Client engagement	☐	■☐☐☐	70,000	5,775
Renewal - Information Technology				
Hardware - Telephone System	☐	☐☐☐☐	90,000	0
Hardware - Mobile Computing Devices	☐	■■☐☐	69,500	56,932
Network - Wi-Fi Network	☒	■■■☐	5,600	46,991
Systems - Website, Intranet and Client Portal	☐	☐☐☐☐	71,100	0
Renewal - Information Technology				
Depot Communications System (Hardware)	☐	■■■☐	40,000	4,997
Network Storage (Hardware)	☐	■■■☐	45,000	37,033
Bookings Management System (Software)	☐	☐☐☐☐	80,000	0
Development Application System (Software)	☐	■☐☐☐	50,000	35,900
Email Archival System (Software)	☐	■☐☐☐	30,000	0
Leisure Facilities Management System (Software)	☐	■☐☐☐	95,000	0
Library Management System (Software)	☐	☐☐☐☐	95,000	0
Records Management System (Software)	☐	☐☐☐☐	60,000	0
System Security (Software)	☐	■■■☐	15,000	0
Roads			3,853,500	982,429
New - Roads				
New - Albany Highway - Pedestrian Crossing Safety Measur	☐	■■■☐	50,000	0
New - Alday Street - Lane Channelisation	☐	■■■☐	60,000	0
New - Enfield Street - Traffic Calming	☐	■■■☐	65,600	1,579
Gallipoli Street - Egham Road to Enfield Street - Traffic Calr	☐	■☐☐☐	25,000	0
Gallipoli Street - Egham Road to Howick Street - Traffic Calr	☐	■☐☐☐	25,000	0
Goddard Street - Egham Road to Howick Street - Traffic Cal	☐	■☐☐☐	25,000	0
Goddard Street - Midgley Street to Cookham Road - Traffic	☐	■☐☐☐	25,000	0
Hill View Terrace - Cycle Lane Extension and Ramps	☐	■■☐☐	15,000	0
McCartney Crescent - Goddard Street to Roberts Road - Tra	☐	■☐☐☐	60,000	0
Saleham Street - Goddard Street to Gallipoli Street - Traffic	☐	■☐☐☐	55,000	0
Star Street - Intersection Safety Works at Briggs Street	☐	■■☐☐	60,000	0



*Capital Items Progress
For the month ended 31 October 2017*

Capital Items

Particulars	Budget Status	Completion Stage	Revised Budget \$	Year-to-Date Actual \$
Renewal - Roads				
Albany Highway - Duncan Street to Teddington Road	□	■ ■ ■ □	270,000	0
Asteroid Way - Star Street to Mercury Street	□	■ ■ ■ □	155,000	95,251
Bank Street - Oats Street to Milford Street	□	■ ■ □ □	75,000	6,110
Berwick Street - Sussex Street to Basinghall Street	□	■ ■ □ □	195,000	0
Bishopsgate Street - Oats Street to Mercury Street	□	■ ■ ■ □	70,000	193
Bolton Avenue - Glenn Place to Path (Northbound)	□	■ ■ □ □	135,000	0
Bolton Avenue - Glenn Place to Path (Southbound)	□	■ ■ □ □	90,000	0
Cookham Street - Gallipoli Street to Goddard Street	□	■ ■ ■ □	130,000	111,722
Goddard Street - Saleham Street to Bishopsgate Street	☒	■ ■ ■ □	100,000	102,425
Raleigh Street - Mercury Street to Lion Street	□	■ ■ □ □	130,000	0
Raleigh Street - Oats Street to Mercury Street	□	■ ■ □ □	65,000	0
Somerset Street - Shepperton Road to Bank Street	□	■ ■ □ □	250,000	0
Swansea Street (West) - Dane Street to Cul-de-sac	☒	■ ■ ■ □	150,000	167,716
Upgrade - Roads				
Upgrade Hillview & Berwick Intersection Stage 2 - Road Imp	□	■ □ □ □	18,000	510
Upgrade - McCartney Crescent	□	□ □ □ □	22,300	0
Traffic Management Initiative - Shepperton Rd and Gresham	□	■ ■ ■ □	296,000	202,166
Traffic Management Initiative - Teddington St and Burswood	□	■ ■ ■ □	194,000	155,865
Upgrade - Bishopsgate and Roberts Road - Pre Deflections	□	■ ■ ■ □	99,800	6,006
Upgrade - Oats Street and Star Street - Pre Deflections	□	■ ■ ■ □	97,800	613
Upgrade - Temple Street and Hordern Street - Traffic Island	□	■ ■ ■ □	35,000	360
Berwick Street and Kent Street - Intersection Pedestrian Sig	□	□ □ □ □	105,000	0
Hill View Terrace and Oats Street - Intersection and Pedestr	□	■ □ □ □	180,000	0
Roberts Road and Orrong Road - Intersection	□	■ □ □ □	220,000	0
Rutland Avenue - Oats Street to Welshpool Road	□	■ □ □ □	150,000	0
Temple Street and Hordern Street - Intersection	□	■ ■ ■ □	155,000	131,913
Drainage			642,000	75,281
New - Drainage				
Drainage - Carnarvon Street	□	■ ■ ■ ■	70,000	62,294
Drainage - Harris Street and Appleton Street - Stage 1	□	■ ■ ■ □	112,500	0
Drainage - Northampton Street	□	■ ■ □ □	122,200	3,100
Lake View Terrace Drainage - To be constructed as part of		■ □ □ □	30,000	0
Renewal - Drainage				
Intersection Improvements - Hillview Terrace	□	■ □ □ □	87,300	0
Right Of Ways - Various Locations	□	■ □ □ □	15,000	0
Pipe Renewal- Various Locations	□	■ □ □ □	25,000	644
Pit Renewal- Various Locations	□	■ □ □ □	60,000	9,243
Sump Renewal- Various Locations	□	■ □ □ □	40,000	0



*Capital Items Progress
For the month ended 31 October 2017*

Capital Items

Particulars	Budget Status	Completion Stage	Revised Budget \$	Year-to-Date Actual \$
Upgrade				
Albany Highway - Hotspot 1 Drainage Master Plan	☐	■☐☐☐	80,000	0
Pathways			509,500	90,066
New - Pathways				
New - Rutland Avenue - Bicycle Lanes (Welshpool to Oats)	☐	■☐☐☐	114,500	0
Bolton Avenue - Carpark to Main Entrance	☐	■☐☐☐	10,000	0
Brodie Hall Drive - Turner Avenue to Hayman Road	☐	■☐☐☐	55,000	0
Renewal - Pathways				
Berwick Street - Bush Street to Boundary Road (East)	☐	■☐☐☐	40,000	0
Berwick Street - Bush Street to Boundary Road (West)	☐	■☐☐☐	64,000	58,720
Forward Street - Welshpool Road to Swansea Street (East)	☐	■☐☐☐	15,000	7,378
Pathway - Lathlain Precinct Redevelopment (Zone 2)	☐	■☐☐☐	75,000	0
Mars Street - Oats Street to Cohn Street	☐	■☐☐☐	30,000	23,968
Mint Street - Carnarvon Street to Shepperton Road	☐	■☐☐☐	24,000	0
Oats Street - Hubert Street to Albany Highway	☐	■☐☐☐	15,000	0
Star Street - Briggs Street to President Street	☐	■☐☐☐	30,000	0
Star Street - Cohn Street to Briggs Street	☐	■☐☐☐	37,000	0
Parks			3,547,600	84,037
New - Parks				
George Street Reserve Revegetation	☐	■☐☐☐	80,000	15,325
Park Furniture and Equipment - Burswood Peninsula	☐	☐☐☐☐	50,000	0
Kensington Bushland - Jirdarup Signage	☐	■☐☐☐	30,000	130
New - Tree Plan- Tree Planting	☐	■☐☐☐	35,000	5,709
Renew - Park Lighting - Poles and Floodlighting	☐	■☐☐☐	20,000	7,500
Lathlain Park - New	☐	☐☐☐☐	1,500,000	0
Renewal - Parks				
GO Edwards Park - Redevelopment	☐	■☐☐☐	650,000	2,720
Renewal - Tree Plan - Tree Planting	☐	☐☐☐☐	75,000	0
Renew - McCallum Park (Foreshore River Wall)	☐	■☐☐☐	389,400	10,610
Harold Rossiter Park - Irrigation	☐	■☐☐☐	160,000	3,730
Main Roads/Arterial Roads - Landscaping	☐	☐☐☐☐	50,000	0
Park Signage - Various Locations	☐	☐☐☐☐	50,000	0
Upgrade - Parks				
Upgrade - Entry Statements - Landscaping	☐	■☐☐☐	30,000	0
Upgrade - Higgins Park Tennis Club - Court Modifications	☐	☐☐☐☐	300,000	0
Upgrade - Rayment Park	☐	■☐☐☐	128,200	38,312



*Capital Items Progress
For the month ended 31 October 2017*

Capital Items

Particulars	Budget Status	Completion Stage	Revised Budget \$	Year-to-Date Actual \$
Other Assets			1,865,300	221,922
New - Other Assets				
New - Lathlain Primary School/Rayment Park Carpark	<input type="checkbox"/>	■ ■ ■ □	65,300	27,433
Parking Bay Improvements - Various Locations - Albany Hig	<input type="checkbox"/>	□ □ □ □	4,100	0
Car Parks - Harvey Street ACROD bays	<input type="checkbox"/>	□ □ □ □	10,000	0
New Street Lighting - Purchase and Installation	<input type="checkbox"/>	■ □ □ □	95,200	7,342
Purchase and Installation of parking meters - Parking Initiati	<input type="checkbox"/>	□ □ □ □	100,000	0
Signage - Parking Plan Works	<input type="checkbox"/>	□ □ □ □	130,000	0
New - Street Furniture - Various Locations	<input type="checkbox"/>	□ □ □ □	35,000	0
Street Lighting - Safety Improvement at Various Locations	<input type="checkbox"/>	□ □ □ □	25,000	0
Visual Art	<input type="checkbox"/>	□ □ □ □	10,000	0
Renewal - Other Assets				
Right of Way 51	<input type="checkbox"/>	■ ■ ■ □	500,000	139,158
Street Furniture - Bus Shelters at Various Locations	<input type="checkbox"/>	□ □ □ □	45,000	0
Street Lighting - Albany Highway and Laneways	<input type="checkbox"/>	□ □ □ □	40,000	0
Car Parks - Carlisle Reserve	<input type="checkbox"/>	□ □ □ □	55,000	0
Lighting - St James East Victoria Park - Safer Communities	<input type="checkbox"/>	□ □ □ □	210,000	0
Upgrade - Other Assets				
Upgrade - Right of Way 31a & 31b	<input type="checkbox"/>	■ ■ ■ □	111,500	22,701
Upgrade - Right of Way 45	<input type="checkbox"/>	■ ■ ■ □	39,200	12,488
Right of Way 14 - Access Upgrade	<input type="checkbox"/>	■ ■ ■ □	220,000	8,453
Tap and Go - Parking Meter Upgrade	<input type="checkbox"/>	■ ■ ■ □	130,000	0
Street Lighting - Community Safety Projects	<input type="checkbox"/>	■ ■ □ □	40,000	4,347

14.3 Annual Report 2016-2017

File Reference:	FIN/11/0001~09
Appendices:	Yes

Date:	20 November 2017
Reporting Officer:	A. Thampoe
Responsible Officer:	N. Cain
Voting Requirement:	Absolute Majority

Executive Summary:	
Recommendation – That Council:	
<ol style="list-style-type: none"> 1. Accepts the Annual Report 2016-2017, and 2. Confirms the date, time and place of the 2017 Annual General Meeting of Electors. 	
<p>The Report outlines the requirement for Council to produce and accept an Annual Report, and the processes and determinations associated with the holding of the Annual General Meeting of Electors.</p>	

TABLED ITEMS:

Nil

BACKGROUND:

Each year a local government is required to produce an Annual Report and to hold an Annual General Meeting of Electors.

The process undertaken for the collation of the *Annual Report 2016-2017* has included:

- Early – August 2017 – Via the Finance and Audit Committee, Committee Members noted the proposed timeframe for the delivery of the annual report and passed feedback and comments to the administration for the preparation of the document;
- Mid – October 2017 – Via the Finance and Audit Committee, Committee Members were provided with the First Draft of the document and noted that the document was still undergoing development;
- Late – November 2017 – Via email, all Elected Members were provided with a copy of the Final Draft of the document requesting feedback; and
- Early – December 2017 – Via Council, Elected Members are requested to accept the Final Version of the Annual Report 2016-2017 prior to presentation to the Annual General Meeting of Electors (this Report).

DETAILS:

The Annual Report is to contain:

1. A report from the Mayor or President;
2. A report from the Chief Executive Officer;
3. An overview of the Plan for the Future of the District made in accordance with Section 5.56 of the *Local Government Act 1995*, including major initiatives that are proposed to commence or to continue in the next financial year;
4. The financial report for the financial year;

5. Such information as may be prescribed in relation to the payments made to employees;
6. The Auditor’s report for the financial year;
7. A matter on which a report must be made under Section 29(2) of the *Disability Services Act 1993*;
8. Details of entries made under Section 5.121 of the *Local Government Act 1995* during the financial year in the register of complaints; and
9. Such other information as may be prescribed.

The Annual General Meeting of Electors is to be held not more than 56 days after the local government accepts the Annual Report for the previous financial year. The Chief Executive Officer is to convene the Annual General Meeting of Electors by providing at least 14 days’ local public notice and providing each Elected Member at least 14 days’ notice of the date, time, place and purpose of the meeting.

Council recently resolved to hold the Annual General Meeting of Electors on Tuesday 19 December 2017 at 6:00pm, in the Council Chambers (99 Shepperton Road, Victoria Park WA 6100) for the purpose of consideration of the Annual Report 2016-2017 and then any other general business. Public advertising, in accordance with the requirements, has been undertaken to provide advice of the meeting time and place. Additionally the social media channels of the Town will also advertise the meeting. This timeframe is still appropriate.

Legal Compliance:

The *Local Government Act 1995* refers, in particular:

1. Section 5.27 – Electors’ General Meeting;
2. Section 5.32 – Minutes of electors’ meetings;
3. Section 5.33 – Decisions made at electors’ meetings;
4. Section 5.53 – Annual Reports;
5. Section 5.54 – Acceptance of Annual Reports; and
6. Section 5.55 – Notice of Annual Reports.

The *Local Government (Administration) Regulations 1996*, also refers:

- a. Regulation 19B – Annual report to contain information on payments to employees.

Policy Implications:

Nil

Risk Management Considerations:

Three risks have been identified as outlined below:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Compliance: Council not accepting Annual Report 2016-2017	Moderate	Unlikely	Moderate	Provide reasoning and detailed explanations to Council to enable informed decision making.

Financial Impact: Misstatement or significant error in Annual Report 2016-2017	Major	Unlikely	Moderate	Daily and monthly reconciliations. Internal and external audits.
Financial Impact: Fraud and illegal acts	Catastrophic	Rare	Moderate	Stringent internal controls. Internal audits. Segregation of duties

Strategic Plan Implications:

CL4 – Appropriate information management that is easily accessible, accurate and reliable.

CL6 – Finances are managed appropriately, sustainably and transparently for the benefit of the community.

CL 10 – Legislative responsibilities are resourced and managed appropriately, diligently and equitably.

Financial Implications:

Internal Budget:

Sufficient funds have been allocated in Council’s Budget to cover all costs associated with the preparation of the Annual Report 2016-2017 and the holding of the Annual General Meeting of Electors.

Total Asset Management:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The Annual Report, as contained in the Appendices, has been prepared in accordance with required legislative matters having been considered.

The date identified for conducting the Annual General Meeting of Electors will provide sufficient time for the final bound copy of the Annual Report to be produced as well as permit the meeting to occur prior to the Christmas recess of Council.

CONCLUSION:

Given the Annual Report, as contained in the Appendices, has been prepared in accordance with all legislative matters and the date identified for conducting the Annual General Meeting of Electors is considered to be a suitable date, it is recommended that the Annual Report 2016-2017 be accepted and the date and time for the Annual General Meeting of Electors be confirmed as 19 December 2017 commencing at 6:00pm.

RECOMMENDATION/S:

That Council:

- 1. Accepts the Annual Report 2016-2017 as contained within the Appendices; and**
- 2. Confirms the details for the 2017 Annual General Meeting of Electors as being held on Tuesday 19 December 2017 at 6:00 pm, in the Council Chambers (99 Shepperton Road, Victoria Park WA 6100) for the purpose of consideration of the Annual Report 2016-2017 and then any other general business.**

(Absolute Majority Required)

15 COMMITTEE REPORTS

15.1 Fee Waiver – Impounded Shopping Trolleys

File Reference:	LAW/10/0001
Appendices:	No
Attachments:	No

Date:	12 December, 2017
Reporting Officer:	N. Cain
Responsible Officer:	N. Cain
Voting Requirement:	Simple Majority

Executive Summary: That Council waives the “Abandoned Shopping Trolley Daily Pound Fees” for all currently impounded shopping trolleys, until 31 January 2018, subject to conditions being agreed to by shopping trolley owners, and that the Chief Executive Officer provide Council with a review of fees and charges associated with Abandoned Shopping Trolleys.

- The Town’s shopping trolley impoundment facility was recently the subject of a safety audit.
- Excessive numbers of impounded trolleys, exceeding the safe capacity of the impoundment facility, were identified as a hazard.
- Investigation by officers, including discussions with shopping trolley owners, has identified a possible win-win arrangement for the Town and the owners.

TABLED ITEMS:

Nil

BACKGROUND:

At the Finance and Audit Committee meeting held on Monday 11 December 2017 the Committee requested officers to prepare a late agenda item for the 12 December Ordinary Council meeting on the matter of processing impounded shopping trolleys.

The Town currently has over 700 trolleys impounded at the Town Works Depot.

The Town’s shopping trolley impound facility only holds approximately 400 trolleys.

Following a safety audit of the Depot, extra trolleys currently held outside the impound facility were identified as a hazard

Despite continued efforts by Town officers to encourage shopping trolley owners to collect their trolleys, the daily holding fee has proven prohibitive for them to do so, and therefore a direction on the preferred processing of the impounded shopping trolleys is sought.

DETAILS:

Shopping trolleys that are abandoned and left in public places, and not collected by the shopping trolley owners within a certain timeframe, are impounded by the Town.

It is a requirement that all shopping trolleys have identification on them to readily identify the appropriate owners.

The general process that occurs once shopping trolleys are impounded is:

1. The shopping trolley is appropriately tagged for identification, highlighting the date of impoundment;
2. The shopping trolley owner is infringed (\$100), advised that the trolley is to be collected from the Town's shopping trolley impound facility, and also informed that the applicable holding fee is \$20 per trolley, per day.

What has regularly occurred is the fine of \$100 per trolley is paid by the shopping trolley owner (failure to make this payment is likely to result in prosecution through the courts), however the shopping trolley is not collected as it is not financially preferable to do so (i.e. the \$20 per trolley, per day holding fee is considered prohibitive).

The outcome is that the trolleys remain, uncollected, in the impound facility.

The impound facility is capable of safely holding approximately 400 shopping trolleys.

The Town currently has over 700 trolleys held in, and around, the impound facility and this was recently the subject of a safety audit.

It has been deemed that the Town needs to take action to either reduce the number of trolleys held, or expand the facility.

Officers of the Town have investigated the current facility with regards to the two aforementioned options and would prefer to reduce the number of trolleys held. The impound facility is located within the grounds of the Town Works Depot and the space consumed by the overflow of shopping trolleys is impacting other areas of the Town's operations.

The method by which the number of shopping trolleys is reduced has also been explored. Options explored include:

1. Have the trolleys processed by an auction house and await sale;
2. Have the trolleys processed by a recycling facility and turned to scrap; or
3. Seek a Council resolution for an 'amnesty' of the daily impoundment fee and give the trolleys back to the owners.

Option 1 and 2 above have been explored at length. Auction houses are reluctant to take the trolleys claiming a lack of suitable customer base to sell them to. Feedback from other Councils is that when the trolleys are purchased it is often by their original owners for far less than the costs to transport and sell the trolleys incurred by each Council.

Likewise, having a recycling facility process the trolleys is also cost prohibitive to the Town. Transport and handling costs exceed the financial return from the scrap material. Officers have been advised that an influencing factor towards the negative financial return is the cost associated with removing the wheels and handles of the trolleys.

Officers have held meetings with shopping trolley owners with a view to resolving the issue in a win-win arrangement.

The shopping trolley owners are not prepared to collect the trolleys and therefore incur the \$20 per trolley, per day holding fee. They are happy to collect the trolleys if this fee was waived. The owners recognise that some costs have been incurred by the Town in impounding the trolleys, for which they are willing to contribute towards.

Of further interest during these meetings was the willingness of the shopping trolley owners to pay a lesser holding fee (not necessarily a daily fee) and also collect the trolleys on a frequent basis.

Legal Compliance:

The power to collect and process abandoned shopping trolleys is primarily contained in the following legislation:

Town of Victoria Park - Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000

PART 4—OBSTRUCTING ANIMALS, VEHICLES OR SHOPPING TROLLEYS

4.6 Retailer to remove abandoned trolley

- (1) *If a shopping trolley is found in a public place, other than in an area set aside for the storage of shopping trolleys, the local government may advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley.*
- (2) *A retailer shall remove a shopping trolley within 3 hours of being so advised under subclause (1).*

Local Government Act 1995

3.47. Confiscated or uncollected goods, disposal of

- (2a) *The local government may sell or otherwise dispose of impounded goods that have not been collected within the period specified in subsection (2b) of*
- (2b) *The period after which goods may be sold or otherwise disposed of under subsection (2a) is —*
 - (a) *for perishable goods — 3 days;*
 - (b) *for animals — 7 days;*
 - (ca) *for prescribed non-perishable goods — one month;*
 - (c) *for other non-perishable goods — 2 months.*

The power for Council to impose and waive fees and charges is primarily contained in the following legislation:

Local Government Act 1995

6.16 Imposition of fees and charges

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

** Absolute majority required.*

- (2) *A fee or charge may be imposed for the following —*
- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
 - (b) supplying a service or carrying out work at the request of a person;*
 - (c) subject to section 5.94, providing information from local government records;*
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
 - (e) supplying goods;*
 - (f) such other service as may be prescribed.*
- (3) *Fees and charges are to be imposed when adopting the annual budget but may be —*
- (a) imposed* during a financial year; and*
 - (b) amended* from time to time during a financial year.*

** Absolute majority required.*

Local Government Act 1995

6.12 Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money, which is owed to the local government.

** Absolute majority required.*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

Policy Implications:

Nil

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Health. Trolleys not safely retained in the appropriate impound facility present a safety hazard.	Moderate	Possible	Moderate	a) Expand the size of the impound facility. b) Reduce the number of impounded shopping trolleys.
Service Interruption. Trolleys not safely retained in the appropriate impound facility get in the way of other works depot functions.	Minor	Likely	High	a) Expand the size of the impound facility. b) Reduce the number of impounded shopping trolleys.
Compliance. Failure to act in a timely manner to a safety audit requirement may result in an infringement / order to act.	Moderate	Likely	High	a) Expand the size of the impound facility. b) Reduce the number of impounded shopping trolleys.

Strategic Plan Implications:

The collection and processing of abandoned shopping trolleys closely aligns with Council’s Strategic Outcome of “a clean, safe and accessible place to visit” (Ec1).

Financial Implications:

Internal Budget:

For the Town to proceed with Option 1 or Option 2 above (auction house or recycling facility) is likely to incur a cost in the order of \$3,000 (based on preliminary estimates provided by transport companies and processing companies).

Option 3 above (amnesty on daily holding fee), coupled with a contribution from each of the main shopping trolley owners (notionally earmarked at \$1,000 (plus GST) each), will provide an estimated revenue of \$3,000 - \$4,000.

If further reviews of the structure of the abandoned shopping trolley holding fee are taken into account, then Council revenue is likely to increase as a result.

Total Asset Management:

Nil

Sustainability Assessment:

External Economic Implications:

An amnesty for the collection of abandoned shopping trolleys will provide shopping trolley owners with additional shopping trolleys during the Christmas period.

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

By returning abandoned shopping trolleys, rather than scrapping them, means there is less requirement for additional shopping trolleys and less waste generated.

COMMENT:

Should Council determine that an amnesty is an appropriate means to deal with the excessive impounded shopping trolleys then it would be advisable to place a deadline by which to cease the amnesty. Given the nature of the conversation had to date, and the somewhat urgent nature by which shopping trolley owners have indicated they would like to have these trolleys by, it is suggested that 31 January 2018 is a suitable deadline.

A further report to Council outlining further aspects of the fees and charges associated with the processing of abandoned shopping trolleys is also viewed as beneficial. The current fee structure is clearly not achieving the end result and unless an effective solution is determined then the same outcome is likely.

CONCLUSION:

The Town is required to act on the results of the safety audit undertaken at the Works Depot, specifically the hazard created through excessive impounded shopping trolleys.

The recommend daily holding fee waiver / amnesty proposal provides a win-win arrangement by:

- a) Removing the impounded shopping trolleys from the Works Depot;
- b) Providing a financial return, and not an expense, to Council; and
- c) Allowing shopping trolley owners have their shopping trolleys back for Christmas.

RECOMMENDATION/S:**That Council:**

1. Pursuant to Section 6.12 of the *Local Government Act 1995* (Power to defer, grant discounts, waive or write off debts) waives the “Abandoned Shopping Trolley Daily Pound Fees” for all currently impounded shopping trolleys;
2. Advises all owners of currently impounded shopping trolleys that, for a period not exceeding 31 January 2018, it is prepared to waive the “Abandoned Shopping Trolley Daily Pound Fees” on the proviso the shopping trolley owners acknowledge that;
 - a. This is a once off arrangement;
 - b. All shopping trolleys, new and old, currently impounded and belonging to those owners, are to be collected by 31 January 2018;
 - c. In-lieu of the “Abandoned Shopping Trolley Daily Pound Fees” a once off payment of \$1,000 (plus GST) is payable; and
 - d. They will commit to working with Town Officers to implement a more amenable arrangement for fees associated with, and the processing of, impounded shopping trolleys.
3. Requests the Chief Executive Officer to review the fees and charges associated with Abandoned Shopping Trolleys and to provide Council with a report outlining proposed changes, if any, to the fee structure.

16 APPLICATIONS FOR LEAVE OF ABSENCE

17 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

18 QUESTIONS FROM MEMBERS WITHOUT NOTICE

19 NEW BUSINESS OF AN URGENT NATURE

20 PUBLIC QUESTION TIME

21 PUBLIC STATEMENT TIME

22 MEETING CLOSED TO PUBLIC

22.1 Matters for Which the Meeting May be Closed

22.2 Public Reading of Resolutions That May be Made Public

23 CLOSURE



**DECLARATION OF
FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT MAY AFFECT
IMPARTIALITY**

**TO: CHIEF EXECUTIVE OFFICER
TOWN OF VICTORIA PARK**

Name & Position	
Meeting Date	
Item No/Subject	
Nature of Interest	Financial Interest* <i>(*Delete where</i> Proximity Interest* <i>not applicable)</i> Interest that may affect impartiality*
Extent of Interest	
Signature	
Date	

Section 5.65(1) of the Local Government Act 1995 states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed”.

ALTERNATE MOTION / AMENDMENT SUBMISSION



To: HIS WORSHIP THE MAYOR:

Please be advised that I wish to move an ALTERNATE MOTION / AMENDMENT

Name of Elected Member:

Signature:

Date of Submission:

Council Meeting Date:

Item Number:

Item Title:

Alternate Motion / Amendment: *(strike out which is not applicable)*

Note: Motions to Stand Alone

All decisions of the council must be in the form of motions that are clear in their intent and enable a person to understand what has been decided without reference to another motion or information contained in the body of a report.

Reason:

Note: Explanation for changes to Recommendations

Administration Regulation 11 requires the minutes to include written reasons for each decision that is significantly different from the written recommendation. Members must therefore provide a written reason in the space provided above.