

# 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 10 July 2018** 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**

6 July 2018

---

**TABLE OF CONTENTS**

<b>ITEM</b>	<b>TITLE</b>	<b>PAGE NO</b>
1	<b>OPENING</b>	<b>5</b>
2	<b>ANNOUNCEMENTS FROM THE PRESIDING MEMBER</b>	<b>5</b>
3	<b>ATTENDANCE</b>	<b>6</b>
	3.1 Apologies	6
	3.2 Approved Leave of Absence	6
4	<b>DECLARATIONS OF INTEREST</b>	<b>7</b>
5	<b>PUBLIC QUESTION TIME</b>	<b>8</b>
	5.1 Responses to Questions Raised and Taken on Notice at the Ordinary Council Meeting held on 12 June 2018	8
	5.2 Responses to Questions Raised at the Ordinary Council Meeting held 10 July 2018	8
6	<b>PUBLIC STATEMENT TIME</b>	<b>8</b>
7	<b>CONFIRMATION OF MINUTES</b>	<b>9</b>
8	<b>PRESENTATIONS</b>	<b>9</b>
	8.1 Petitions	9
	8.2 Presentations (Awards to be given to the Town)	9
	8.3 Deputations (Planning / External Organisations)	9
9	<b>METHOD OF DEALING WITH AGENDA BUSINESS</b>	<b>9</b>
10	<b>CHIEF EXECUTIVE OFFICER REPORTS</b>	<b>10</b>
11	<b>CHIEF COMMUNITY PLANNER REPORTS</b>	<b>11</b>
	11.1 No. 877 (Lot 10) Albany Highway, East Victoria Park – Retrospective Additions and Alterations to Existing Restaurant (Increased Dining Floor Area, External Coolroom & Signage)	11
	11.2 No. 67 (Strata Lot: 1, Strata Plan: 72688) Hubert Street, East Victoria Park - Change of Use to Unlisted Use (Yoga Studio) and Consulting Rooms	25
	11.3 No. 33 (Lot 73) & No. 35 (Lot 74) Stiles Avenue, Burswood – Change of Use from General Industry to Light Industry	43
	11.4 No. 37 - 39 (Lot 20) & No. 41 (Lot 194) Cohn Street, Carlisle - Proposed Local Development Plan No.2	57

11.5	<b>Final Approval of Amendment No. 80 to Town Planning Scheme No. 1 to Introduce New Use Classes and Amend General and Land Use Definitions</b>	<b>68</b>
12	<b>CHIEF OPERATIONS OFFICER REPORTS</b>	<b>90</b>
12.1	<b>Tender TVP/18/04 – Construction Works at 6 &amp; 8 Kent Street, East Victoria Park</b>	<b>90</b>
13	<b>CHIEF FINANCIAL OFFICER REPORTS</b>	<b>97</b>
13.1	<b>Integrated Planning and Reporting Framework 2017 – Endorsement of the Long Term Financial Plan</b>	<b>97</b>
13.2	<b>Adoption of the 2018-2019 Annual Budget</b>	<b>104</b>
13.3	<b>Sale of land for recovery of rates and charges – Assessment #77271</b>	<b>126</b>
13.4	<b>Tender TVP/18/07 - Preventive and Reactive Maintenance of Commercial Pool Facilities</b>	<b>130</b>
14	<b>COMMITTEE REPORTS</b>	<b>136</b>
14.1	<b>Recommendation from the Finance and Audit Committee - Schedule of Accounts for 31 May 2018</b>	<b>136</b>
14.2	<b>Recommendation from the Finance and Audit Committee - Financial Statements for the Month Ending 31 May 2018</b>	<b>143</b>
14.3	<b>Recommendation from the Finance and Audit Committee - Auditor’s Interim Audit Report 2017-2018 Financial Year</b>	<b>187</b>
14.4	<b>Review of Wards and Representation 2018</b>	<b>193</b>
14.5	<b>Recommendation from the Future Planning Committee - Draft HLTH6 Mobile Food Vendors (Vic Park Vendor’s) Policy</b>	<b>199</b>
14.6	<b>Recommendation from the Future Planning Committee - Draft Local Planning Strategy – Victoria Park Towards 2050</b>	<b>214</b>
14.7	<b>Recommendation from the Future Planning Committee - Adoption of the City of South Perth and Town of Victoria Park Joint Bike Plan</b>	<b>221</b>
14.8	<b>Recommendation from the Future Planning Committee - Proposed Amendment to St James – East Victoria Park Suburb Boundary</b>	<b>226</b>

14.9	Recommendation from the Future Planning Committee - Proposed Closure of Right of Way Bounded by Grantham Place, Harris Street, Mercury Street and Star Street (ROW17)	232
14.10	Recommendation from the Future Planning Committee - Review of Local Planning Policies 3, 4 and 5	238
14.11	Recommendation from Future Planning Committee – Endorsement of Kensington Bushland Management Plan	243
15	APPLICATIONS FOR LEAVE OF ABSENCE	248
16	MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	248
17	QUESTIONS FROM MEMBERS WITHOUT NOTICE	248
18	NEW BUSINESS OF AN URGENT NATURE	248
19	PUBLIC QUESTION TIME	248
20	PUBLIC STATEMENT TIME	248
21	MEETING CLOSED TO PUBLIC	248
21.1	Matters for Which the Meeting May be Closed	248
21.2	Public Reading of Resolutions That May be Made Public	248
22	CLOSURE	248

## 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.

In accordance with clause 5.15 of the *Town of Victoria Park Standing Orders Local Law 2011*, a person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the presiding member.

A person present at or observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

When the presiding member speaks during public question time or public statement time any person then speaking, is to immediately stop and every person present is to preserve strict silence so that the presiding member may be heard without interruption.

### 2.3 No Adverse Reflection

In accordance with clause 14.1 of the *Town of Victoria Park Standing Orders Local Law 2011*, 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

<b>Mayor:</b>	Mr T (Trevor) Vaughan
<b>Banksia Ward:</b>	Cr C (Claire) Anderson Cr J (Julian) Jacobs Cr R (Ronhda) Potter Cr K (Karen) Vernon
<b>Jarraah Ward:</b>	Cr B (Bronwyn) Ife Cr B (Brian) Oliver Cr V (Vicki) Potter (Deputy Mayor)
<b>Chief Executive Officer:</b>	Mr A (Anthony) Vuleta
<b>Chief Operations Officer:</b>	Mr B (Ben) Killigrew
<b>Chief Financial Officer:</b>	Mr N (Nathan) Cain
<b>Chief Community Planner:</b>	Ms N (Natalie) Martin Goode
<b>Senior Governance Officer</b>	Ms D (Danielle) Uniza
<b>Secretary:</b>	Mrs A (Alison) Podmore
<b>Public:</b>	

#### 3.1 Apologies

<b>Manager Development Services</b>	Mr R (Robert) Cruickshank
-------------------------------------	---------------------------

#### 3.2 Approved Leave of Absence

<b>Jarraah Ward:</b>	Cr J (Jennifer) Ammons Noble
----------------------	------------------------------

#### 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	Anthony Vuleta, Chief Executive Officer
Item No/Subject	14.4 – Review of Wards and Representation
Nature of Interest	Local Government Advisory Board Member
Extent of Interest	Impartiality

**5 PUBLIC QUESTION TIME**

**5.1 Responses to Questions Raised and Taken on Notice at the Ordinary Council Meeting held on 12 June 2018**

Kim Holland

- Q. Is Ursula Frayne supposed to have a 25% allocation to green space?
- R. Approval for Additions to School on 30 July 2002 – the Minutes of the Ordinary Council Meeting indicate that this application was approved with there being 20.8% on-site landscaping in lieu of a minimum of 25%.

In terms of the two (2) storey building approved at the corner of Duncan Street and Teague Street (approved in 2009), and then the Science block building currently under construction (approved in 2017), both of these buildings were built on existing hardcourt areas, not landscaped areas. Accordingly the approval of these buildings did not reduce the extent of on-site landscaping from that which previously existed.

- 2. Have they been given permission to vary that requirement?  
Therefore having regard to the above, Council’s records indicate that there is 20.8% on-site landscaping, which was a variation to the Policy approved by the Council at its meeting on 30 July 2002.

**5.2 Responses to Questions Raised at the Ordinary Council Meeting held 10 July 2018**

**6 PUBLIC STATEMENT TIME**



## **7 CONFIRMATION OF MINUTES**

### **RECOMMENDATION**

That the minutes of the Ordinary Council Meeting held on Tuesday, 12 June 2018 be confirmed.

## **8 PRESENTATIONS**

<b>8.1 Petitions</b>
----------------------

<b>8.2 Presentations (Awards to be given to the Town)</b>
---

<b>8.3 Deputations (Planning / External Organisations)</b>
--

## **9 METHOD OF DEALING WITH AGENDA BUSINESS**

## **10 CHIEF EXECUTIVE OFFICER REPORTS**

There are no reports from the Chief Executive Officer.

**11 CHIEF COMMUNITY PLANNER REPORTS**

**11.1 No. 877 (Lot 10) Albany Highway, East Victoria Park – Retrospective Additions and Alterations to Existing Restaurant (Increased Dining Floor Area, External Coolroom & Signage)**

<b>File Reference:</b>	PR4622
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Site photos</li> <li>2. Historical street view photos</li> <li>3. Submitted plans</li> <li>4. Applicant cover letter</li> <li>5. Previous approval plans (2008)</li> </ol>
<b>Landowner:</b>	Do Do Investments Pty Ltd
<b>Applicant:</b>	Chelsea Pizza Co. East Victoria Park
<b>Application Date:</b>	8 May 2018
<b>DA/BA or WAPC Ref:</b>	5.2018.337.1
<b>MRS Zoning:</b>	Urban
<b>TPS Zoning:</b>	District Centre
<b>TPS Precinct:</b>	Precinct P11 'Albany Highway'
<b>Use Class:</b>	Restaurant
<b>Use Permissibility:</b>	'P' (Permitted) use

<b>Date:</b>	3 July 2018
<b>Reporting Officer:</b>	A.Thamm
<b>Responsible Officer:</b>	R. Cruickshank
<b>Voting Requirement:</b>	Simple Majority

**Executive Summary:**  
**Recommendation – Approval subject to conditions**

- Application proposes to increase the approved dining floor area of 30m<sup>2</sup> to 72.65m<sup>2</sup>, the installation of one (1) below awning sign and one (1) above awning sign, and retrospective approval for an external coolroom, located on the southern side of the existing building.
- The existing 'Restaurant' land use was originally approved by Council in July 2008.
- In assessing the application, Council Officers have had regard to the amenity impact of the proposed development in relation to the matters of parking and streetscape amenity.
- Consultation with surrounding property owners was undertaken in accordance with Council's Local Planning Policy 37 'Community Consultation on Planning Proposals' for 14 days. Over the consultation period, no comments/objections were received.
- The car parking requirements for the land use does not comply with Council's Local Planning Policy 30 'Car Parking Standards for Developments along Albany Highway', with an increase to an existing car parking shortfall from two (2) bays to nine (9) bays.
- The two (2) proposed signs were assessed in accordance with Council's *Signs Local Law 2006*. Assessment concludes the signs are non-compliant and should not form part of any approval.
- Council Officers have concluded that the parking impacts will not be significant and therefore it is recommended that the application be Approved subject to conditions.

**TABLED ITEMS:**

Nil

**BACKGROUND:**

The building is currently approved for use as a 'Restaurant'. Development approval was issued by Council for the Change of Use from a 'Takeaway' to 'Restaurant' land use at the subject site, on 18 July 2008. Currently, one (1) existing below awning sign has formed part of the building since 2009 (see Appendice 2). The development was approved with a two (2) bay parking shortfall on the basis that four (4) on-site car bays were proposed in lieu of six (6) bays required.

Condition 3 of the approval states: "...*That the operation of the restaurant use is to be in accordance with the details provided... and the approved plans dated 15 July 2008 (maximum 30m<sup>2</sup> dining area, maximum 6.3m<sup>2</sup> counter/queuing area). Any changes to the operations (including floor area) will require lodgement of a new application for planning approval for consideration by Council...*"

As a result of a Section 40 Liquor License application it was revealed that the current dining area had exceeded the approved dining floor area and an external coolroom had been placed onto the site around October 2017, occupying a designated car parking bay.

Additionally, in November 2017, the Town received a complaint regarding the installation of a red & white advertising sign which was erected above the awning at the subject property. The Town's records reveals that no such approval had been sought nor granted for this sign. A second below awning sign was also identified to have been installed below the awning without Council approval.

The Town informed the applicant that property owners and tenants should have regard to obtaining necessary approvals prior to increasing any dining floor area and installing any new signage. Subsequently the applicant has lodged this current application to the Town, and removed the above awning sign. It is noted that the applicant has not ceased the operation of the 'Alfresco Dining Area' (Appendice 1 – Photo #9) located within the subject lots boundaries and has not reduced the internal dining floor area to conform with the original 2008 approval.

**DETAILS:**

The application proposes to increase the originally approved 30m<sup>2</sup> of dining floor area to 72.65m<sup>2</sup>, install two (2) additional signs (one (1) above and one (1) below the shopfront awning) and seeks retrospective approval for an external coolroom (Appendice 3).

Site Context

The total land area of the subject site is 420m<sup>2</sup>. The site is bounded by a variety of uses including:

- Single storey residential group dwellings to the west;
- Commercial properties (Restaurants) to the north;
- Directly opposite the sites is additional commercial properties (Restaurants); and
- To the south (within 50m) are retail uses facing Albany Highway.

The subject property is zoned District Centre and is located at the corner of Albany Highway and Canterbury Terrace and comprises a single storey commercial business constructed circa 1965.

### Proposed Development

The development can be summarised as follows:

- Proposed increase in the currently approved 30m<sup>2</sup> of dining floor area to 72.65m<sup>2</sup>, specifically by increasing the internal dining area to 38.54m<sup>2</sup> and the addition of two external 'alfresco' dining areas measuring 23.60m<sup>2</sup> in the north-eastern corner and 10.5m<sup>2</sup> to the south-eastern corner;
- Installation of one (1) illuminated sign located above the shopfront awning;
- Installation of one (1) additional illuminated sign located below the shopfront awning;
- Retrospective approval for an existing external coolroom to the southern side of the building; and
- The relocation of two (2) on-site car bays, now located behind the coolroom.

In correspondence dated 8 May 2018 (see Appendice 4), the applicant outlines justification for the proposal as follows:

- *Proposed business activities is a café/restaurant serving breakfast, lunch and dinner;*
- *Opening at 6am for breakfast and close late (between 10-12pm) depending on the trading of that day;*
- *Employ 15 staff members;*
- *Business serves between 50-100 clients per day;*
- *Four (4) car parking bays are available for staff and customers however staff utilise public transport and bicycles to get to work;*
- *Street parking is available along Canterbury Terrace and a carpark is located in close proximity to the subject site, attached to the IGA.*

Further correspondence from the applicant dated 18 June 2018 details justification for the proposed signs as follows:

- *Chelsea pizza co has been going since 1972. It is and has always been an Australian family run business. It is an icon of Perth;*
- *I copied the Chelsea pizza co signage and put it on the top of the walkway cover. I was then forced to take it down. I had to tell customers that Chelsea pizza co is here. We also have a café and that is why we have a Chelsea café sign;*
- *Once the Chelsea pizza co sign was taken down my turnover started to drop that is the reason I put another sign up to try to survive;*
- *If one drives up and down Albany Highway you will notice a lot of signs on the top of the awnings, a lot are in total disrepair. People have put air conditioning units on the tops which make the place look shabby;*
- *I am proposing a professional sign with is attractive and will go well with what the strip is all about. People going out to have a meal of their choice. I have not spared any expense in the revamp of the shop; and*
- *All the signs are branded on both sides.*

**Legal Compliance:**Legislation

- *Planning and Development Act 2005*, s162;
- Town Planning Scheme No. 1 (TPS 1) Clause 30A ‘Determination of Application for Advertisements’;
- TPS 1 Precinct Plan P11 – ‘Albany Highway’; and
- *Planning and Development (Local Planning Schemes) Regulations 2015* – Deemed Clause 67 ‘Matters to be considered by local government’. In this instance it is considered that the following items are relevant matters that the Council must have regard to :
  - (g) *any local planning policy for the Scheme area;*
  - (n) *the amenity of the locality;*
  - (s) *the adequacy of –*
    - (ii) *Arrangements for the loading, unloading, manoeuvring and parking of vehicles; and*
  - (x) *the history of the site where development is to be located.*

In relation to the TPS Precinct Plan, the following statements are relevant to the proposed development:

*“The shopping areas are to be maintained as district centres offering a wide range of retail as well as community attractions including leisure and recreation uses, public/civic uses, community and social services.*

*Strong and coherent urban design principles are to be implemented through the provision and maintenance of strong gateways identifying the entrance to the precinct area, distinctive edges delineating precinct boundaries, consolidated retail nodes and commercial areas linking these nodes.*

*Signs will be controlled to ensure compatibility with the desired character of the particular area of the precinct, and encouraged so as to continue the present vitality created by the diversity of sign types and characters.”*

Local Planning Policies:

- Local Planning Policy 17 – Street Frontage Design Guidelines for District Centres and Commercial Areas along Albany Highway (LPP 17).
- Local Planning Policy 30 – Car Parking Standards for Development along Albany Highway (LPP 30).
- Draft Local Planning Policy - Signs

Local Laws:

- *Signs Local Law 2006.*

In assessing the application the above matters have been considered, and a summary of compliance with the key development requirements is summarised in the Planning Assessment below and where necessary, further addressed in the Comments section of the report.

Planning Assessment

The application has been assessed against the applicable planning framework identified above.

The application proposes a variation to development standards and thereby seeks Council discretion in relation to the items identified in the table below, which is further discussed in the Comments section below:

<b>Item</b>	<b>Relevant Provision</b>	<b>Requirement</b>	<b>Proposed</b>
Car Parking	LPP 30 - Car Parking Standards for Development along Albany Highway	Minimum of 12 on-site car bays	Three (3) compliant bays
Below Awning Sign	Clause 24 – Signs Local Law 2006	(1) Maximum of one such sign per street frontage of the subject tenancy;  (2) the aggregate area of all surfaces that provide advertising is 0.2m <sup>2</sup> per 1m of street frontage of the subject tenancy (up to a maximum area of 2m <sup>2</sup> ) and in cases where only one surface is provided with advertising the area is 0.1m <sup>2</sup> per 1m of street frontage of the subject tenancy (up to a maximum area of 1m <sup>2</sup> ); and  (3) A minimum ground clearance of 2.7m.	(1) Additional awning sign exceeds the permitted one (1) sign per frontage;  (2) Aggregate area of the two sided sign measures 1.85m <sup>2</sup> ;  (3) Ground clearance of 2.38m in lieu of 2.7m.
Above Awning Sign	Clause 37 - Signs Local Law 2006	(1) The advertising signs in clauses 35, 36 and 37 require planning approval – (a) the Town will generally not approve the provision of any of the advertising signs in clauses 35, 36 and 37 to a commercial premise because they do not provide a positive contribution to the amenity and built form of the locality	(1) Above awning sign proposed to be positioned 3.72m above the footpath, the sign is perpendicular to the wall of the building.
Signage	LPP 17 – Street Frontage Design Guidelines for	(1) Signs attached to a building should be restricted to ground floor level, under	(1) The proposed signs duplicate the contents of

Item	Relevant Provision	Requirement	Proposed
	District Centres and Commercial Areas Along Albany Highway	awnings and the fascia of an awning. A sign above this level might be approved, if it's in keeping with the architecture; does not obscure or duplicate existing signs; and allows space on the frontage to accommodate the identity of other occupiers	an existing under-awning sign. The signage is proposed to be installed perpendicular to the face of the building.
External Coolroom	Precinct Plan P11 – Albany Highway	(1) Setbacks: i. Buildings shall have a nil setback to Albany Highway and nil side setbacks except where pedestrian access way to the rear of the site is to be provided.	(1) Coolroom setback 3.3m from secondary Street (Canterbury Terrace).

**Community Consultation:**

In accordance with Council’s Local Planning Policy 37 ‘Community Consultation on Planning Proposals’ (LPP 37), the proposed shortfall of on-site car parking bays was advertised to surrounding properties for a period of 14 days. Advertising included letters to the owners and occupiers of the surrounding properties within a 100m radius.

No submissions were received at the conclusion of the consultation period.

**Internal Referrals**

The application was referred to relevant internal Service Areas for review and comments as per the table below.

Service Area	Comments
Building	Object. Under awning signage does not achieve minimum 2.7m height to under-side of sign
Environmental Health	No objections. Request standard conditions be applied to any approval
Street Improvement	Object. Due to the placement of the cool room, only one (1) of the two (2) bays parallel to the street comply with the Australian Standard for vehicle manoeuvring (ie. 3 compliant on-site car bays). Non-compliant size of approved on street dining (free trade permit).

**External Referrals**

Nil

**Policy Implications:**

Nil



**Risk Management Considerations:**

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

**Strategic Plan Implications:**

Environment:

EN1 – Land Use Planning that puts people first in Urban Design, allows for different housing options for people with different housing needs and enhances the Town’s character.

**Financial Implications:**

Should the applicant be aggrieved by the Council’s decision they have a right of review to the State Administrative Tribunal. If the applicant were to exercise this right, then there may be financial implications for the Town in terms of representation to defend Council’s decision.

**Sustainability Assessment:**

External Economic Implications:

As the proposed development aims to expand an existing Restaurant use, it is observed to promote businesses and employment in the Precinct.

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

Increased Dining Floor Area

The intent of the East Victoria Park Shopping Area within the District Centre Zone of the Albany Highway Precinct is to encourage retail uses at pedestrian level, with other non-retail uses behind and above the main street front.

Information was supplied by the applicant on 17 May 2018, which provides further details regarding the operation of the proposed 'Restaurant'. These details include:

- Fifteen staff members are employed by the business,
- Proposed hours of operation are between 6am - 12pm Monday - Sunday, subject the level of trading conducted on each individual day; and
- Customer numbers are estimated to be 50-100 per day depending on a number of factors

Referring to historical photos of the premises (Appendice 2), the external "Alfresco" areas located within the subject lot has seemingly operated, for some time without council approval, with negligible detrimental effect to the streetscape. Without activation, this space would be a void along Albany Highway therefore the proposal to increase the dining floor area to include the two 'Alfresco' areas is considered an acceptable outcome.

Car Parking

The submitted plans show a dining floor area of 72.65m<sup>2</sup>. This increase of dining floor area, from the originally approved 30m<sup>2</sup>, correspondingly increases the on-site parking requirements from six (6) bays to 12 bays, with no additional on-site parking proposed.

Acknowledging the comments from the Town's Street Improvement staff that only one (1) of the two (2) bays parallel to the street and adjacent to the coolroom demonstrates compliance with the relevant Australian Standards, this leads to a further increase to the car parking shortfall from the existing approved shortfall of two (2) bays (6 required; 4 provided) to nine (9) bays (12 required; 3 compliant bays provided).

Due to likely daytime walk-in-patronage to the 'Restaurant' from staff and visitors from nearby businesses/premises, Council has previously accepted a 50% reduction in the car parking requirement for a 'Restaurant' use during normal business hours only, provided the full parking requirement is to be catered for during the evening peak periods. As a result, the car parking situation could be summarised as follows:

<b>Table 3: Shortfall of car parking bays during normal hours and evening peak hours:</b>		
<b>2008 Approval</b>		
Required Bays - 6	Provided Bays - 4	Shortfall - 2
<b>Current Application</b>		
Evening period		
Required Bays - 12	Provided Bays – 3 (Noting that 1 of the 4 on-site car bays are non-compliant.)	Shortfall – 9 (Increased shortfall of 7 bays from 2008 approval)
Normal hours		
Required Bays – 6 (50% reduction)	Provided Bays – 3 (Noting that 1 of the 4 on-site car bays are non-compliant)	Shortfall – 3 (but no net increase in parking shortfall from 2008 approval)

Having regard to the above, the additional dining floor area increases the on-site car parking shortfall at all times that the business is in operation, by up to a nine (9) bay shortfall during the evening. It is noted that opportunity does exist to require the removal of the coolroom which would result in one (1) additional bay provided (ie. total of four (4) on-site bays) and a consequent one (1) bay parking shortfall reduction.

While a parking shortfall is proposed, the following factors are noted:

- 39m<sup>2</sup> of the additional 42m<sup>2</sup> of dining floor area comprises areas that have been used for dining for some time, albeit without Council approval. As such the application seeks to legitimise the use of these spaces, as opposed to adding dining floor area and additional parking demand beyond that which currently exists.
- 39m<sup>2</sup> of the additional dining floor area comprises external areas that interface with the pedestrian thoroughfare and therefore add activity and vibrancy to the street. Activation of the street is a key urban design principle and an objective stated within Precinct Plan P11 - Albany Highway.

In balancing the parking requirements under the Town's Parking Policy and the desire for activation of the Albany Highway streetscape, it is recommended that the proposed parking shortfall be supported, with three (3) compliant on-site parking bays being provided.

#### Offsite Car Parking and Public Transport Options

While supporting the parking shortfall for the reasons outlined above, it is noted that off-site car parking is also available in proximity to the subject site as another option to customers and staff. Consideration can be given to the 20 public car parking bays that are available within approximately 50 metres along Canterbury Terrace in addition to the 120 bays available behind 864 Albany Highway (IGA) located within 100m of the subject lot.

Additional public transport options are also available that could service customers accessing the Restaurant. Two hardstand bus stops are located within 100m of the subject lot which mark drop off/pick up points for the 220 and 284 service. Generally speaking bus services run approximately every half hour along this section of Albany Highway.

#### Retrospective Coolroom

The applicant has advised that the coolroom located at 877 Albany Highway was installed in October 2017. The purpose of the coolroom was to provide additional storage for perishable items related to the business which could not be contained in existing refrigerated storerooms. The coolroom measures 2.0 metres by 2.6 metres (4.6m<sup>2</sup>) and is located 3.3 metres from the boundary to Canterbury Terrace. The height of the coolroom is approximately the same as the existing building wall height which measures 3.62 metres. The coolroom is screened by a 1.8 metre high colourbond fence (Appendix 1) and is therefore only partially visible from Canterbury Terrace.

While the placement of the coolroom without authorisation from the Town constitutes the need for retrospective approval, the built outcome is considered to not cause any substantial negative effect on the streetscape. In regards to setbacks, the provisions of the P11 – Albany Highway Precinct Plan states:

2. "Set Backs:

- Buildings shall have a nil set back to Albany Highway and nil side setbacks except where a pedestrian access way to the rear of the site is to be provided;*
- Elsewhere in this area, buildings shall be set back from the street alignment as is generally consistent with buildings on adjoining sites and in the immediate locality"*

It is considered that the visual impact of the coolroom would have a detrimental effect on the streetscape if located on the secondary street boundary, however the separation created by the 3.3 metre setback and screen fence is considered sufficient.

As per previous comments, the location of the coolroom reduces available compliant on-site car parking from four (4) bays to three (3) bays. While this increases the parking shortfall by a further one (1) bay, it is acknowledged that the coolroom is an important part of the business operations.

### Signage

The applicant proposes two (2) additional signs to be installed, being one (1) above and one (1) below the existing awning in addition to the one (1) existing below awning sign. The proposed below awning sign measures 1.85m<sup>2</sup> in aggregate area (0.925m<sup>2</sup> per side) and has a clearance from the public footpath of 2.38 metres. The above awning sign measures 2.88m<sup>2</sup> in aggregate area and has a clearance from the public footpath way of 3.72 metres.

Having regard to Clause 24 of the Towns Signage Local Law 2006, the under awning sign does not meet the minimum ground clearance of 2.7m. Additionally the sign duplicates the existing under awning sign. Bearing in mind an under awning sign is already existing as well as a number of other sign elements to the building, the installation of a second under-awning sign is considered redundant and would add unnecessary clutter to the streetscape. As such, a second under-awning sign is not supported and is recommended to not form part of any approval.

The above awning sign is subject to Clause 33 and 37 of the Towns *Signs Local Law 2006*. Clause 37 defines what is considered an above awning sign, which is defined as follows:

*“...A sign above a verandah or in excess of 3.4 metres above footpath level on a building without a verandah/awning is an advertising sign fixed or painted on the wall or perpendicular to the wall of a building and usually located above an awning or verandah. In some cases a building may not be provided with an awning or verandah...”*

As such the proposed sign is then subject to Clause 33(2) (a) which states:

2. *“...The advertising signs in clauses 35, 36 and 37 require planning approval -
  - a) The Town will generally not approve the provision of any of the advertising signs in clauses 35, 36 and 37 to a commercial premise because they do not provide a positive contribution to the amenity and built form of the locality...”*

This is reflected through the Towns LPP 17 - *Street Frontage Design Guidelines for District Centres and Commercial Areas along Albany Highway* which sets parameters for the approval for above awning signs including:

*“...Signs attached to a building should be restricted to ground floor level, under awnings and the fascia of an awning. A sign above this level might be approved, if it is in keeping with the architecture; does not obscure or duplicate existing signs; and allows space on the frontage to accommodate the identity of other occupiers...”*

While the sign is professionally constructed, it does not integrate with the façade of the existing building and is considered to detract from the streetscape character contrary to Clause 30A of the Scheme Text. Additionally, the signs contents duplicate the signage already shown on the existing under awning sign. As the above awning sign does not satisfy the relevant provisions of LPP 17, it is considered that approval should not be granted for this aspect of the proposal.

Additionally, the Town is currently advertising a draft Local Planning Policy for Signs. The objectives of the policy include, but are not limited to:

- To ensure that the display of signage does not adversely impact upon the amenity of the streetscape or surrounding area; and
- To strike a balance between the reasonable identification of businesses and the need to ensure that advertising signs are complementary to build form and streetscapes.

Part one of the draft policy outlines a number of sign types and the applicable standards that apply. Signs that comply with the applicable standards are considered to be an 'Exempt Sign'.

In regards to under awning signs the following standards would apply:

- a) There is only one such sign per street frontage of the subject tenancy;
- b) The aggregate area of all surfaces that provide advertising is 0.2m<sup>2</sup> per 1m of street frontage of the subject tenancy (up to a maximum area of 2m<sup>2</sup>) and in cases where only one surface is provided with advertising the area is 0.1m<sup>2</sup> per 1m of street frontage of the subject tenancy (up to a maximum area of 1m<sup>2</sup>); and
- c) It has a minimum ground clearance of 2.7m.

The proposed additional under awning sign is considered to not meet the above standards as the proposal duplicates the number of allowable signs per street frontage and has a clearance from the public footpath of 2.38 metres in lieu of 2.7m.

Part Two of the draft policy outlines the standards to which above awning signs would be assessed against, which are as follows:

*"...In assessing an application for development approval for an above awning sign, the Town will have regard to the matters listed in Part Four of this Policy, and will generally only support above awning signs which address the following criteria:*

- *Attached to wall only (not on roof of verandah, canopy or awning);*
- *Parallel to parapet only so as to not interrupt view of sky and obscure signage on adjacent premises;*
- *Only contain the name of the building and/or tenant (ie. not include phone numbers, advertise products etc);*
- *Is limited to one above awning sign only;*
- *The sign can be illuminated but not flash;*
- *The aggregate area of the sign comprises no more than 25% of the wall to which it is attached;*
- *The sign is of a high quality finish and has a low visual impact, preferably comprising of 3-dimensional lettering only (to comprise the name of the business/premises) and/or the business logo fixed to the wall, but shall not include signage on a metal signboard fixed to the wall or signage painted onto the face of the wall; and*

- *The lettering is framed by a blank wall with the spacing above, below and to the sides of the lettering being at least the height of the lettering...*

It is considered that the proposed above-awning sign would not satisfy the proposed provisions outlined within the Towns Draft Local Planning Policy – Signs due to its orientation and location.

The conclusion drawn from assessing the proposed signage against the Town’s Draft Local Planning Policy – Signs is that the additional under awning sign and above awning sign does not meet the applicable standards set and would be inconsistent with the objectives of the draft policy. While not adopted, Council could give regard to the provisions of this draft policy.

### **CONCLUSION:**

Having regard to the above, and in accordance with relevant clauses listed under the section ‘*Relevant General Provisions of Town Planning Scheme No. 1*’ of this report, the proposed additions and alterations to the existing Restaurant (increased dining floor area, external coolroom and signage) is considered to be consistent with the intent of the relevant Precinct Plan and with the orderly and proper planning of the area in some respects.

While a variation to the parking standards of LPP 30 is proposed, Council Officers are satisfied that the benefits of activation is a positive outcome which satisfies the objectives of the P11 Albany Highway Precinct Plan.

Conditions of approval relating to the signage are recommended to ensure that the signage is reasonable for identifying the business while not detracting from the quality of the streetscape.

### **RECOMMENDATION/S:**

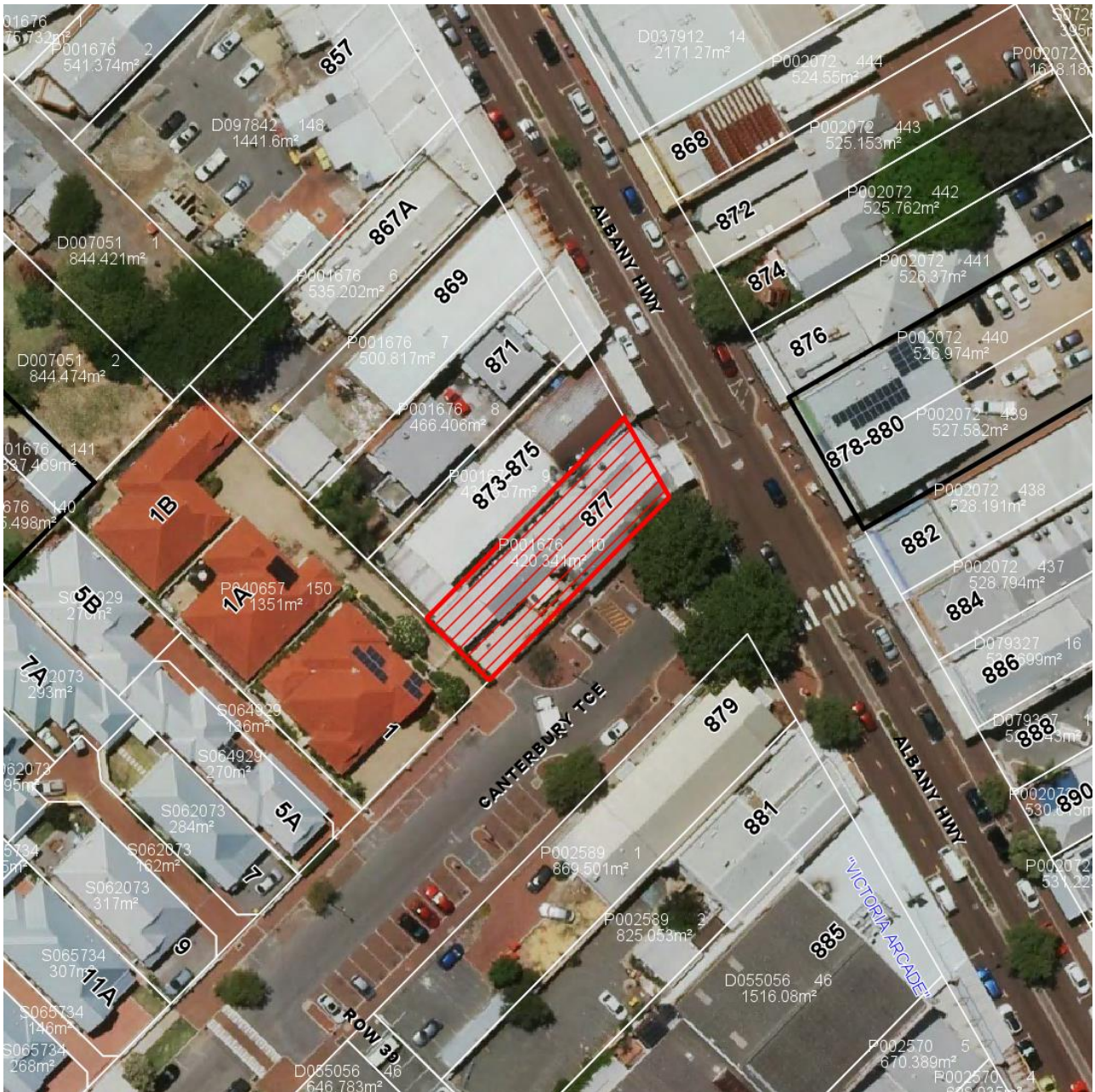
**In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by Chelsea Pizza Co EVP (DA Ref: 5.2018.337.1) for Retrospective Additions and Alterations to Existing Restaurant (Increased Dining Floor Area, External Coolroom & Signage) at 877 (Lot 10) Albany Highway, East Victoria Park as indicated on the plans dated received 8 May 2018 be Approved subject to the following conditions:**

1. **The maximum floor area of the sit down dining area for the existing Restaurant is to be limited to 72.65m<sup>2</sup>, as shown on the approved floor plan.**
2. **The proposed above-awning sign does not form part of this approval.**
3. **The location and details of the sign(s), and any supporting structure, as shown on the approved plans, must not be altered without the written consent of the Town.**
4. **The sign must not contain any flashing lights.**
5. **Within 60 days of this approval, the following matters are to be resolved to the satisfaction of the Town:**

- 5.1 The provision of three (3) compliant on-site car bays; and**
- 5.2 The removal of the unauthorised under awning sign located closest to the street corner.**

### **Advice to Applicant**

- 6. Sound levels created are not to exceed the provisions of the *Environmental Protection (Noise) Regulations 1997*.**
- 7. 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.**
- 8. The staff and clients of the 'Restaurant' are encouraged to utilise alternative means of transport e.g. public transport and carpool.**
- 9. 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.**
- 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 a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.**
- 11. The applicant is recommended to contact the Towns Engineering department to confirm the approved 'Free-Trade Permit' area.**





**11.2 No. 67 (Strata Lot: 1, Strata Plan: 72688) Hubert Street, East Victoria Park - Change of Use to Unlisted Use (Yoga Studio) and Consulting Rooms**

<b>File Reference:</b>	PR24658
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Site Photos</li> <li>2. Development application plans</li> <li>3. Applicant's covering letter</li> <li>4. Objection from surrounding owner</li> <li>5. Applicant's response to submissions</li> </ol>
<b>Attachments:</b>	No
<b>Landowner:</b>	McIntosh and Co Pty Ltd & Jolly Good Property Pty Ltd
<b>Applicant:</b>	Stillness in Motion Pty Ltd
<b>Application Date:</b>	10 April 2018
<b>DA/BA or WAPC Ref:</b>	5.2018.260.1
<b>MRS Zoning:</b>	Urban
<b>TPS Zoning:</b>	Residential R30
<b>TPS Precinct:</b>	Precinct P10 ' Shepperton Precinct'
<b>Use Class/es:</b>	Unlisted Use (Yoga Studio) and Consulting Room
<b>Use Permissibility:</b>	At Council's discretion

<b>Date:</b>	3 July 2018
<b>Reporting Officer:</b>	L. Sabitzer
<b>Responsible Officer:</b>	R. Cruickshank
<b>Voting Requirement:</b>	Approval - Absolute Majority Refusal - Simple Majority

<b>Executive Summary:</b>	
<b>Recommendation – Temporary two (2) year approval, subject to conditions</b>	
<ul style="list-style-type: none"> <li>• The application seeks to extend the temporary approval granted by Council in 2016 for a yoga studio at the subject site, vary planning conditions and add a 'Consulting Rooms' use (one practitioner, one client), which will operate at separate times to the yoga studio.</li> <li>• Existing planning conditions relating to the yoga studio and the maximum number of participants, maximum number of classes per day and operating hours are proposed to be varied with this application.</li> <li>• The community consultation period commenced on 22 May 2018 and concluded on 12 June 2018. Four (4) submissions were received during the consultation period, of which three (3) submissions were in support of the proposal and one (1) submission objected to the proposal.</li> <li>• It is recommended that the application be approved subject to conditions, including the approval being for a two (2) year period. This is due to the implications of Scheme Amendment 80 (draft, not yet in effect) which would classify the yoga studio as a 'Recreation – Private' use which is proposed to be a prohibited use in the Residential zone.</li> </ul>	

**TABLED ITEMS:**

Nil

**BACKGROUND:**

In March 2016, Council granted temporary development approval for a change of use from 'Single House' to Unlisted Use 'Yoga Studio' at the subject site. The approved plans involved the conversion of an existing residential dwelling, the provision of five (5) car bays of which two (2) car bays are in tandem and a front landscaping area of approximated 28m<sup>2</sup>.

This development approval was subject to the following conditions:

- (1) This approval is for the use of the building at 67 Hubert Street as a 'Health Studio/Yoga Wellness Centre' only in accordance with the written information from the applicant date stamped 15 February 2016, or as varied by Conditions of this approval. Any alternative use or use for any other form of a yoga/meditation centre will require submission of an application to Council for a change of use.*
- (2) This approval is for the use of the premises as a Health Studio/Yoga Wellness Centre for a period of twelve (12) months only from the date of commencement, after which time the use as a Health Studio/Yoga Wellness Centre is to cease unless a further planning approval is obtained.*
- (3) Maximum number of persons attending group classes at any given time is not to exceed twelve (12) persons.*
- (4) There being a maximum of four (4) classes per day with a minimum gap of 15 minutes between each class.*
- (5) Classes are permitted to operate at the following times only:
  - i. 7:15am to 8:15pm Monday to Thursday;*
  - ii. 7:15am to 6:00pm Friday and Saturday; and*
  - iii. 8:00am to 6:00pm Sunday**
- (6) The applicant implementing measures to the satisfaction of the Manager Urban Planning to inform all patrons that the parking of only one (1) vehicle is permitted on Hubert Street, being immediately in front of 67 Hubert Street.*
- (7) Before the subject development is first occupied or commences operation, all car parking bays together with their access aisles to be clearly paved, sealed, marked and drained and thereafter maintained in accordance with Australian Standards, to the satisfaction of the Street Life Business Unit. All bays and access aisles shall be maintained clear of obstructions for use as car parking at all times.*
- (8) 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.*
- (9) The development to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 at all times.*
- (10) This approval does not include any modification to the external appearance of the building. Any changes to the external appearance of the building are subject to a separate application for planning approval.*

- (11) *The dwelling on 67 Hubert Street to be internally reconfigured back to a residential dwelling within three (3) months of the 'Health Studio/Yoga Wellness Centre' ceasing to operate within the residence."*

In May 2016, the Town's Building Business Unit granted building permit approvals for the various building works at the premises including the replacement of the timber flooring, roof cladding and removal of internal walls.

Following this, in June 2016 the Town received an application to amend the development approval. The applicant requested for the development approval to be amended, "...to allow one-on-one yoga classes, therapies (i.e. massage, counselling) in between classes and the sale of yoga related items". The amended application was approved, under delegation, for the addition of one-on-one yoga classes and the incidental sale of yoga related items. The one-on-one yoga classes were conditioned to not coincide with the group classes with a minimum gap of 15 minutes between classes and a maximum of one (1), one-on-one yoga class occurring at a given time.

In October 2016, the premises was issued an occupancy permit from the Town's Building Business Unit.

#### **DETAILS:**

The application seeks to extend the temporary approval granted by Council in 2016 for a yoga studio at the subject site. The application also proposes to vary planning conditions and add a 'Consulting Rooms' use (one practitioner, one client), which will operate at separate times to the yoga studio.

#### Site Context

No. 67 Hubert Street, East Victoria Park (the 'subject site') is located in the Residential zone, is coded R30 and is within Precinct P10 – Shepperton Precinct.

The land is the front strata lot of Strata Plan 72688, is approximately 349m<sup>2</sup> in area and contains an existing converted original dwelling with frontage to Hubert Street. Refer to the site photos contained within the Appendices.

The existing land uses and buildings surrounding the subject site include:

- Hubert Street is predominately residential, with a mix of single houses and grouped dwellings.
- The Hubert Street public car park, containing approximately 157 car bays, directly abuts the subject site.
- The land to the rear of the subject site (67A Hubert Street) is currently vacant land.
- The commercial strip of the East Victoria Park section of Albany Highway is within walking distance.

#### Proposed Development

The applicant has submitted details regarding the proposal, as follows:

- The owners of the premises have advised that the yoga studio commenced operation on April 2017. Information obtained by Council Officers indicates that the use is continuing.

- A 'Consulting Rooms' use is proposed to be added, which will operate at separate times to the yoga studio.
- It is requested that the following conditions of the existing development approval are varied:
  - i. To grant permanent rather than temporary approval of the development.
  - ii. Group class size to be increased from up to 12 participants to a maximum of 15 participants at one time.
  - iii. Removal of the restriction of up to 4 group classes per day.
  - iv. An increase of operating hours to 6am – 9.30pm, daily.
- The installation of signage (non-illuminated) comprising of an under verandah sign affixed to the underside of the existing verandah measuring 1m x 1.5m and a portable sandwich board sign measuring 0.9m x 1.2m.

The applicant outlines the purpose of the amendments and the suitability of the proposal, as follows:

*"These changes would allow the business to be viable and competitive with other businesses in the area, so the benefits of this health and yoga studio can continue to be offered to the community".*

*"To date, the owners have advised that no complaints have been received, demonstrating that there is no adverse impact to the surrounding community. The minimal changes to the conditions, as proposed above, are not anticipated to have any negative impact".*

Refer to the development plans and applicant's covering letter in the Appendices.

### **Legal Compliance:**

#### Legislation

In assessing and determining this application, Council is to have regard to the following:

- *Planning and Development Act 2005*;
- Town Planning Scheme No.1 (TPS1) – Clause 16 'Unlisted Uses';
- Town Planning Scheme No.1 (TPS1) – Clause 28 'Determination of Application for an Unlisted Use';
- Town Planning Scheme No.1 (TPS1) – Clause 29 'Determination of Non-Complying Applications';
- Town Planning Scheme No.1 (TPS1) – Clause 30A 'Determination of Application for Advertisement';
- TPS1 Precinct Plan P10 – Shepperton Precinct; and
- *Planning and Development (Local Planning Schemes) Regulations 2015* - Deemed Clause 67 'Matters to be considered by local government' and Deemed Clause 68 'Determination of Applications'.

In this instance, in relation to Deemed Clause 67, it is considered that the following items are relevant matters that the Town must have regard to:

- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*

- (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...
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates...
- (s) the adequacy of –
  - (i) the proposed means of access to and egress from the site; and
  - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (y) any submissions received on the application;

- Signs Local Law 2006

Local Planning Policies

- Local Planning Policy 3 – Non Residential Uses in or Adjacent to Residential Areas (LPP3);
- Local Planning Policy 23 – Parking Policy (LPP23); and
- Local Planning Policy 37 – Community Consultation on Planning Proposals (LPP37).

Draft Legislation and Local Planning Policy

The following draft planning documents have been advertised to the public and are considered to be ‘seriously entertained’. This means that Council is to have regard to these draft planning documents:

- Scheme Amendment 80 to Town Planning Scheme No.1
- Draft Local Planning Policy - Signs

In assessing the application, the above matters have been considered and a summary of the compliance with the key development requirements is summarised in the Planning Assessment below and where necessary, further addressed in the Comment section of this report.

**Planning Assessment:**

Summary Assessment

The table below summarises the planning assessment of the proposal against the applicable planning framework. In each instance where the proposal requires the discretion of Council, the relevant planning item is discussed in the Detailed Assessment section following from this table.

Planning Item	Compliant	Requires the Discretion of Council
Land Use		X
Car Parking		X
Landscaping		X
Signage		X

**Detailed Assessment**

The planning items which require the discretion of Council are as follows:

<b>Land Use</b>	
Deemed-to-Comply Standard	Proposed
<ul style="list-style-type: none"> <li>Permitted 'P' use</li> </ul>	<ul style="list-style-type: none"> <li>Unlisted use (Yoga Studio)</li> <li>Discretionary 'AA' use - Consulting Room</li> </ul>
<b>Car Parking</b>	
Deemed-to-Comply Standard	Proposed
<ul style="list-style-type: none"> <li>Minimum of 6 bays</li> </ul>	<ul style="list-style-type: none"> <li>4 bays</li> </ul>
<b>Landscaping</b>	
Deemed-to-Comply Standard	Proposed
<ul style="list-style-type: none"> <li>Minimum 25% of site area (approx. 87m<sup>2</sup>)</li> </ul>	<ul style="list-style-type: none"> <li>Currently minimal landscaping on-site.</li> </ul>
<b>Signage</b>	
Deemed-to-Comply Standard	Proposed
<ul style="list-style-type: none"> <li>Matters listed at clause 30A of TPS1 relating to signage</li> </ul> <p><u>Portable (sandwich board) sign</u></p> <ul style="list-style-type: none"> <li>Maximum 2m<sup>2</sup> in total area, with a maximum of 1m<sup>2</sup> on any one side.</li> </ul> <p><i>Pursuant to draft Local Planning Policy - Signs</i></p>	<ul style="list-style-type: none"> <li>Proposal deemed to be consistent with clause 30A of TPS1</li> </ul> <p><u>Portable (sandwich board) sign</u></p> <ul style="list-style-type: none"> <li>2.16m<sup>2</sup> in total area and 1.08m<sup>2</sup> per side.</li> </ul>

**Community Consultation:**

In accordance with Council's Local Planning Policy 37 'Community Consultation on Planning Proposals' (LPP37), the proposal was the subject of community consultation for a period of 21 days, from 22 May 2018 to 12 June 2018.

Advertising of the proposal comprised of letters being sent to owners and occupiers of surrounding properties, signage installed on the site and advertisements being placed in the Southern Gazette. The term 'surrounding properties' is defined in LPP 37 as those properties which fall wholly or partly within a 100m radius of the subject site.

During the consultation period, four (4) submissions were received, as outlined below:

<b>Submitters Comments</b>	
Submission 1 – Support – Landowner	
<p><i>I believe that the minor changes requested in this application will have no negative impacts on nearby residents, but greatly improves the prospects for the business owner and clients.</i></p>	<ul style="list-style-type: none"> <li>Comments of support, noted.</li> </ul>

<b>Submission 2 – Support – Yoga Studio employee</b>	
<p><i>I would like to support address 67 Hubert Street continuation as a yoga studio in perpetuity.</i></p> <p><i>This endeavour will continue to enrich the community of East Victoria Park. Yoga not only is a form of exercise but also enriches the mental and spiritual wellbeing of students.</i></p>	<ul style="list-style-type: none"> <li>• Comments of support, noted.</li> </ul>
<b>Submission 3 - Support</b>	
<p><i>I would like to support the application to the continuation of 67 Hubert St as a yoga studio in perpetuity. The location is perfect for the yoga practice, as it does not cause any disturbance to neighbours, while providing a very central location for people interested in the practice. Yoga is beneficial not only for the body, but specially for the mind, strengthening emotional balance, reducing stress and enhancing neighbourly ties. It is a very much needed antidote to our busy lives - having it accessible right in the heart of Vic Park can only bring benefits to the community.</i></p>	<ul style="list-style-type: none"> <li>• Comments of support, noted.</li> </ul>
<b>Submission 4 – Objection</b>	
<p>Refer to the Appendices to view a full copy of the objectors’ letter.</p> <p>In summary, the objection raises the following matters:</p> <ul style="list-style-type: none"> <li>• The proposed variations to the existing planning conditions;</li> <li>• Previous non-compliances to Council requirements;</li> <li>• Lack of car parking and customers parking in ‘no standing’ zone;</li> <li>• Noise due to the slamming of car doors, conversations and during times of residential amenity; and</li> <li>• Precedent for non-residential uses on Hubert Street.</li> </ul>	<p>The proposed variations to the existing planning conditions have been considered in the context of the planning framework. The following conditions are recommended after assessment of the applicant’s proposed changes to the operating hours, class frequency per day and class sizes.</p> <p>The applicant’s proposed operating hours of 6am – 9.30pm are not supported as it is not reasonable for nearby residents to have noise disturbance prior to 7am or in the late evening. It is recommended that the operating hours remain as per the previously approved operating hours.</p> <p>To allow for the turnover of participants between group classes, a condition is recommended to have at least 15 minute intervals between classes. This is in line with the existing approval.</p>

	<p>The proposal, with the land uses operating at separate times (i.e. not concurrently) is compliant with the minimum car parking requirements outlined in Local Planning Policy 23 – Parking Policy.</p> <p>Any issues relating to noise will need to comply with the Environmental Protection (Noise) Regulations 1997. To date, no noise complaints have been registered with the Town in relation to the yoga studio.</p> <p>Each application is assessed separately, on its merits. Furthermore, Scheme Amendment 80 proposes to introduce new land use classes and definitions to Town Planning Scheme No.1. Scheme Amendment 80, if gazetted, would result in the currently Unlisted Use (Yoga Studio) being classified as Recreation – Private which is proposed to be a prohibited use, not capable of approval in the Residential zone. Refer to the Comments section below, for further information.</p>
--	---

The applicant in response to the objection received has advised, in summary:

- *“The owners of the property have advised that the local residents that they have spoken to have had no complaints with the property whilst it has been in operation. Additionally, no formal complaints have been received.*
- *With respect to parking, the application satisfies the councils parking requirements. The layout of the street parking and the Hubert Street carpark is out of our hands and, with respect, would presumably have been known factor to residents prior to moving into the area.*
- *To our knowledge the users of the facility have not parked in no standing zones, prevented people from parking outside their property, or caused noise that disturbed residents.*
- *67 Hubert Street and the properties on the opposite side of the road going north are directly adjacent to a busy existing commercial area.*
- *It would have been helpful for this resident to bring these concerns to attention at the time they happen so we could have tried to determine if it was as a result of 67 Hubert Street or from the adjacent commercial area”.*

Refer to the Appendices for a full copy of the Applicant’s response to submissions.



Internal Referrals

Service Area	Comments
Building	No objections. A separate sign licence application is required.
Environmental Health	No objections. Standard advice note requested relating to compliance with the <i>Environmental Protection (Noise) Regulations 1997</i> . For the Consulting Room use, advice notes relating to the requirements to notify the Town of any activities involving skin penetration procedures and the suitable disposal of medical waste.

**Policy Implications:**

Nil

**Risk Management Considerations:**

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

**Strategic Plan Implications:**

Social

S1 – A healthy community

Economic

EC1 – A desirable place for commerce and tourism that support equity, diverse local employment and entrepreneurship

Environment

EN1 – Land use planning that puts people first in urban design, allows for different housing options for people with different housing needs and enhances the Town's character.

**Financial Implications:**

Should the applicant or owner be aggrieved by the Council's decision they have a right of review to the State Administrative Tribunal. If the applicant or owner were to exercise this right, then there may be financial implications for the Town in terms of representation to defend Council's decision.

**Sustainability Assessment:**External Economic Implications:

Nil

Social Issues:

The proposed development provides a recreation facility and meeting space for people who live and/or work in the locality.

Cultural Issues:

The proposal continues to retain an original dwelling which was constructed circa 1927. However, the lack of a landscaped setting, as viewed from the street, for the original dwelling is discussed in the Comments section, below.

Environmental Issues:

Any issues relating to noise will need to comply with the *Environmental Protection (Noise) Regulations 1997*.

**COMMENT:**Land Use

*Unlisted Use (Yoga Studio)*

The application seeks to extend, on a permanent basis, the temporary approval of the 'Unlisted Use (Yoga Studio)'. The temporary approval for the yoga studio was granted by Council in March 2016 and was conditioned to operate for a period of 12 months from the date of commencement of the yoga studio.

In determining an application for an Unlisted Use, Council is to make a decision in accordance with Clause 16 of Town Planning Scheme No. 1 having regard to the orderly and proper planning of the locality and whether the use is consistent with the intended purpose and objectives of the 'Residential' zone in which it is located.

The Statement of Intent for Precinct Plan P10 'Shepperton Precinct' in part states the Precinct is to "...ensure its cohesion as a residential locality, the only new non-residential activities to be permitted in the area should be those which predominantly function to provide for day-to-day local needs".

The yoga studio as a non-residential use received temporary development approval in 2016. At the time the Officer's report stated that it was accepted that the use would predominately serve the needs of local residents and consideration was given to the fact that the subject site is located adjacent to a public car park and within proximity to commercial and mixed uses on Albany Highway.

Notwithstanding the above, in January 2018, Council initiated Scheme Amendment 80 which seeks to introduce new land use classes and definitions to TPS1. Amendment 80 largely introduces and/or modified land use definitions to reflect the model provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*. This proposed Scheme Amendment has undergone community consultation and is the subject of a separate report on the agenda. As such Scheme Amendment 80 is considered to be a 'seriously entertained' document.

Scheme Amendment 80 proposes to introduce the land use of 'Recreation – Private' which is defined as, "*means premises that are – (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge*".

If this Amendment comes into effect, the yoga studio would be classified as a 'Recreation – Private' land use. This land use is proposed to be an 'X' (prohibited) land use in the Residential zone.

The implications of Scheme Amendment 80 were communicated to the applicant, prior to the application for development approval being submitted. As such, the applicant has lodged a submission, in relation to Scheme Amendment 80.

Until such time as Scheme Amendment 80 is gazetted, Council still has the power to exercise its discretion and approve the application, and in doing so is to give due consideration to the impact of Scheme Amendment 80. Noting that the Amendment intends to prohibit the 'Recreation – Private' use on Residential zoned land, it would be inconsistent to grant indefinite development approval, as requested by the applicant. However acknowledging the previous approved use of the subject site and the subject site having a public car parking directly to the north-west, the Town's Officers recommend that a temporary two (2) year approval is granted.

A two (2) year approval period allows the applicant the ability to operate for this period, and following the gazettal of Scheme Amendment 80, potentially submit a request for Council to formally consider an Amendment to the Scheme to permit the Additional Use of yoga studio on the subject site.

#### *Consulting Rooms*

The application proposes to add a 'Consulting Rooms' use at the subject site, which will operate at separate times to the yoga studio. The applicant has advised that the consulting room use will consist of one practitioner with one client, and will likely be tenanted by a practitioner of complementary therapies such as one-on-one yoga, reflexology, counselling, aromatherapy, acupuncture. Refer to the Appendices for further information.

In accordance with the Zoning Table for the Residential zone of TPS1 Precinct Plan P10 – Shepperton Precinct, a 'Consulting Rooms' use is listed as an 'AA' (discretionary) use, meaning that it is capable of approval subject to Council exercising its discretion. Scheme Amendment 80 has no impact upon the 'Consulting Rooms' component of the development.

The applicant states that the proposed 'Consulting Rooms' use will operate at a low scale, being one-on-one appointments. This low scale of commercial activity is akin to a 'Home Occupation' use which is capable of approval in the Residential zone. To ensure the low scale of the use, compatibility with the yoga studio and compliance with Local Planning Policy 23 – Parking Policy, the following conditions are recommended:

- The Yoga Studio use shall operate at separate times to the Consulting Room use. The uses shall not operate concurrently.
- The Consulting Room use is limited to a maximum of one (1) health practitioner operating from the premises, at a given time.

Car Parking

The minimum car parking requirements for different land uses are assessed in accordance with Local Planning Policy 23 ‘Parking Policy’ (LPP23). – refer to the table below. Under the provisions of LPP 23 ‘Parking Policy’ there is no parking ratio prescribed for a yoga studio and therefore the number of bays required is to be determined at Council’s discretion. In previous situations, the Town has applied the parking ratio for a ‘Health Studio’ which is considered to be a like use.

Activity/ Use	Parking Requirement	Bays Required
Yoga Studio (72m <sup>2</sup> )	1 bay per 30m <sup>2</sup> of net floor area	(2.4) 2 bays
Consulting Rooms (1 room)	4 per consulting rooms	4 bays
<b>Total Required Bays</b>		6 bays
<b>Total Provided Bays</b>		4 bays

Car parking is assessed at the rate of all uses proposed at the subject site. However, in this case, the applicant has advised that the ‘Consulting Rooms’ use will operate at separate times (i.e. not concurrently) to the ‘Unlisted Use (Yoga Studio)’. This means that at a given time, the minimum car bays required under LPP23 will be four (4) bays. This is in line with the site plan which proposes a total of four (4) bays on-site. Refer to the Appendices for the development plans.

The Town’s Officers support the proposed car parking shortfall, providing that a condition is imposed ensuring the land uses operate at separate times.

Landscaping

Local Planning Policy 3 ‘Non Residential Uses in or Adjacent to Residential Areas (LPP3)’ at provision 3 b) states, *“Twenty five per cent (25%) of the site area shall be landscaped. Front setback areas shall be landscaped”*. This equates to approximately 87m<sup>2</sup> of the subject site.

The existing development approval for the subject site sets aside approximately 28m<sup>2</sup> or 8% of the site area, forward of the building line, for landscaping. This represents a 17% shortfall to the minimum landscaping requirement.

The landscaping of the site provides an important setting and streetscape consistency to this original dwelling (constructed circa 1927) within the weatherboard streetscape residential area. In the case of residential development, Local Planning Policy 25 ‘Streetscape’ recognises that established private landscaping, forward of the building line, forms an identifiable characteristic of the weatherboard streetscape. As this proposal is for non-residential development, LPP3 sets out landscaping provisions to ensure that non-residential development within residential areas integrates and is consistent to the established residential character.

From a site inspection, the approved landscaped area (as shown on the approved site plan) has not been established and poured limestone hardstand extends within the approved landscaping areas. According to the Town’s aerial mapping, the hardstand was installed between June and August 2016. Refer to the site photos and site plan at Appendices 1 & 2.

This non-compliance has been communicated to the applicant who has provided the following comments in relation to landscaping:

*“It is proposed to plant ground cover (so as not to obstruct line of driveway) in any bare ground within the site. We propose to install raised garden beds in the location labelled ‘raised garden’ on the site plan. Heat / sun tolerant plants like rosemary, lavender, plumbago or hibiscus, as this area is exposed. The strip that is shown in green along the front of the property is narrow and could support some perennial flowers like paper daises...we will also install some potted plants under the veranda – possibly citrus or jasmine – to creep around the posts”.*

The applicant’s outlined intentions to rectify the non-compliance and provide landscaping are supported. However, the proposal to further reduce the provision of landscaping on-site, due to the poured limestone hardstand being installed contrary to the approved site plan is not supported.

Therefore to ensure the installation and ongoing maintenance of landscaping, the following conditions relating to landscaping are recommended:

- Within thirty (30) days from the date of this approval, a landscaping plan for the ‘green’ landscaped areas indicated on the approved site plan and the verge, shall be submitted to the satisfaction of the Town;
- Within sixty (60) days from the date of this approval, the unauthorised portions of the poured limestone hardstand shall be removed; and
- Within sixty (60) days from the date of this approval, landscaping shall be installed in accordance with a landscaping plan approved by the Town, and thereafter maintained to the satisfaction of the Town.

To clarify the Town’s expectation for landscaping at the site, an advice note is recommended that notes that pot plants or raised planter boxes on top of the hardstand will not be supported.

To ensure compliance with these recommended conditions, timeframes are specified in the wording of the recommended conditions. Should the application be approved by Council, the Town’s Officers will monitor and inspect the property in accordance with these timeframes. Should the conditions not be met, compliance action will be undertaken.

### Signage

The application proposes the installation of signage (non-illuminated) comprising of:

- a) an under verandah sign affixed to the underside of the existing verandah measuring 1m x 1.5m; and
- b) a portable sandwich board sign measuring 0.9m x 1.2m.

The proposed under verandah sign is compliant with Council’s *Signs Local Law 2006*, and is therefore exempt from requiring development approval.

The portable sandwich board sign is not a contemplated sign type under Council’s *Signs Local Law 2006* and therefore requires development approval. In the absence of specific signage criteria under Council’s *Signs Local Law 2006*, the sign has been assessed against the criteria under the signage matters outlined at Clause 30A of TPS1 and the draft Local Planning Policy ‘Signs’ for a ‘portable / ground based sign’, which sets out the following:

- a) *Limited to one sign per tenancy on a lot;*
- b) *Is no higher than 1.2 metres above ground level;*
- c) *Does not exceed 2m<sup>2</sup> in total area with a maximum of 1m<sup>2</sup> on any one side;*
- d) *Is only to be displayed during normal business hours of the business to which the sign related;*
- e) *Is to be wholly located within the boundaries of the subject lot; and*
- f) *Is to be secured and stabilised.*

The proposed sign proposes a minor variation to provision c) in terms of the selected sandwich board sign being 2.16m<sup>2</sup> in total area and 1.08m<sup>2</sup> per side. This is a standard size of a sandwich board sign and as such it is recommended that the draft Local Planning Policy 'Signs' is amended to reflect the standard dimensions of a sandwich board sign.

It is recommended that the following condition is imposed to ensure compliance with criteria d) – f) for a 'portable / ground based sign':

- The portable sandwich board sign shall be:
  - Only displayed during normal business hours of the business which the sign relates to;
  - Be wholly located within the properties boundaries of the subject lot; and
  - Be secured and stabilised at all times.

It is noted that the yoga studio was previously displaying a portable sign on the verge. This sign ceased being displayed after the Town's Rangers advised the business that it was an unauthorised sign.

### **CONCLUSION:**

The application proposes to extend the temporary approval granted by Council in 2016 for a yoga studio at the subject site, vary planning conditions and add a 'Consulting Rooms' use (one practitioner, one client), which will operate at separate times to the yoga studio.

A yoga studio is currently classed under Town Planning Scheme No.1 as an Unlisted Use and a 'Consulting Rooms' use is an 'AA' (discretionary) use in the Residential zone. As such both land uses require Council to exercise its discretion to determine if the use meets the objectives and purposes of the zoning, with consideration to the matters outlined at deemed clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Scheme Amendment 80 which is a 'seriously entertained' document, in its current form proposes that the land use classification for a yoga studio would be an 'X' (prohibited) use in the Residential zone. During this interim period pending the final approval and gazettal of Scheme Amendment 80, the Town's officers recommend that the application be granted temporary approval for two (2) years.

As outlined in this report, it is concluded that the proposed uses are acceptable at the subject site. Conditions are recommended to ensure compliance with the relevant planning requirements and compatibility with the surrounding residential character and amenity.

For these reasons, this application for development approval is recommended for temporary approval, by Absolute Majority, 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 Stillness in Motion Pty Ltd (DA Ref: 5.2018.260.1) for Change of Use to 'Unlisted Use (Yoga Studio)' and 'Consulting Rooms' at No. 67 (Strata Lot: 1, Strata Plan: 72688) Hubert Street, East Victoria Park as indicated on the plans be Approved by Absolute Majority subject to the following conditions:**
  - 1.1 This development approval is valid for a maximum period of two (2) years from the date of this approval, after which time the use shall cease operation, unless further development approval is granted.**
  - 1.2 The development, once commenced, is to be carried out in accordance with the approved plans, unless otherwise authorised by the Town.**
  - 1.3 Maximum number of persons attending group classes at a given time is not to exceed 15 persons.**
  - 1.4 Except with the prior written consent from the Town, the development shall only operate between the following hours:**
    - 7.15am to 8.15pm Monday to Thursday;**
    - 7.15am to 6pm Friday and Saturday;**
    - 8am to 6pm Sunday.**
  - 1.5 The Yoga Studio use shall operate at separate times to the 'Consulting Rooms' use. The uses shall not operate concurrently.**
  - 1.6 The 'Consulting Rooms' use is limited to a maximum of one (1) health practitioner operating from the premises, at a given time.**
  - 1.7 Within thirty (30) days from the date of this approval, a landscaping plan for the 'green' landscaped areas indicated on the approved site plan and the verge, shall be submitted to the satisfaction of the Town.**
  - 1.8 Within sixty (60) days from the date of this approval, the following matters are to be resolved to the satisfaction of the Town :**
    - (i) the unauthorised portions of poured limestone hardstand shall be removed;**
    - (ii) landscaping shall be installed in accordance with a landscaping plan approved by the Town, and thereafter maintained to the satisfaction of the Town; and**
    - (iii) four (4) car bays, as depicted in the approved plans, are to be line-marked on-site.**
  - 1.9 The portable sandwich board sign shall be:**
    - Only displayed during normal business hours of the business which the sign relates to;**
    - Be wholly located within the properties boundaries of the subject lot; and**
    - Be secured and stabilised at all times.**

- 1.10 All car bays and access aisles shall be maintained clear of obstructions for use as car parking at all times.
- 1.11 Group classes shall be scheduled to have, at minimum, a 15 minute interval, between each class.
- 1.12 The building shall be internally reconfigured back to a residential dwelling within three (3) months of non-residential uses ceasing to operate within the residence.

**Advice to Applicant:**

- 1.13 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.
- 1.14 The development approval is granted on the merits of the application under the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and does not constitute approval for the purposes of the *Strata Titles Act 1985* or its subsidiary regulations nor affect any requirement under the by-laws of the body corporate in relation to a proposed development pursuant to such legislation.
- 1.15 Any modifications to the approved drawings forming part of this planning approval may require the submission of an application for modification to planning approval and reassessment of the proposal.
- 1.16 A Sign Licence is required to be obtained from the Town prior to the installation of any signage.
- 1.17 In relation to Condition 1.7, the landscaping plan shall include the 'green' landscaped areas indicated on the approved site plan and the verge (please note: pot plants/raised planter boxes on the poured limestone hardstand will not be supported). The landscaping plan shall include the following:
- Plan to scale not less than 1:200, preferably 1:100;
  - North point and lot boundaries;
  - Plant legend showing:
    - Proposed plant species (botanic and common names);
    - Container size (not less than 130mm);
    - Plant quantities;
    - Waterwise plant selection; and
    - Appropriate spacing – moderate planting density, relative to the eventual mature size and spread of the species selected;



- Verges – include all services and features from the property line to the roadway edge and any landscaping (in accordance with the Town of Victoria Park’s ‘Your Street Verge - Sustainable Landscaping Guide’ on the Town’s website);
- Hard surfacing areas, footpaths, crossovers and driveways;
- Retaining walls, fences and other structures;
- Irrigation type - waterwise design preferred;
- Mulch type, large-particled to allow for effective drainage;
- Mulch application depth - minimum 70mm;
- Mulch is to be suitably retained on the verge to prevent the contamination of street drainage systems

1.18 Staff and participants are encouraged to utilise alternative modes of transports (i.e. cycling, car pool or public transport).

1.19 Sound levels created are not to exceed the provisions of the *Environmental Protection (Noise) Regulations 1997*.

1.20 It is recommended that any music is played at a low level (i.e. no amplified music / loud speakers).

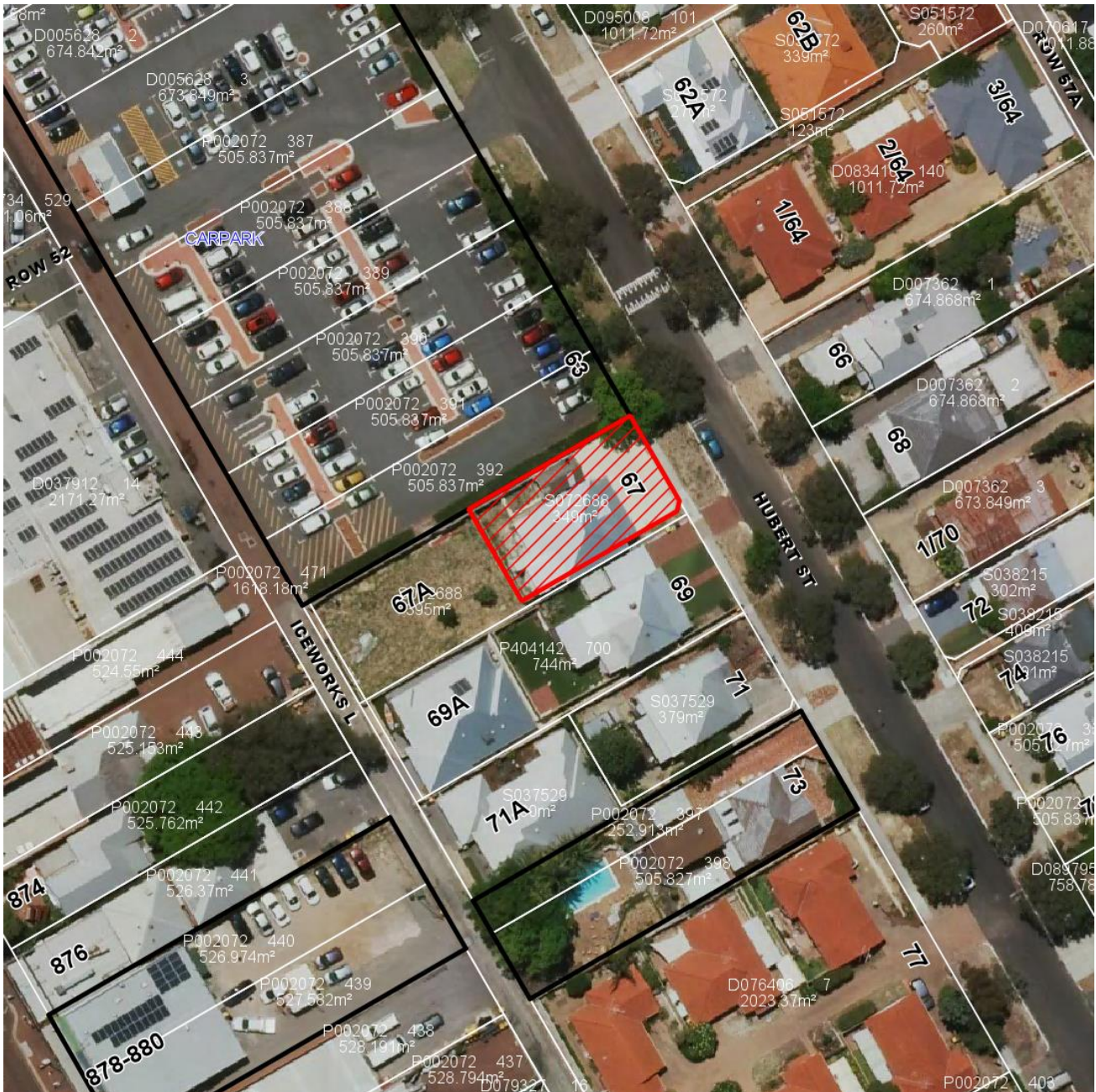
1.21 In relation to the consulting room, should skin penetration activities be proposed, prior to commencing any skin penetration activities the owner of the establishment must notify the Town’s Environmental Health business unit. Detailed plans are to be submitted for the Town’s approval prior to the commencement of such activities.

1.22 In relation to the consulting room, any used dressing, hypodermic syringed needles and other sharps are to be kept in approved sealed impervious receptacles. All medical waste is to be collected and disposed of by an approved contractor, and not deposited in Council’s rubbish receptacles.

1.23 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 a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.

**(Absolute Majority Required)**

2. Those persons who lodged a submission regarding the application be advised of Council’s decision.



**11.3 No. 33 (Lot 73) & No. 35 (Lot 74) Stiles Avenue, Burswood – Change of Use from General Industry to Light Industry**

<b>File Reference:</b>	PR6328 and PR6329
<b>Appendices:</b>	1. Site photos 2. Application as submitted 3. Plan set for determination
<b>Attachments:</b>	No
<b>Landowner:</b>	Ms Penelope Handreck
<b>Applicant:</b>	Planning Solutions (Aust) Pty Ltd
<b>Application Date:</b>	20 March 2018
<b>DA/BA or WAPC Ref:</b>	5.2018.194.1
<b>MRS Zoning:</b>	Urban
<b>TPS Zoning:</b>	Office/Residential
<b>TPS Precinct:</b>	Precinct P2 'Burswood'
<b>Use Class:</b>	Light Industry
<b>Use Permissibility:</b>	'X' (Prohibited) use – Non-conforming use rights apply

<b>Date:</b>	27 June 2018
<b>Reporting Officer:</b>	S. McDonald
<b>Responsible Officer:</b>	R. Cruickshank
<b>Voting Requirement:</b>	Approval - Absolute Majority Refusal – Simple Majority

**Executive Summary:**  
**Recommendation – Approval by Absolute Majority subject to conditions**

- The application proposes a change of use of the site to 'Light Industry' for No. 33 (Lot 73) & No. 35 (Lot 74) Stiles Avenue, Burswood (hereafter referred to as 'the subject site'). This is an 'X' (Prohibited) use in the Office/Residential zone.
- The City of Perth issued approval for a 'Factory' building on the site in 1988. A 'Factory' is considered to fall under the use class of 'General Industry' under the Town of Victoria Park Local Planning Scheme No 1, which is an 'X' (prohibited) use. Council Officers are satisfied that non-conforming use rights apply to the site, which provide power for the current application to be approved.
- Consultation was undertaken with surrounding landowners for a period of 14 days in accordance with Local Planning Policy 37 – Community Consultation, with one (1) submission being received.
- The proposed use is considered to be of lesser impact than the original non-conforming use and is likely to be a better outcome for the area when compared with the building being vacant.
- Given that an indefinite approval for the proposed use could jeopardise planning and long term objectives for this Precinct, a 10 year time limited approval is recommended as a condition of approval.
- Retrospective approval for hardstand paving in lieu of landscaping has been sought as part of this application for Development Approval. This is not supported by Council Officers as no justification has been provided and the amenity outcome is poor. A recommended condition of approval is that landscaping be reinstated.

**TABLED ITEMS:**

Nil

**BACKGROUND:**

Approval for the subject site was granted by the City of Perth in 1988 for a Factory. The approved plans detail (amongst other things) landscaping forward of the approved Factory units, towards Stiles Avenue, and solid walls between Unit 1 and Unit 2.

Between November 2015 and February 2016, the landscaping on-site towards the Stiles Avenue frontage was removed and replaced with bitumen hardstand.

At an unknown time between the 1988 approval and 2018, the dividing walls were modified to create an internal opening between the two factory units. The Town has no record of these works being applied for or approved.

**DETAILS:**

The application seeks approval to change the use of the subject unit from 'General Industry' to 'Light Industry' and retrospective approval for the replacement of the landscaping on-site towards Stiles Avenue with bitumen hardstand.

Site Context

No. 33 (Lot 73) & No. 35 (Lot 74) Stiles Avenue, Burswood (hereafter referred to as 'the subject site') is located in the Office/Residential zone and is within Precinct P2 - 'Burswood' and the future Burswood Station East Structure Plan area.

The subject site has a land area of 977m<sup>2</sup> is comprised of two regular shaped lots, each containing an existing factory unit building. The two structures, which have previously been utilised by as single tenant, have a cumulative 24.3m frontage to Stiles Avenue, and access to a Right-of-Way (ROW) along the rear lot boundary.

The existing land uses and buildings surrounding the subject site include:

- Single storey and two storey factory / light industry units;
- Single houses; and
- Vacant land.

The Burswood Station East Precinct is currently in transition, with the regeneration of the existing, predominately service industrial area, into a new residential and mixed use neighbourhood, contemplated in the Burswood Peninsula District Structure Plan and set out in the imminent Burswood Station East Structure Plan and accompanying Local Planning Policies.

Proposed Development

The 'Light Industry' proposal as originally submitted on 20 March 2018 was for a Bakery.

The application was accompanied by a report from the applicant dated (contained within the Appendices), inclusive of the following justification:

*"It is considered that a Light Industry (Bakery) use is less detrimental to the amenity of the locality as the use does not adversely affect the amenity by reason of processes, machinery*

*or emission. As explored above, only light machinery will be utilised on the subject site. From this, no significant odour or noise emissions are expected. Further, the proposed development is considered to be more in line with the Town's vision for the locality as outlined in the Precinct Plan section below."*

On 2 May 2018, the applicant advised that they were now just applying for the broader land category use of 'Light Industry' due to the previous prospective tenant (a baker) no longer being involved in the proposal.

### **Legal Compliance:**

#### Legislation

- *Planning and Development Act 2005, s162;*
- Town Planning Scheme No. 1 (TPS 1) Clause 15 'Use of Land in a Scheme Zone';
- Town Planning Scheme No. 1 (TPS 1) Clause 18 'Non-Conforming Uses';
- Town Planning Scheme No. 1 (TPS 1) Clause 29 'Determination of Non-Complying Applications';
- TPS 1 Precinct Plan P2 – 'Burswood'; and
- *Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Clause 67 'Matters to be considered by local government'. In this instance it is considered that the following items are relevant matters that the Council must have regard to :*
  - (m) *the compatability of the development with its setting;*
  - (n) *the amenity of the locality; and*
  - (t) *the amount of traffic to be generated by the proposed development, particularly in relation to the capacity of the road system and effect upon traffic flow and safety.*

#### Town of Victoria Park Town Planning Scheme No.1

##### Clause 15 'Use of Land in a Scheme Zone'

The subject site is zoned Office/Residential. Under the Zoning Table, the proposed land use "Light Industry" is listed as an 'X' (prohibited) use in this zone. Except where otherwise permitted by the Scheme, the Council is unable to approve a prohibited land use.

##### Clause 18 'Non-Conforming Uses'

Schedule 1 of the Scheme Text defines 'non-conforming uses' as follows:

***"non-conforming use"** means a use of land which, although lawful immediately prior to the coming into operation of this Scheme, is a prohibited use;*

The last planning approval on record relating to the subject site is from 1988 for a 'Factory', issued by the City of Perth. Later building fitouts indicate an associated office component. As the subject site is zoned Office/Residential, 'General Industry' is now a prohibited land use under the current Scheme (TPS1 was gazetted 30<sup>th</sup> September 1998). As per the Scheme clause below, a non-conforming use may continue to operate despite the change of land-use permissibility.

## CI 18.(1 )

*“Except as otherwise provided in this Scheme, no provision of the Scheme shall be deemed to prevent:*

*(a) the continued use of any land or building for the purpose for which it was being lawfully used at the Gazettal date of the Scheme;*

The applicant has advised that the property has continued to be used for industrial purposes, ensuring that the non-conforming use rights are valid and current. This is pertinent, as a non-conforming use that discontinues for a period of 6 months can lapse under clause 18.4 of the Scheme.

Council is therefore able to approve a Change of Use from a non-conforming use to a prohibited land use under Clause 18.3 of the Scheme, as per the following:

## CI 18.(3)

*“Notwithstanding anything contained in the Zoning Table, the Council may grant its planning approval to the change of use of any land from a non-conforming use to another non-conforming use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the original non-conforming use and is, in the opinion of the Council, closer to the intended purpose of the Zone or Reserve.”*

Key to this clause is the Council’s assessment of the proposed use in regards to its impact on the amenity of the locality and its alignment with the intended purpose of the zone/reserve, relative to a similar assessment of the existing non-conforming use.

Town Planning Scheme No.1 – Precinct Plan P2 ‘Burswood Precinct’

The Statement of Intent for Precinct Plan P2 ‘Burswood Precinct’ in part states:

*“The Burswood Precinct should be redeveloped primarily as an area of mixed office and residential uses east of the railway and for residential uses with integrated mixed use development west of the railway”.*

And,

*“In keeping with the location of the Precinct, buildings and surrounding landscaping should be of a high visual standard to complement a key entry route to the city”*

The objectives of the ‘Office/Residential’ zone in the Precinct Plan P2 states:

*“This area should be redeveloped from industrial use to an area of mixed office and residential activities together with other uses which serve the immediate needs of the work force and residents. Residential and office uses may be developed independently”.*

And,

*“Landscaping between buildings and in front setbacks will be provided throughout the area”...“Car parks will be well integrated with the landscaped area required on redevelopment and be unobtrusive”*

Local Planning and Council Policies:

- Local Planning Policy 3 – Non-Residential Uses in or Adjacent to Residential Areas;
- Local Planning Policy 35 – Development in Burswood Station East;
- Council Policy PLNG10 – Transitional Use Policy (PLNG10).

Local Planning Policy 3 ‘Non-Residential Uses in or Adjacent to Residential Areas’

Local Planning Policy (LPP) 3 states the following:

*“Non-residential development on land which abuts land which is or may be used for residential purposes shall only be permitted where the nature of the 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”*

Local Planning Policy 35 – Development in Burswood Station East

The Burswood Peninsula District Structure Plan was approved by the Western Australian Planning Commission in February 2015. Following this approval, the Council has been preparing a Master Plan and a Local Structure Plan to coordinate the form of future development of the area known as Burswood Station East (land bounded by the railway line, Great Eastern Highway and Graham Farmer Freeway).

Council’s Local Planning Policy 35 ‘Development in Burswood Station East’ outlines that until such time that the Local Structure Plan is approved, Council will not support applications that will prejudice the future planning and long-term objectives for this Precinct.

Transitional Use Policy

PLNG10 ‘Transitional Use Policy’, adopted by Council at the Ordinary Council Meeting held on 10 October 2017, states the policy objective as follows:

*“To enable the consideration of temporary uses in an area undergoing redevelopment or regeneration in accordance with an endorsed structure plan, local development plan or Town Planning Scheme provisions.”*

PLNG10 ‘Transitional Use Policy’ outlines that Council will consider applications for transitional uses (for a maximum 10 year period) which meet certain criteria including the following:

- (i) The use provides an interim service or facility that benefits the community;
- (ii) The use provides activation and passive surveillance;
- (iii) The use promotes economic development of the area by utilising otherwise vacant property/building during the interim period;
- (iv) The use promotes social interaction and community development;
- (v) The use is appropriate in the precinct in which it is located and is a use that Council has the ability to approve;
- (vi) The use promotes the principles of transit oriented development and/or modal shift; and
- (vii) The use does not replicate a similar use permanently approved in proximity to the proposed use.

In assessing the application the above matters have been considered. A summary of compliance with the key development requirements is summarised in the Planning Assessment below and where necessary further addressed in the Comments section of the report.

**Planning Assessment**

The application has been assessed against the applicable planning framework identified above.

The following key development standards have been determined to be compliant:

- Street setback (unchanged);
- Building height (unchanged);
- Plot Ratio (unchanged); and
- Parking (unchanged).

The application proposes a variation to development standards and thereby seeks Council discretion in relation to the item identified in the table below, which is further discussed in the Comments section below:

Item	Relevant Provision	Requirement	Proposed
Landscaping	<u>TPS No.1 – Precinct Plan P2 ‘Burswood Precinct’</u> - Development Standards	New commercial developments to landscape a minimum of 25% of the total site area. The previous landscaping on site, provided in accordance with the original 1988 approval, totalled to approximately 8% of the site area	The current application seeks retrospective approval for 0% or 0m <sup>2</sup> total site area landscaping.

The suitability of the proposed Light Industry land use in this location is discussed in the Comments section below.

**Community Consultation:**

In accordance with Council’s Local Planning Policy 37 ‘Community Consultation on Planning Proposals’ (LPP 37), the proposed “Change of Non-Conforming Use” within the Office/Residential zone was advertised to surrounding properties for a period of 14 days. Advertising included letters to the owners and occupiers of the surrounding properties and notification signs being located on site.



One submission was received at the conclusion of the consultation period.

<i>Submission 1 – Main Roads</i>	
<p><i>Main Roads has now had the opportunity to review the information provided and has no objections.</i></p> <p><i>Advice Note:</i></p> <p><i>Stiles Avenue permits for as of right vehicle access only and not access by use class 2 and 3 restricted access vehicles.”</i></p>	<i>Noted</i>

Internal Referrals

<b>Service Area</b>	<b>Comments</b>
Environmental Health	No objections. Standard Advice Notes requested.
Building Services	<p>Standard Advice Note requested regarding disability access compliance.</p> <p>Council records reveal the original plans of the building indicate no proposed openings within the fire wall between the two properties, No. 33 and No. 35 Stiles Avenue.</p> <p>The current unauthorised opening may be resolved in one of two ways to comply with the Building Code.</p> <ol style="list-style-type: none"> <li>1. Install a certified and tagged compliant fire door frame and door(s), or</li> <li>2. Remove the existing door frame and brick up the opening completely, to comply with the Building Code fire separation requirements.</li> </ol> <p>Should option 1 be selected, the total floor area exceeds 500m2 therefore the plans for these buildings are required to be checked by DFES who provide a Clearance letter or recommendations to bring the buildings in to compliance.</p> <p>The applicant is advised that either option will required a Building Permit to be submitted and issued prior to any works commencing on the opening in question.</p>

The comments from the Building Services Unit have been noted and will be included in the form of Advice Notes to the applicant. The unauthorised internal works discussed do not trigger the requirement for planning approval, and do not directly relate to planning matters. This issue is therefore unable to be resolved via conditions of approval, nor should it have any bearing on the determination of the Development Application under consideration for the subject site.

External Referrals

Nil

It is noted that Main Roads was sent a referral letter in their capacity as a landowner within the consultation area. Their response is considered as a submission (and is listed in the submissions table above), rather than a response to an external referral.

**Policy Implications:**

Nil

**Risk Management Considerations:**

<b>Risk &amp; Consequence</b>	<b>Consequence + Rating</b>	<b>Likelihood = Rating</b>	<b>Overall Risk Analysis</b>	<b>Mitigation / Actions</b>
The proponent has a right of review to the State Administrative Tribunal against Council’s decision, including any conditions.	Moderate	Likely	High	Ensure that Council is provided with information to make a decision based upon relevant planning considerations including the Scheme and applicable Local Planning Policies.
Town receiving complaint(s) in relation to the operation of a light industry use in this location	Minor	Possible	Moderate	Ensure conditions of approval limit the impacts of any light-industry tenant to an acceptable level.  Limit the approval of ‘Light Industry’ land use to a maximum of 10 years to minimise the risk of ongoing amenity impacts as Burswood Station East develops into an Office/Residential area.

**Strategic Plan Implications:**

Environment:

EN1 – Land Use Planning that puts people first in Urban Design, allows for different housing options for people with different housing needs and enhances the Town’s character.

**Financial Implications:**

Should the applicant be aggrieved by the Council's decision they have a right of review to the State Administrative Tribunal. If the applicant were to exercise this right, then there may be financial implications for the Town in terms of representation to defend Council's decision.

**Sustainability Assessment:**External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil.

**COMMENT:**Land Use

In accordance with Clause 18.3 of Town Planning Scheme No.1, Council has the capacity to approve the Light Industry land use at the premises if it is considered that the proposed use poses a lesser amenity impact on the surrounding area and is more in keeping with the intent of the zone than the existing non-conforming use. The assessment of the proposal therefore involves an evaluation of the proposal's amenity impact.

The proposal now seeks approval for a change to the general land use category to 'Light Industry', rather than the specific bakery proposal as originally submitted. The possible amenity impacts under consideration are therefore general in nature. In this instance, referring to the Scheme's land use definitions is informative

*"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.*

*"general industry" means an industry other than a cottage, extractive, hazardous, light or noxious industry.*

*"light industry" means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.*

It can be seen that, by its very definition, a 'light' industry as a land use has a lesser impact on the surrounding area when compared against general industry. Examples of general industry proposals include (but aren't limited to) welding workshops, panel beaters and vehicle smash repairs. Examples of Light Industry proposals include (but aren't limited to) sign makers, print shops, commercial kitchens and vehicle servicing.

It is noted that the uncertainty regarding exactly what 'Light Industry' could be facilitated has not resulted in any concern from nearby residents or landowners, with consultation yielding no objections to the proposal.

Given the above, the proposed change of use is considered to be closer to the intended purpose of the zone, and is considered to pose a lesser amenity impact on the surrounding area. An Advice Note is recommended for any prospective tenants to contact Council Officers to confirm that their operations fall within the terms of a Light industry use.

It should be emphasised, however, that Clause 18.3 doesn't compel Council to approve a development of lesser impact. Instead it states that Council *may* approve an otherwise prohibited use. It is noted that the subject site is located within the area known as Burswood Station East (land bounded by the railway line, Great Eastern Highway and Graham Farmer Freeway). Council has been preparing a Master Plan and a Local Structure Plan to coordinate the form of future development of the locality and, until this Structure Plan is in place, Local Planning Policy 35 outlines that Council will not support applications that will prejudice the future planning and long-term objectives for this Precinct. Approving a light industry use indefinitely in this location *could* be considered to prejudice the future planning of this area. Refusing this application is an option that is open to the Council. Such a refusal could result in the landowner not finding a suitable tenant, the non-conforming use rights expiring under Clause 18(4) of the Scheme and the property remaining vacant until it is leased as an office or sold and redeveloped.

Council Policy PLNG10 outlines that where a development is considered to satisfy the criteria outlined below, Council is able to exercise discretion to vary development standards and provisions of the Scheme or Local Planning Policies in order to facilitate the development:

- (i) The use provides an interim service or facility that benefits the community;
- (ii) The use provides activation and passive surveillance;
- (iii) The use promotes economic development of the area by utilising otherwise vacant property/building during the interim period;
- (iv) The use promotes social interaction and community development;
- (v) The use is appropriate in the precinct in which it is located and is a use that Council has the ability to approve;
- (vi) The use promotes the principles of transit oriented development and/or modal shift; and
- (vii) The use does not replicate a similar use permanently approved in proximity to the proposed use.

In regards to the above criteria, the applicant has asserted that a light industry use would provide employment and services to the local community benefiting the local economy and providing economic stimulus while utilising an existing warehouse which may otherwise be vacant. Council Officers agree with the applicant's justification to an extent, in that a 10 year time limited approval is considered appropriate while an indefinite approval is not supported.

### Landscaping

Council Officers see no reason to support the retrospective approval for removal of landscaping at the subject site. It is noted that the applicant has not provided any justification for its removal either in terms of the function of the bituminised area or the streetscape/amenity outcome.

This matter is specifically mentioned in the objectives for the Office/Residential zone in Precinct Plan P2 'Burswood Precinct', and is further articulated in the landscaping Development Standard this proposal seeks retrospective approval to vary.

*"Landscaping between buildings and in front setbacks will be provided throughout the area"  
"Car parks will be well integrated with the landscaped area required on redevelopment and be unobtrusive".*

It is readily acknowledged that with the existing building and car parking arrangements, 25% site coverage for landscaping will not be achievable in this instance. Reinstating the front landscaping area as depicted in the original City of Perth approval, however, is considered to be a reasonable and practical condition of approval that would soften the streetscape presence of the existing factory unit building that is proposed to be utilised for the purposes of Light Industry.

### **CONCLUSION:**

Having regard to the above, and in accordance with relevant clauses listed under the section 'Relevant General Provisions of Town Planning Scheme No. 1' of this report, the proposed Change of Use from 'Factory' to 'Light Industry' is considered to be closer to the intent of the relevant Precinct Plan and with the orderly and proper planning of the area.

Retrospective approval for the removal of landscaping and the modification of the front parking area is not supported, however, and conditions of approval are recommended to ensure that landscaping is reinstated to ensure the amenity of the surrounding businesses and other land uses is maintained.

### **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 Planning Solutions (DA Ref: 5.2018.194.1) for a Change of Use from General Industry to Light Industry at No. 33 (Lot 73) & No. 35 (Lot 74) Stiles Avenue, Burswood as indicated on the plans dated received 2 March 2018 be Approved by Absolute Majority subject to the following conditions:**
  - 1.1 This approval is valid for a maximum period of 10 years from the date of this approval, after which time the operation of the approved 'Light Industry' shall cease.**
  - 1.2 Prior to the occupation of the development, a landscaping plan shall be submitted to and approved in writing by the Town. (See Advice Note 4)**

- 1.3 Landscaping, in accordance with an approved landscaping plan, shall be installed prior to the occupation of the development, and thereafter maintained to the satisfaction of the Town.
- 1.4 Prior to the occupation of the development, a minimum of eight (8) car bays are to be provided on-site and line-marked accordingly, to the satisfaction of the Town.

#### **Advice to Applicant**

- 1.5 This approval does not include the approval of any external alterations to the building. Any external alterations to the building 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 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 a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.
- 1.8 In regards to condition 2, a landscaping area similar to that previously on site prior to 2015 is likely to be supported by the Town.
- 1.9 A Building Permit may be required if modifications or alterations to the building are proposed. This may trigger the need to comply with disabled access and facilities requirements. Applicant should engage an access consultant to ensure buildings will comply with the Disability Discrimination Act 1992. Further information may be obtained from the Disability Services Commission.
- 1.10 Council records reveal the original plans of the building indicate no proposed openings within the fire wall between the two properties, No. 33 and No. 35 Stiles Avenue.

The current unauthorised opening may be resolved in one of two ways to comply with the Building Code:

- a. Install a certified and tagged compliant fire door frame and door(s), or
- b. Remove the existing door frame and brick up the opening completely, to comply with the Building Code fire separation requirements.

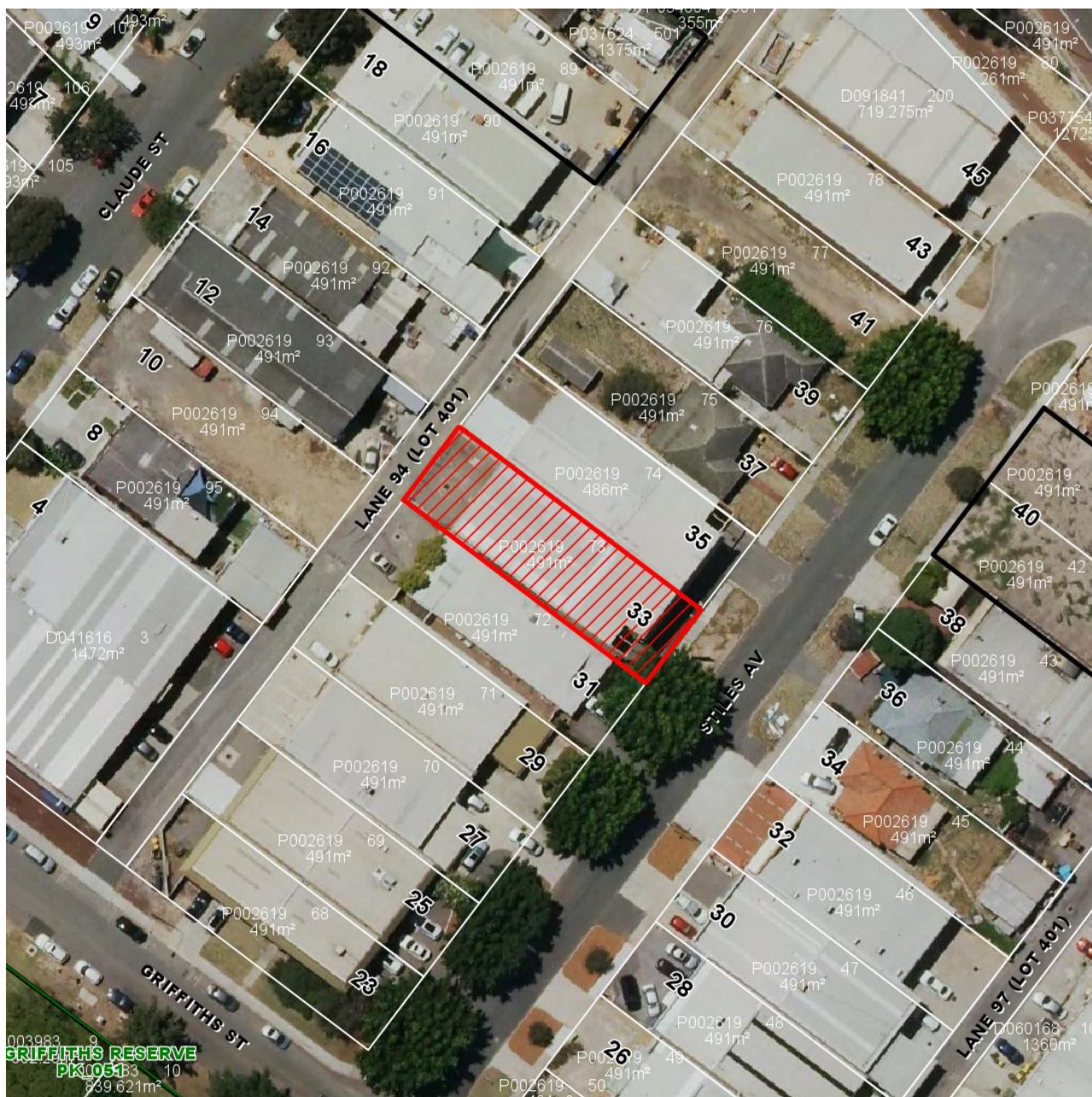
Should option (a) be selected, the total floor area exceeds 500m<sup>2</sup> therefore the plans for these buildings are required to be checked by DFES who provide a Clearance letter or recommendations to bring the buildings in to compliance.

The applicant is advised that either option will required a Building Permit to be submitted and issued prior to any works commencing on the opening in question.

- 1.11 The proposed development is satisfactory to the Environmental Health Services subject to compliance with the following legislation (as amended):
- Food Act 2008;
  - Food Regulations 2009;
  - Food Standards Australia New Zealand – Food Standards Code;
  - Health (Miscellaneous Provisions) Act 1911;
  - Sewerage (Lighting, Ventilation & Construction) Regulations 1971;
  - Town of Victoria Park Health Local Law 2003;
  - Metropolitan Water Supply, Sewerage & Drainage Board Local Laws 1981;
  - Liquor Control Act 1988;
  - Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law 2000 & Alfresco Dining Policy;
  - Tobacco Products Control Act 2006;
  - Environmental Protection (Noise) Regulations 1997; and
  - Building Code of Australia.
- 1.12 Obtain approval from the Water Corporation for the discharge of liquid trade wastes into the sewer system.
- 1.13 Sound levels created are not to exceed the provisions of the Environmental Protection (Noise) Regulations 1997.
- 1.14 Given that a prospective tenant may have different notions of what ‘light industry’ may include, it is recommended that details of the tenants and their proposed activities be submitted to the Town to review, prior to commencement of said activities.

**(Absolute Majority Required)**

2. Those persons who lodged a submission regarding the application be advised of Council’s decision.





### 11.4 No. 37 - 39 (Lot 20) & No. 41 (Lot 194) Cohn Street, Carlisle - Proposed Local Development Plan No.2

<b>File Reference:</b>	PR7008 and PR7103
<b>Appendices:</b>	1. Site photos 2. Application as submitted 3. Plan set for determination
<b>Landowner:</b>	Cherry Developments (WA) Pty Ltd
<b>Applicant:</b>	Dynamic Planning (Aust) Pty Ltd
<b>Application Date:</b>	17 April 2018
<b>DA/BA or WAPC Ref:</b>	5.2018.281.1
<b>MRS Zoning:</b>	Urban
<b>TPS Zoning:</b>	Commercial
<b>TPS Precinct:</b>	Precinct P8 'Carlisle'

<b>Date:</b>	3 July 2018
<b>Reporting Officer:</b>	S. McDonald
<b>Responsible Officer:</b>	R. Cruickshank
<b>Voting Requirement:</b>	Simple Majority

**Executive Summary:**

**Recommendation – Council resolves to approve Local Development Plan No. 2 relating to No. 37 - 39 (Lot 20) & No. 41 (Lot 194) Cohn Street, Carlisle**

- The Local Development Plan relates to No. 37 - 39 (Lot 20) & No. 41 (Lot 194) Cohn Street, Carlisle (hereafter referred to as 'the subject site').
- Approval was granted by the Western Australian Planning Commission (WAPC) on 26 October 2017 to subdivide the subject site into 19 survey-strata lots, subject to conditions. Condition 4 requires the preparation and approval of a Local Development Plan which addresses vehicular access issues, the servicing of the lots including rubbish, and the provision of landscaping. It is the responsibility of the Town to clear this subdivision condition.
- The Local Development Plan addresses the matters of vehicular access, the servicing of the lots and the provision of landscaping, in addition to proposing variations to the Deemed-to-Comply requirements of State Planning Policy 3.1: Residential Design Codes (R-Codes) and the Acceptable-Development standards of the Town's Local Planning Policy – Streetscape. Council Officers consider these variations to be appropriate and likely to facilitate good design outcomes for the locality.
- Under the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, 'Grouped Dwellings' are not exempt from Development Approval. The provisions of this Local Development Plan would therefore be referred to whenever development is proposed for the subject lots.
- In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, a proposed Local Development Plan is to be determined by the local government. It is not required to be referred to the WAPC for determination.
- The application is referred to Council for determination, as this is the second Local Development Plan received by the Town and no delegation exists for the Council's Officers to determine the matter.

- The proposed Local Development Plan is considered to satisfy the intent of the WAPC condition of subdivision approval. Council Officers recommend the approval of Local Development Plan No.2

**TABLED ITEMS:**

Nil

**BACKGROUND:**

In June 2017, an application for the subdivision of No. 37 - 39 (Lot 20) & No. 41 (Lot 194) Cohn Street, Carlisle into 19 survey-strata lots, was referred to Council to make recommendation to the determining authority, the Western Australian Planning Commission (WAPC). Under delegated authority, Council Officers recommended the subdivision be refused on the following grounds:

*“The Town is of the view that the absolute minimum width of the accessway for the proposed subdivision should be 6.7 metres, based upon the requirements of the R-Codes for the driveway to be designed to allow for two way access (5.5 metres required) and for there to be a separate pedestrian path of 1.2 metres. Additionally the access way should be a minimum width of 6.7 metres, clear of any obstructions including the proposed visitor’s car bays.”*

The WAPC on 26 October 2017 determined to approve the subdivision application, subject to conditions.

Condition 4 of the conditional subdivision approval requires a Local Development Plan (LDP) to be prepared and approved, and reads as follows:

4. *A Local Development Plan being prepared and approved for the lots shown on the plan dated 2 October 2017 (attached) that addresses the following:*
  - a) *vehicular access issues including the positioning and setbacks of garages,*
  - b) *the servicing of the lots including rubbish collection,*
  - c) *the provision of landscaping, to the satisfaction of the Western Australian Planning Commission. (Local Government)*

It is the responsibility of the Town to clear these subdivision conditions, once an ‘Application for Subdivision Clearance’ is received. This would occur, following approval of a LDP and once the other actions required to be actioned by the landowner and cleared by the local government are resolved.

Following the conditional approval being issued by the WAPC, the Town has worked with the applicant to determine suitable garage locations that would allow for sufficient manoeuvring areas for vehicles entering or exiting their lots. These engineering drawings were endorsed by the Town’s Street Improvement Business Unit on 13 March 2018.

In accordance with condition 10 of the subdivision approval, the structures on No. 37-39 and No. 41 Cohn Street (which had previously been approved as a workshop and office respectively) were demolished in January 2018, leaving the subject lots vacant.

**DETAILS:**

A Local Development Plan (LDP) is a mechanism to coordinate and assist in achieving better built form outcomes by linking lot design to future development. Decision makers are to give 'due regard' to an approved LDP when making decisions in respect to the development of land. Once approved, a LDP is valid for a duration of ten (10) years.

LDPs are used in limited situations to guide the design and development of small or constrained lots or to achieve particular design outcomes. In this case, the requirement to prepare a LDP was a condition of subdivision approval imposed by the WAPC. The subdivision condition requires the LDP to outline the built form and vehicular access for future development. Specifically, the LDP (see Appendice 3) addresses the following development matters:

- Building setbacks;
- Garage locations;
- Landscaping;
- Servicing of lots (Bin collection points); and
- Fencing.

The proposed LDP applies to an application for the subdivision of No. 37 - 39 (Lot 20) & No. 41 (Lot 194) Cohn Street, Carlisle (hereafter referred to as 'the subject site'). The proposed 19 lots, once the subdivision is finalised and new titles are created, will be referred to as Lots 1 – 19 Cohn Street, Carlisle. Proposed lots 1, 15 and 16 have direct frontage to Cohn Street, while proposed lots 2-14 and 17-19 will have frontage to a common property access way that provides vehicular access to Cohn Street.

The subject site is located at the south-eastern boundary of Precinct P8 'Carlisle' with Industrial zoned land in Precinct Plan P9 'Welshpool' being on the opposite side of Cohn Street. Development north of Cohn Street is predominantly single story residential with the exception of a few commercial premises such as 130-134 Oats Street and 45 Cohn Street. South of Cohn Street, existing development generally consists of industrial units and warehouses.

In support of the LDP application, a covering letter received 17 April 2018 (see Appendice 2) has been prepared by the applicant describing the LDP. In addition to outlining how vehicular access, provision of landscaping and services have been addressed, this cover letter outlines the planning merits of the variations sought in relation to State Planning Policy 3.1: Residential Design Codes (R-Codes) and the Town's Local Planning Policy – Streetscape. This written justification, in summary, states the following:

- **Internal Fencing:**

*In order to ensure that lots have an appropriate level of privacy a provision has been included in the LDP that addresses internal fencing. It allows fencing along the internal street for Lots 12 and 19 to be built to a height of 1.8m, being visually permeable above 1.2m in the location indicated on the LDP plan. The reason this provision was added was to address privacy concerns for Lots 12 and 19 as it is envisaged that dwelling on these units will have outdoor living areas directly adjacent to the communal street. It is considered that this provision appropriately balances the need for privacy and also the need for an attractive internal streetscape.*

- **Primary Street Setbacks for Lots 1, 15 & 16:**

*In addition to the elements required to be addressed under condition (4) of approved subdivision WAPC Ref: 554-17, a primary street setback variation has been proposed for the lots fronting Cohn Street - Lots 1, 15 & 16. This variation is summarised in the table below:*

<b>Development Provision</b>	<b>LPP 25 - Streetscape</b>	<b>Proposed LDP</b>	<b>R-Codes</b>
<b>Primary Street Setback</b>	3m minimum 6m average	2m minimum 4m average	2m minimum 4m average

**Table 1 – Development Provision Comparison**

*The proposed setbacks of buildings for Lots 1, 15 & 16 represent a variation to what is currently permitted under the provisions of LPP25 Local Planning Policy - Streetscape. However, it is noted that the proposed setbacks would be compliant with what is permitted ‘as of right’ in accordance with the R-Codes for areas subject to the applicable R30 density coding. The proposed variations will allow the future dwellings to be designed to make more effective use of space and to ensure that the dwellings are not isolated from the Cohn Street streetscape.*

*If a 6m average setback is applied to the lots fronting Cohn Street it would significantly constrain the design of future dwellings, particularly on Lot 1. By allowing a 2m variation to the standard average primary street setback requirement, future dwellings will be brought forward to more effectively engage with the streetscape and adjacent dwellings.*

*To further improve the appearance of the streetscape the proposed LDP stipulates that the garages for Lots 1, 15 & 16 will be accessed from the communal street which, combined with the reduced setback, will facilitate a much improved building design that addresses Cohn Street without having a large proportion of the frontage occupied by a garage.*

Lastly, the cover letter provides a concluding statement justifying the proposal as a whole:

- *The proposed LDP intends to comply with the WAPC Condition 4 in support of subdivision approval WAPC Ref: 554-17. In addition to the matters which are required to be addressed under Condition 4, the proposed LDP has included a minor primary street setback variation for Lots 1, 15 & 16 which complies with the applicable setbacks outlined in the R-Codes and seeks to enhance the Cohn Street streetscape. Given the justification presented for the issues regarding, vehicular access, location and setback of garages, access for waste collection, landscaping, internal fencing primary street setbacks, and surveillance, approval of the submitted LDP is considered appropriate.*

The proposed Local Development Plan No. 2 was received by the Town on 17 April 2018.

**Legal Compliance:**

Legislation

- *Planning and Development Act 2005, s162;*
- *TPS 1 Precinct Plan P8 – ‘Carlisle’; and*
- *Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) - Schedule 2, Part 6 – Local development plans.*

Of particular note is Schedule 2, Part 6 of the Regulations which details the process for assessing and determining a LDP, including the following:

*“51. Consideration of submissions*

*The local government must –*

- (a) must consider all submissions in relation to a local development plan made to the local government within the period specified in a notice advertising a proposed local development plan; and*
- (b) may consider submissions in relation to a local development plan made to the local government after that time; and*
- (c) is to have due regard to the matters set out in clause 67 to the extent that, in the opinion of the local government those matters are relevant to the development to which the plan relates.*

*52. Decision of local government*

- 1) Following consideration of a proposed local development plan, including any amendments made to the plan to address matters raised in submissions, the local government must –*
  - (a) approve the local development plan; or*
  - (b) require the person who prepared the local development plan to –*
    - (i) modify the plan in the manner specified by the local government; and*
    - (ii) resubmit the modified plan to the local government for approval;*

*or*

  - (c) refuse to approve the plan.*
- 2) The local government is to be taken to have refused to approve a local development plan if the local government has not made a decision under subclause (1) –*
  - (a) if the plan was advertised – within the period of 60 days after the last day for making submissions specified in a notice given or published under clause 50(2) or a longer period agreed between the local government and a person other than the local government who prepared the plan...*

*54. Review*

*A person who prepared a local development plan may apply to the State Administrative Tribunal for a review, in accordance with the Planning and Development Act 2005 Part 14, of a decision by the local government not to approve the local development plan.”*

In relation to the TPS Precinct Plan, the following statements are relevant to the proposed Local Development Plan:

*“The Carlisle Precinct will remain a medium density residential area. Continued development of a range of dwelling types at this density is desirable given the dwelling types at this density is desirable given the proximity of the precinct to the city centre and good accessibility to a wide range of support facilities and regional transportation networks.*

*The majority of the precinct will continue to accommodate single houses or grouped dwellings at a medium density. Existing appropriate retail and commercial uses will be permitted to continue in their current locations. A limited number of non-residential uses, to serve the immediate needs of the locality, will be permitted throughout the precinct”*

And, specifically in relation to Commercial Zoned land:

*“A range of low intensity commercial uses will be permitted within these areas. Development such as small scale showrooms, offices, and local shops are appropriate. Residential uses will also be permitted. New development shall be of a scale and style to enhance and complement existing buildings within the precinct. New buildings shall be set back in a manner generally consistent with the building set back on adjoining land and in the immediate locality. Priority will be given to minimising the impact of any development on adjacent residential uses or land through appropriate site design and layout.”*

Development Standards of the Commercial Zone in Precinct Plan P8 – ‘Carlisle’ also outlines that Residential development shall be in accordance with the R-Codes standards specific for Residential R30. It is noted that some of the controls established by the R-Codes are varied by Local Planning Policy 25 – Streetscape.

State Government Policies, Bulletins or Guidelines

- State Planning Policy 3.1 - Residential Design Codes (R-Codes)

Local Planning Policies:

- Local Planning Policy 25 – Streetscape (LPP 25)

**CONSULTATION SUBMISSIONS**

In accordance with Council’s Local Planning Policy 37 ‘Community Consultation on Planning Proposals’ (LPP 37), the proposed Local Development Plan was advertised to surrounding properties for a period of 14 days. Advertising included letters to the owners and occupiers of the surrounding properties and notification signs being located on site.

No submissions were received at the conclusion of the consultation period.

Internal Referrals

<b>Service Area</b>	<b>Comments</b>
Parks	No objections. Standard Advice Notes requested.
Street Improvement	All civil works to be carried out as per the conditions of engineering approval and approved plan dated 13 March 2018. (See appendices items)

**Policy Implications:**

Nil

**Risk Management Considerations:**

<b>Risk &amp; Consequence</b>	<b>Consequence + Rating</b>	<b>Likelihood = Rating</b>	<b>Overall Risk Analysis</b>	<b>Mitigation / Actions</b>
The proponent has a right of review to the State Administrative Tribunal if Council decides to not approve the Local Development Plan.	Moderate	Likely	High	Ensure that Council is provided with information to make a decision based upon relevant planning considerations including the Scheme and applicable Local Planning Policies.

**Strategic Plan Implications:**

Environment:

EN1 – Land Use Planning that puts people first in Urban Design, allows for different housing options for people with different housing needs and enhances the Town’s character.

**Financial Implications:**

Should the applicant be aggrieved by the Council’s decision they have a right of review to the State Administrative Tribunal. If the applicant were to exercise this right, then there may be financial implications for the Town in terms of representation to defend Council’s decision.

**Sustainability Assessment:**

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

Variations to Residential Design Codes (R-Codes) deemed-to-comply provisions and Local Planning Policy – Streetscape: Acceptable Development standards.

Under the applicable planning framework, local governments may vary some of the deemed-to-comply-provisions of the R-Codes via Local Planning Policies and/or Local Development Plans. The Town’s Local Planning Policy – Streetscape, for example, increases the deemed-to-comply primary street setback requirement and prohibits fencing being located between a grouped dwelling and the common-property access leg it abuts. Some of the variations

proposed by the LDP seek to relax a couple of the Town’s Streetscape Policy requirements, bringing them back ‘into line’ with the R-Codes, while other provisions within the LDP seek to reinforce requirements of the Town’s Policies.

The variations proposed by the LDP are discussed below:

- A Primary street setback variation is proposed for the lots fronting Cohn Street - Lots 1, 15 & 16. This variation is summarised in the table below:

Development Provision	LPP 25 - Streetscape	Proposed LDP	R-Codes
<b>Primary Street Setback</b>	3m minimum 6m average	2m minimum 4m average	2m minimum 4m average

**Table 1 – Development Provision Comparison**

In addition to being consistent with the primary street setback outlined in the Residential Design Codes for a development of equivalent zoning, the applicant has stated the following justification:

*“The proposed variations will allow the future dwellings to be designed to make more effective use of space and to ensure that the dwellings are not isolated from the Cohn Street streetscape”*

It is further noted that Lots 1, 15 & 16 (as approved by the WAPC) are between 12m and 15m deep when measured from the Cohn Street frontage. A 6m setback would therefore pose a significant site constraint for the development of any dwellings.

The development facilitated by the LDP, and other residences along the northern side of Cohn Street have an outlook to the industrial land opposite. In this context, it is considered that allowing a reduced primary street setback to the subject lots will have minimal impact on the streetscape while assisting in facilitating sound residential development. For clarity it is proposed to amend provision 6 to ensure that Cohn Street is treated as the primary street both from a street setback and design perspective.

- **Fencing**  
As noted previously, the Town’s Local Planning Policy - Streetscape prohibits fencing being located between a Grouped Dwelling and its communal street (common property driveway). This Streetscape Policy clause is seen as delivering passive surveillance and Crime-Prevention-Through-Environmental-Design (CPTED) outcomes, in addition to improved amenity through the provision of additional space for landscaping.

The proposed LDP as originally submitted, sought to allow fencing between all lots and the common property access way. This was not supported by Council Officers, due to concerns for poor design, amenity and passive surveillance outcomes. The revised LDP, as consulted, allows fencing to the common property access way for Lots 12 and 19, and only to a limited extent as depicted in the LDP plan. Council Officers consider this compromise to strike an appropriate balance between allowing residential development to provide private courtyards, and providing an effective level of passive surveillance.



- Landscaping

The subdivision approved by the WAPC provides far less opportunity for landscaping to be provided than might be expected in a 19 Lot subdivision. This is in part due to the inclusion of visitor bays within the common property access way. The WAPC, in issuing the conditions of subdivision approval, appear to acknowledge this by listing landscaping as one of the elements that the Local Development Plan is required to address.

The LDP as originally submitted to the Town on 17 April 2018 (Appendices 2) was considered to provide insufficient landscaping. The revised LDP under consideration by Council has replaced non-trafficked paving within the common property area with additional landscaping. The landscaping plans provided as part of the revised proposal received 10 May 2018 are considered to be appropriate and are supported by Council Officers.

Under the Town's Local Planning Policy, landscaping is required to be provided between a Grouped Dwelling and its communal street (common property driveway). The LDP under consideration reinforces this policy requirement, by including it as a provision under the LDP. This communicates clearly to prospective buyers and developers the Town's expectations on this matter and is seen as providing additional weight to the Policy provision.

**CONCLUSION:**

The application is for a LDP to guide the future development of 19 lots at No. 37 - 41 Cohn Street, Carlisle.

The LDP has been prepared to satisfy condition 4 of subdivision approval granted by the Western Australian Planning Commission (WAPC). Council Officers have reviewed the LDP and consider the matters of landscaping, vehicular access and servicing of lots to have been adequately addressed. The variations proposed to the Residential Design Codes and the Town's Local Planning Policies are also considered to be appropriate for the subject site and its context.

It is recommended that Council approves proposed Local Development Plan No. 2.

**Further Comments:**

Further to the report that was presented to the Elected Members Briefing Session on 3 July 2018, further discussions have occurred between the applicant and Council Officers and the applicant in relation to the setback of the proposed dwellings from the communal street. In the absence of specific setbacks being prescribed in the LDP, the setbacks contained in the Town's Local Planning Policy 'Streetscape' would apply. While these setbacks are acceptable for Lots 1-11, in the case of Lots 12-19 which have a footpath adjoin the boundary of the lots, the setbacks contained in the Town's LPP could otherwise allow the dwellings to have a minimal setback. In discussions with the applicant it has been agreed that it would be an appropriate outcome to have the dwellings on Lots 12-19 set back from the property boundary to the communal street, with the applicant suggesting a 1.3m minimum setback which Council Officers support.

In addition, to avoid any confusion regarding setbacks, the applicant seeks for the term 'communal street' in provisions 8 and 9 to be replaced with the term 'property boundary'. While supportive of clarification, Council Officers instead suggest the term be amended to 'property boundary adjacent to the communal street'.

Accordingly, Council Officers now recommend the inclusion of parts 1.3 and 1.4 below, to address these points.

#### **RECOMMENDATION/S:**

1. Council resolves, pursuant to Schedule 2, Part 6, clause 52 (1) (a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to approve the proposed Local Development Plan No. 2 for No. 37 - 39 (Lot 20) & No. 41 (Lot 194) Cohn Street, Carlisle (proposed Lots 1 - 19), subject to the following:

1.1 Provision 6 being modified to read: "Buildings (as defined by the R-Codes) on Lots 1, 15 & 16 shall be setback a minimum of 2.0m and an average of not less than 4.0m from the primary street (Cohn Street), and shall be designed to address Cohn Street as the primary elevation including the front door facing Cohn Street."

1.2 Provision 10 being modified to read "The location of landscaping within the Cohn Street verge area and common property access way will be in accordance with the LDP map."

1.3 Provisions 8 and 9 being modified to replace the term "from the communal street" with "from the property boundary adjacent to the communal street."

1.4 The following additional provision be included within the Local Development Plan :

#### **"Communal street setbacks**

Buildings, other than garages, are to be setback from the property boundary to the communal street in accordance with the setbacks outlined in the Town's Local Planning Policy 'Streetscape, with the exception of Lots 12-19 where the minimum setback is to be 1.3m."

2. Delegation be granted to the CEO and subsequently sub-delegated to the Manager Development Services, to approve the final Local Development Plan No. 1 upon inclusion of the modification in items 1.1 – 1.4 above.

3. Publish the adopted Local Development Plan on the Town's website in accordance with Schedule 2, Part 6, clause 55 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

4. Those persons who lodged a submission regarding the application be advised of Council's decision.



**11.5 Final Approval of Amendment No. 80 to Town Planning Scheme No. 1 to Introduce New Use Classes and Amend General and Land Use Definitions**

<b>File Reference:</b>	PLA/7/80
<b>Appendices:</b>	1. Table of proposed changes to General Definitions; 2. Table of proposed changes to Land Use Definitions; 3. Scheme Amendment Report; and 4. Schedule of Submissions.
<b>Attachments:</b>	No
<b>Date:</b>	26 June 2018
<b>Reporting Officer:</b>	C. McClure
<b>Responsible Officer:</b>	R. Cruickshank
<b>Voting Requirement:</b>	Simple Majority
<b>Executive Summary:</b>	
<b>Recommendation – Council resolves to adopt proposed Amendment No. 80 to Town Planning Scheme No. 1 with modifications and forward Amendment No. 80 to the Western Australian Planning Commission (WAPC) for final approval.</b>	
<ul style="list-style-type: none"> <li>• Town Planning Scheme No. 1 (TPS 1) Scheme Text defines various general terms and land uses and outlines their permissibility within the different zones within the Town.</li> <li>• When a land use is proposed that is not defined in the Scheme Text or cannot reasonably be determined as falling within the interpretation of one of the listed uses, it must be considered an ‘Unlisted Use’.</li> <li>• The extent of uses included in the current Scheme is not comprehensive and many typical land uses common to the urban environment must be considered ‘Unlisted Uses’.</li> <li>• From an administrative perspective, there are also a number of general and land use definitions included in the Scheme which make reference to repealed or outdated legislation and terms which require updating to be consistent with the model provisions contained in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. Some new general definitions are also proposed to be introduced which in many cases will complement existing terms used and will provide greater clarity in the application of the Scheme.</li> <li>• Council resolved at its meeting on 13 February 2018 to initiate the requested Amendment (Amendment 80) to modify a number of the general and land use definitions and introducing new general definitions and use classes into the Scheme.</li> <li>• The Scheme Amendment was advertised for 42 days. During the advertising period three (3) submissions were received.</li> <li>• It is recommended that Council grants Final Approval to Amendment No. 80 to Town Planning Scheme No. 1 with three (3) minor modifications.</li> </ul>	

**TABLED ITEMS:**

Nil

**BACKGROUND:**

Town Planning Scheme No. 1 (TPS 1) was gazetted on 30 September 1998. The TPS 1 Scheme Text defines various general terms and land uses and outlines their permissibility within the different zones within the Town. It is recognised that the extent of uses included in the current Scheme is not comprehensive and that many typical land uses common to the urban environment must instead be considered as 'Unlisted Uses'. Furthermore, many of the Scheme's land use and general definitions are inconsistent with the *Planning and Development (Local Planning Schemes) Regulations 2015* Model Provisions.

The Council at its Ordinary Meeting held on 13 February 2018 resolved to initiate the Amendment to Town Planning Scheme No. 1 to modify a number of the general and land use definitions and introduce new general definition and use classes into the Scheme.

**DETAILS:**

The *Planning and Development (Local Planning Schemes) Regulations 2015* came into effect on 19 October 2015. Schedule 1 of the Regulations include Model provisions for local planning schemes which includes accompanying general definitions and land use terms to be used in Schemes across Western Australia.

This purpose of this Amendment is to achieve the following:

- Introduce a number of new land uses definitions into the Scheme and into the Zoning Table and identify the permissibility of such uses in each zone;
- Modify a number of existing land use definitions in the Scheme to align with those contained in the Model provisions for local planning schemes;
- Introduce several new general definitions into the Scheme; and
- Modify a number of existing general definitions in the Scheme to align with those contained in the Model provisions for local planning schemes.

General Definitions

The changes to the general definitions include: the introduction of new terms which are not currently included but will provide greater clarity in the application of the Scheme; and the modification of existing general definitions to align with either a more accurate definition, or to update the definition which may be citing repealed legislation and to refer to current legislation and terms used. A comprehensive description of the changes to each general definition is detailed in the Appendices.

Land Use Definitions

Similar to the general definitions, there are a number of land use definitions that are proposed to be modified for the purposes of clarity and accuracy with regards to current legislation and terms, more explicit detail or in some circumstances a less prescriptive definition. Where uses are not being aligned with the Model provisions, there is justification provided as to why the existing Scheme definition is preferred and is being retained. There are also a number of land uses that are contained within the Model provisions that are proposed to be added to the Town's Scheme definitions and zoning table with permissibilities identified for each zone which is detailed in Appendix 2.

A list of these changes is included below:

Modified General Definitions

- “building height”;
- “frontage”;
- “non-conforming use”; and
- “retail”.

New General Definitions

- “commencement day”;
- “commercial vehicle”;
- “incidental use”;
- “predominant use”; and
- “wholesale”.

Amended Land Use Definitions

- ‘amusement parlour’;
- ‘bulky goods showroom’;
- ‘caretakers dwelling’;
- ‘carpark’;
- ‘child care premises’;
- ‘community purpose’;
- ‘educational establishment’;
- ‘family day care’;
- ‘fast food outlet/lunch bar’;
- ‘home office’;
- ‘hospital’;
- ‘hotel’;
- ‘motel’;
- ‘nightclub’;
- ‘office’;
- ‘place of worship’;
- ‘restaurant/café’;
- ‘restricted premises’;
- ‘serviced apartment’;
- ‘shop’;
- ‘tavern’; and
- ‘warehouse/storage’.

New Land Uses Definitions & Permissibilities introduced into Zoning Table.

- ‘animal establishment’;
- ‘animal husbandry – intensive’;
- ‘art gallery’;
- ‘betting agency’;
- ‘brewery’;
- ‘bulky goods showroom’;
- ‘cinema’;
- ‘civic use’;
- ‘club premises’;

- ‘commercial vehicle parking’;
- ‘community purpose’;
- ‘exhibition centre’;
- ‘funeral parlour’;
- ‘home store’;
- ‘marina’;
- ‘market’;
- ‘motor vehicle repair’;
- ‘motor vehicle wash’;
- ‘reception centre’;
- ‘recreation – private’;
- ‘small bar’; and
- ‘telecommunications infrastructure’;
- ‘veterinary centre’; and
- ‘warehouse/storage’.

Deleted Land Use Terms

- ‘day care centre’; and
- ‘open air sales and display’.

Zoning Table

It is necessary to identify the permissibility of the new use classes being introduced within each zone. As part of this Amendment, all of the grouped together or ‘nested’ use classes will be separated out for greater legibility and simplicity in interpreting the Zoning Table.

Accordingly the Zoning Table contained in the Scheme Text is proposed to be modified to assign the following new land use permissibilities identified in bold text in the table below:

**Zoning Table**

Zone	Residential	Residential/Commercial	Office/Residential	Local Centre	District Centre	Commercial	Industrial (1)	Industrial (2)	Special Use
	1.	2.	3.	4.	5.	6.	7.	8.	9.
Aged or Dependent Persons Dwelling <i>AMD 44 GG 29/7/09</i>	P	P	P	AA	AA	P	X	X	Refer to provisions in Precinct Plan
<b>Amusement Parlour</b>	X	AA	<b>AA/X<sup>2</sup></b>	AA	AA	AA	AA	X	
<b>Animal Establishment</b>	X	X	X	X	X	X	AA	X	
<b>Animal Husbandry – Intensive</b>	X	X	X	X	X	X	X	X	
<b>Art Gallery</b>	X	AA	AA	AA	AA	AA	AA	X	
<b>Betting Agency</b>	X	AA	<b>P/X<sup>2</sup>/AA<sup>3</sup></b>	AA	AA	AA	X	X	

<b>Brewery</b>	X	X	AA/X <sup>2</sup>	X	AA	AA	AA	X
Bulky Goods Showroom <i>AMD 44 GG 29/7/09</i>	X	P	P/X <sup>2</sup> / AA <sup>3</sup>	X	P	P	P	P
<b>Car Park</b>	X	X	AA	AA	AA	AA	AA	AA
Child Care Premises	AA	P	P/X <sup>2</sup>	P	P	P	AA	AA
<b>Cinema</b>	X	X	X	X	AA	AA	X	X
<b>Civic Use</b>	X	AA	AA/X <sup>2</sup>	AA	P	AA	X	X
<b>Club Premises</b>	X	X	AA	X	AA	AA	AA	X
<b>Commercial Vehicle Parking</b>	AA	AA	AA	AA	AA	AA	P	P
<b>Community Purpose</b>	AA	AA	AA/X <sup>2</sup>	AA	P	AA	X	X
Consulting Rooms,	AA	P	P/X <sup>2</sup>	P	P	P	P	P
Convenience Store,	X	X	X	AA	AA	AA	AA	AA
Educational Establishment,	AA	AA	AA/X <sup>2</sup>	P	P	P	AA	AA
<b>Exhibition Centre</b>	X	AA	AA	AA	AA	AA	AA	X
<b>Family Day Care</b>	AA	AA	P	X	X	X	X	X
Fast Food Outlet <i>AMD 44 GG 29/7/09</i>	X	AA	P/X <sup>2</sup> / AA <sup>3</sup>	P	P	P	P	P
<b>Funeral Parlour</b>	X	AA	AA/X <sup>2</sup>	X	AA	AA	AA	X
General Industry	X	X	X	X	X	X	AA	P
Grouped Dwelling <i>AMD 44 GG 29/7/09</i>	P	P	P	AA	AA	P	X	X
Hazardous Industry	X	X	X	X	X	X	X	X
Home Occupation <i>AMD 6 GG 8/1/02; AMD 44 GG 29/7/09</i>	AA	AA	P	AA	AA	AA	X	X
Home Office <i>AMD 6 GG 8/1/02; AMD 44 GG 29/7/09</i>	P	P		P	P	P	X	X
<b>Home Store</b>	AA	AA	AA	AA	AA	AA	X	X
Hospital	AA	AA	AA/X <sup>2</sup>	AA	AA	AA	AA	AA
Hotel, <i>AMD 44 GG 29/7/09</i>	X	X	X/ AA <sup>3</sup>	X	AA	AA	X	X
Light Industry	X	X	X	X	X	AA	P	P
Liquor Store-Small <i>AMD 61 GG 14/11/14</i>	X	P	AA	P	P	AA	X	X
Liquor Store-Large <i>AMD 61 GG 14/11/14</i>	X	X	X	X	AA	AA	AA	X
Lunch Bar <i>AMD 44 GG 29/7/09</i>	X	AA	P/X <sup>2</sup> / AA <sup>3</sup>	P	P	P	P	P
Lodging House, Serviced Apartment <i>AMD 48 GG 25/01/11</i>	AA	AA	P/X <sup>2</sup>	AA	AA	AA	X	X
<b>Market</b>	X	AA	AA/X <sup>2</sup>	AA	AA	AA	X	X
Massage Rooms	X	X	X	X	X	X	AA	AA
Motel <i>AMD 44 GG 29/7/09</i>	X	X	X/ AA <sup>3</sup>	X	AA	AA	X	X



Motor Vehicles and Marine Sales Premises, AMD 12 GG 6/9/02 AMD 60 GG 19/8/14	X	X	X	X	X	X <sup>6</sup> /A A	P	P	
<b>Motor Vehicle Repair</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>P</b>	<b>P</b>	
<b>Motor Vehicle Wash</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>AA</b>	<b>AA</b>	<b>P</b>	<b>P</b>	
Multiple Dwelling AMD 44 GG 29/7/09	P <sup>1</sup>	P	P	AA	AA	P	X	X	
Nightclub AMD 3 GG 2/2/01	X	X	X	X	X	X	X	X	
Noxious Industry	X	X	X	X	X	X	X	X	
Nursing Home	AA	AA	AA/X <sup>2</sup>	AA	AA	AA	AA	AA	
Office	X	P	P	P	P	P	P	P	
Place of Worship	AA	AA	AA/X <sup>2</sup>	P	P	P	AA	AA	
<b>Reception Centre</b>	<b>X</b>	<b>AA</b>	<b>AA/X<sup>2</sup></b>	<b>AA</b>	<b>AA</b>	<b>AA</b>	<b>AA</b>	<b>X</b>	
<b>Recreation – Private</b>	<b>X</b>	<b>AA</b>	<b>AA/X<sup>2</sup></b>	<b>AA</b>	<b>AA</b>	<b>AA</b>	<b>AA</b>	<b>X</b>	
Residential Building	AA	AA	AA/X <sup>2</sup>	AA	AA	AA	AA	AA	
Restaurant/Café AMD 44 GG 29/7/09	X	AA	P/X <sup>2</sup> / AA <sup>3</sup>	P	P	P	P	P	
Restricted Premises AMD 43 GG 31/10/08; AMD 48 GG 25/01/11	X	X	X	X	X/AA <sub>5</sub>	X/AA <sub>5</sub>	AA	AA	X
Service Station	X	X	X	AA	AA	AA	AA	AA	
Single Bedroom Dwelling AMD 39 GG 10/7/07	AA	P	P	P	P	P	X	X	
Tavern AMD 44 GG 29/7/09	X	X	X/AA <sup>3</sup>	X	AA	AA	X	X	
Transport Depot	X	X	X	X	X	X	AA	P	
Shop AMD 44 GG 29/7/09	X	P	AA/X <sup>2</sup> / AA <sup>4</sup>	P	P	AA	AA	AA	
Single House AMD 44 GG 29/7/09	P	P	P	AA	AA	P	X	X	
<b>Small Bar</b>	<b>X</b>	<b>AA</b>	<b>AA/X<sup>2</sup></b>	<b>AA</b>	<b>AA</b>	<b>AA</b>	<b>X</b>	<b>X</b>	
<b>Telecommunications Infrastructure</b>	<b>AA</b>	<b>AA</b>	<b>AA</b>	<b>AA</b>	<b>AA</b>	<b>AA</b>	<b>AA</b>	<b>AA</b>	
<b>Veterinary Centre</b>	<b>X</b>	<b>AA</b>	<b>AA/X<sup>2</sup></b>	<b>AA</b>	<b>AA</b>	<b>AA</b>	<b>X</b>	<b>X</b>	
Warehouse/Storage	X	X	X	X	AA	P	P	P	

Refer to provisions in Precinct Plan

P – Permitted Use

AA – Discretionary Use

X – Prohibited Use

Footnotes:

- Multiple Dwellings are only permitted in areas coded R40 and above, and in addition are subject to clause 22 Special Application of the R-Codes.
- The "Prohibited Use" notation applies to the Office/Residential Zone within Precinct P10 - Shepperton Precinct.
- The "Discretionary Use" notation applies to the Office/Residential Zone within Precinct P3 - Causeway Precinct.
- The 'Discretionary Use' notation only applies to the Office/Residential Zone within Precinct P3 - Causeway Precinct. "Shop" uses should primarily be limited to "Area 8 - Retail Hub Overlay" with the total shop floor space within the Precinct being limited to 1400m<sup>2</sup>.

5. The “Discretionary Use” notation only applies to the Albany Highway Gateway Commercial zone and the East Victoria Park Gateway Shopping Area District Centre zone located within Precinct P11–Albany Highway Precinct, and the Commercial zone located within Precinct P4–McCallum Precinct.
6. The “Prohibited Use” notation applies to the Commercial Zone within Precinct P11 – Albany Highway Precinct.

**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 initiative 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:**Consultation

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.

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposal was the subject of community consultation for 42 days. A total of three (3) public submissions were received. Appendix 4 contains a Schedule of Submissions received and the Officer’s response.

**Policy Implications:**Local Planning Policy 23 – Parking Policy

Should the proposed amendment be approved, the new land uses would need to be provided for in Local Planning Policy 23 – Parking Policy. This would involve determining a parking standard for each land use and amending the policy to include the new land use parking provisions.

**Risk Management Considerations:**

<b>Risk &amp; Consequence</b>	<b>Consequence + Rating</b>	<b>Likelihood = Rating</b>	<b>Overall Risk Analysis</b>	<b>Mitigation / Actions</b>
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	Provide sufficient justification for the proposed amendment. If required to make modifications to the proposed Amendment these can be made in consultation and with direction from Officers at the Department of Planning, Lands and Heritage.

**Strategic Plan Implications:**

Environment:

EN1 – Land use planning that puts people first in Urban Design, allows for different housing options for people with different housing needs and enhances the Town’s character.

**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:**

Three (3) public submissions were received during the consultation period with one (1) being in support of the Amendment, one (1) not supporting the Amendment and one (1) not stating a position and providing comments.

One of the purposes of the Amendment 80 is to provide a more comprehensive extent of land uses in the Scheme which will avoid the need for typical land uses common to the urban environment being considered as 'Unlisted Uses' and subject to discretion as to whether they met the objectives of a particular zone. The Amendment will also align the Scheme Land Uses with those included in the Model Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as well as stipulating appropriate permissibilities for each land zone.

This will provide greater certainty to proponents who will no longer be subject to assessment and determination procedures for an 'Unlisted Use'. However, it will also reduce the number of circumstances in which proponents apply for a use which should otherwise be classified within an existing and recognised land use category and as such receive an approval exercising discretion for an 'Unlisted Use' use which if properly classified in the Scheme may be prohibited.

As discussed in the initiation report, it was anticipated that circumstances where existing lawful land uses may become 'non-conforming' uses with their zones may be captured during the consultation period. A similar situation has been raised with comments received regarding the approved 'Unlisted Use' (Health/Studio/Yoga Wellness Centre) at 67 Hubert Street, East Victoria Park. This development had previously received temporary planning approval on 8 March 2016 for a period of 12 months. The application to extend this approval for another temporary period is also being considered by Council at the July OCM.

In the case of 67 Hubert Street, once the temporary approval expires a subsequent application for a yoga studio would be classified as 'Recreation – Private' land use which is proposed to be an 'X' (prohibited) use in the Residential Zone ie this application would not be able to be approved. Given the context of the site located at the edge of a residential area and directly adjacent to a public car park and commercial area, the non-residential use of 'Recreation – Private' may be acceptable.

However in most instances the use of land as 'Recreation – Private' including for such purposes as gymnasiums, would not be appropriate within a Residential zone, and therefore it is not considered to be orderly and proper planning to make such a use either a 'P' (permitted) or an 'AA' (discretionary) use generally on Residential zoned land.

Therefore should Amendment 80 be gazetted in its advertised form, this would not preclude a separate request being made in the future for Council to amend the Town Planning Scheme to permit the permanent use of No. 67 Hubert Street as an Additional Use for yoga studio.

If the Scheme Amendment is approved by the WAPC, all other land owner/occupiers with non-conforming uses will have 'Non-Conforming Use' rights subject to clause 18 of TPS 1 which include:

- no building can be altered or extended without the approval of the Council and only if compliant with the Scheme ;
- a non-conforming use cannot be recommenced if it ceases for more than 6 months; and
- no building can be reconstructed or a use be recommended if more than 75% destroyed (i.e. by fire or demolition).

There are no changes proposed to the Amendment in its advertised form in respect to this public submission.

**Proposed Modifications**

It has been identified that three (3) minor additional amendments to the Scheme Text should be included as part of the subject Scheme Amendment. Whilst these changes are proposed following the conclusion of the advertising period, it is recommended that Council take this opportunity whilst carrying out this Amendment to capture these changes as minor modifications. As the changes proposed are relatively insignificant in nature they are not considered to have an adverse impact on land owners or occupiers in the Town and as such it is not considered necessary to readvertise the Amendment. Rather, the proposed modifications are intended to further improve the usability and efficiency of the Scheme and planning application process administered by the Town.

The modifications proposed are discussed in more detail below:

Car Park Use in Zoning Table

As advertised, a ‘Car Park’ is proposed to be defined in the Scheme as a land use. However, it has been identified that the use of Car Park is not listed in the Zoning Table. Accordingly, a modification is proposed to include the land use in the Zoning Table and the permissibilities 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
Car Park		X	X	AA	AA	AA	AA	AA	AA	Refer to provisions in Precinct Plan

P-Permitted Use

AA-Discretionary Use

X-Prohibited Use

Including this land use in the Zoning Table would avoid any future applications for a ‘Car Park’ being considered as an ‘Unlisted Use’ and meets the intention of the Scheme Amendment to include as many appropriate land uses as possible to avoid having to consider uses as ‘Unlisted Uses’.

Community Purpose Permissibility in the ‘Residential Zone’

The permissibility of ‘X’ (prohibited) for the ‘Community Purpose’ land use in the ‘Residential Zone’ has been reviewed and is considered inappropriate. A ‘Community Purpose’ Use by its nature includes a broad scope of uses such as small scale not-for-profit proposals which may be suitable for the ‘Residential Zone’ and as such an ‘AA’ (discretionary use)

designation is proposed which will provide the Town the scope to consider ‘Community Uses’ in the ‘Residential Zone’.

	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
<b><u>Advertised</u></b>	Community Purpose	X	AA	AA/ X <sup>2</sup>	AA	P	AA	X	X	Refer to provisions in Precinct Plan
<b><u>Proposed Modification</u></b>	Community Purpose	<b>AA</b>	AA	AA/ X <sup>2</sup>	AA	P	AA	X	X	Refer to provisions in Precinct Plan

P-Permitted Use

AA-Discretionary Use

X-Prohibited Use

Child Care Premises Permissibility in the ‘Industrial’ Zones

The permissibility of ‘P’ (permitted) for ‘Child Care Premises’ in the Town’s Industrial Zones has also been reviewed and is considered inappropriate. A Child Care Premises may not be a suitable land use for the Industrial zone due to nature of the use and those located in Industrial areas being incompatible and/or implications for the sensitive nature of the ‘Child Care Premises’ use. As such, denoting the permissibility as ‘AA’ (discretionary) will provide Council with the discretion to approve a Child Care Premises if it is deemed appropriate however and removes the explicit permissibility.

	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
<b>Advertised</b>	Child Care Premises		AA	P	P/X <sup>2</sup>	P	P	P	P	P	Refer to provisions in Precinct Plan
<b>Proposed Modification</b>	Child Care Premises		AA	P	P/X <sup>2</sup>	P	P	P	AA	AA	Refer to provisions in Precinct Plan

P-Permitted Use

AA-Discretionary Use

X-Prohibited Use

**CONCLUSION:**

The proposed Scheme Amendment is intended to assist in streamlining the assessment processes involving typical land uses. Additional land use and general definitions, including assigning appropriate levels of permissibility in the Zoning Table will provide the Town with greater direction as to how to assess and determine typical land uses rather than applying discretion and will avoid unnecessarily advertising and reporting to Council 'Unlisted' land uses and development proposals.

The proposed modifications are minor in nature and satisfy the overall intention of the Scheme Amendment to further improve the administration of the Scheme and planning application process.

It is recommended that Council resolve to adopt Amendment 80 to Town of Victoria Park Town Planning Scheme No. 1 for final approval with modifications.

**RECOMMENDATION/S:**

1. Council resolves pursuant to Section 75 of the *Planning and Development Act 2005* to adopt (with modifications) Amendment No. 80 to the Town of Victoria Park Town Planning Scheme No. 1 as follows:

1.1 Insert the following general and land use terms and definitions into Schedule B 'Definitions' of the Scheme Text as follows :

*“animal establishment” means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry — intensive or veterinary centre;*

***“animal husbandry – intensive” means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens;***

***“art gallery” means premises —***

- (a) that are open to the public; and***
- (b) where artworks are displayed for viewing or sale;***

***“betting agency” means an office or totalisator agency established under the Racing and Wagering Western Australia Act 2003***

***“brewery” means premises the subject of a producer’s licence authorising the production of beer, cider or spirits granted under the Liquor Control Act 1988;***

***“cinema” means premises where the public may view a motion picture or theatrical production;***

***“civic use” means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes;***

***“club premises” means premises used by a legally constituted club or association or other body of persons united by a common interest;***

***“commencement day” means the day this Scheme comes into effect under section 87(4) of the Act;***

***“commercial vehicle” means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including —***

- (a) a utility, van, truck, tractor, bus or earthmoving equipment; and***
- (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a);***

***“commercial vehicle parking” means premises used for parking of one or 2 commercial vehicles but does not include —***

- (a) any part of a public road used for parking or for a taxi rank; or***
- (b) parking of commercial vehicles incidental to the predominant use of the land;***

***“exhibition centre” means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum;***

***“funeral parlour” means premises used —***

- (a) to prepare and store bodies for burial or cremation;***
- (b) to conduct funeral services;***

***“home store” means a shop attached to a dwelling that —***

- (a) has a net lettable area not exceeding 100 m<sup>2</sup>; and***
- (b) is operated by a person residing in the dwelling;***



***“incidental use” means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use;***

***“marina” means —***

- (a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including the associated sale of any boating gear or equipment; and***
- (b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of those services;***

***“market” means premises used for the display and sale of goods from stalls by independent vendors;***

***“motor vehicle repair” means premises used for or in connection with —***

- (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or***
- (b) repairs to tyres other than recapping or re-treading of tyres;***

***“motor vehicle wash” means premises primarily used to wash motor vehicles;***

***“predominant use” means the primary use of premises to which all other uses carried out on the premises are incidental;***

***“reception centre” means premises used for hosted functions on formal or ceremonial occasions;***

***“recreation – private” means premises that are —***

- (a) used for indoor or outdoor leisure, recreation or sport; and***
- (b) not usually open to the public without charge;***

***“small’ bar” means premises the subject of a small bar licence granted under the Liquor Control Act 1988;***

***“telecommunication infrastructure” means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network;***

***“veterinary centre” means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;***

***“wholesale” means the primary use of premises to which all other uses carried out on the premises are incidental;***

**1.2 Modify the following general and land use terms definitions in Schedule B 'Definitions' of the Scheme Text to the following:**

***"building height" –***

- (a) for development in the Residential Zone, has the same meaning given to it in the Residential Design Codes and is subject to the provisions of Table 3 of the Residential Design Codes, unless other buildings heights are prescribed under the Scheme or Council policy; and***
- (b) for all other instances (including where building heights are not subject to the provisions of Table 3 of the Residential Design Codes), means the vertical distance at any point from natural ground level to the uppermost part of the building above that point (roof ridge, parapet or wall), excluding:***
  - (i) any enclosed roof structures of a high quality design that reduce the visual impact of lift plan and other similar utility or services and/or provides weather protection to areas used for private or communal open space, not exceeding 3.0 metres in height, such that the roof structure does not represent more than 25% of the floor area of the uppermost level of the building and is no more than 50% of the length or width of the uppermost level of the building; and***
  - (ii) Minor architectural projections or external fixtures above the roof line as that term is defined in the R Codes.***

***And where the building heights are prescribed as maximums for the number of storeys and metric dimension, both limits apply in all instances, as the intent is to enable flexibility to permit floor to floor dimensions for each storey to be increased to allow variations in flooring, services systems and ceiling heights, in excess of any minimum standard prescribed by the Building Code of Australia.***

***Note:***

***"natural ground level" is defined elsewhere in this Schedule;***

***"caretaker's dwelling" means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant;***

***"carpark" means premises used primarily for parking vehicles whether open to the public or not but does not include —***

- (a) any part of a public road used for parking or for a taxi rank; or***
- (b) any premises in which cars are displayed for sale;***

***"child care premises" means premises where —***

- (a) an education and care service as defined in the Education and Care Services National Law (Western Australia) section 5(1), other than a family day care service as defined in that section, is provided; or***
- (b) a child care service as defined in the Child Care Services Act 2007 section 4 is provided;***

***“educational establishment” means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution;***

***“family day care” means premises where a family day care service as defined in the Education and Care Services National Law (Western Australia) is provided;***

***“frontage” in relation to a building —***

- (a) if the building is used for residential purposes, has the meaning given in the R Codes; or***
- (b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces;***

***“home office” means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation —***

- (a) is solely within the dwelling; and***
- (b) does not entail clients or customers travelling to and from the dwelling; and***
- (c) does not involve the display of a sign on the premises; and***
- (d) does not require any change to the external appearance of the dwelling;***

***“hospital” means premises that are a hospital within the meaning given in the Health Services Act 2016 section 8(4);***

***“hotel” means premises the subject of a hotel licence other than a small bar or tavern licence granted under the Liquor Control Act 1988 including any betting agency on the premises;***

***“motel” means premises, which may be licensed under the Liquor Control Act 1988 —***

- (a) used to accommodate guests in a manner similar to a hotel; and***
- (b) with specific provision for the accommodation of guests with motor vehicles;***

***“nightclub” means premises the subject of a nightclub licence granted under the Liquor Control Act 1988;***

***“non-conforming” use has the meaning given in the Planning and Development Act 2005 section 172;***

***“office” means premises used for administration, clerical, technical, professional or similar business activities;***

***“place of worship” means premises used for religious activities such as a chapel, church, mosque, synagogue or temple;***

***“restricted premises” means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of —***

- (a) publications that are classified as restricted under the Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth); or***
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or***
- (c) smoking-related implements;***

***“retail” means the sale or hire of goods or services to the public;***

***“serviced apartment” means a group of units or apartments providing —***

- (a) self contained short stay accommodation for guests; and***
- (b) any associated reception or recreational facilities;***

***“shop” means premises other than a bulky goods showroom, a liquor store — large or a liquor store — small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;***

***“tavern” means premises the subject of a tavern licence granted under the Liquor Control Act 1988;***

- 1.3 Delete the following general and land use terms and definitions in Schedule B ‘Definitions’ of the Scheme Text, and replace them with the following:**

***“aged or dependent person dwelling” with***

***“aged person” has the same meaning given to it in the R-Codes;***

***and***

***“dependent person” has the same meaning given to it in the R-Codes;***

***“amusement facility” with***

***“amusement parlour” means premises —***

- (a) that are open to the public; and***
- (b) that are used predominantly for amusement by means of amusement machines including computers; and***
- (c) where there are 2 or more amusement machines;***

***“community uses” with***

***“community purpose” means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;***

***“fast food outlet” with***

***“fast food outlet/lunch bar” means premises, including premises with a facility for drive through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten —***

- (a) without further preparation; and***

**(b) primarily off the premises;**

**“restaurant” with**

**“restaurant/café” means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988;**

**“showroom” with**

**“bulk goods showroom” means premises —**

**(a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes —**

**(i) automotive parts and accessories;**

**(ii) camping, outdoor and recreation goods;**

**(iii) electric light fittings;**

**(iv) animal supplies including equestrian and pet goods;**

**(v) floor and window coverings;**

**(vi) furniture, bedding, furnishings, fabrics, manchester and homewares;**

**(vii) household appliances, electrical goods and home entertainment goods;**

**(viii) party supplies;**

**(ix) office equipment and supplies;**

**(x) babies’ and childrens’ goods, including play equipment and accessories;**

**(xi) sporting, cycling, leisure, fitness goods and accessories;**

**(xii) swimming pools;**

**or**

**(b) used to sell by retail goods and accessories by retail if —**

**(i) a large area is required for the handling, display or storage of the goods; or**

**(ii) vehicular access is required to the premises for the purpose of collection of purchased goods;**

**“warehouse” with**

**“warehouse storage” means premises including indoor or outdoor facilities used for —**

**(a) the storage of goods, equipment, plant or materials; or**

**(b) the display or sale by wholesale of goods;**

**1.4 Delete the following general and land use terms and definitions in Schedule B ‘Definitions’ of the Scheme Text to the following:**

**“day care centre”**

**“open air sales and display”**

**1.5 Modify the Zoning Table in the Scheme Text by deleting the use classes: ‘Day Care Centre’; ‘Fast Food Outlet’; ‘Open Air Sales and Display’; ‘Restaurant’; and ‘Warehouse’ in the left hand column under the heading ‘Use Class’.**

**1.6 Modify the Zoning Table in the Scheme Text by separating out all use classes grouped together into separate headings and adding the following new use classes in the left hand column under the heading ‘Use Class’: ‘Amusement Parlour’; ‘Animal Establishment’; ‘Animal Husbandry – intensive’; ‘Art Gallery’; ‘Betting Agency’; ‘Brewery’; ‘Bulky Goods Showroom’; ‘Cinema’; ‘Civic Use’; ‘Club Premises’; ‘Commercial Vehicle Parking’; ‘Community Purpose’; ‘Exhibition Centre’; ‘Funeral Parlour’; ‘Home Store’; ‘Market’; ‘Motor Vehicle Repair’; ‘Motor Vehicle Wash’; ‘Reception Centre’; ‘Recreation – Private’; ‘Restaurant/café’; ‘Small Bar’; ‘Telecommunications Infrastructure’; ‘Veterinary Centre’ and ‘Warehouse/Storage’ in the left hand column under the heading ‘Use Class’ and inserting the permissibility of this use in each zone as follows :**

Use Class	Residential	Residential/Commercial	Office/Residential	Local Centre	District Centre	Commercial	Industrial (1)	Industrial (2)	Special Use
	1.	2.	3.	4.	5.	6.	7.	8.	9.
Aged or Dependent Persons Dwelling	P	P	P	AA	AA	P	X	X	Refer to provisions in Precinct Plan
Amusement Parlour	X	AA	AA/X <sup>2</sup>	AA	AA	AA	AA	X	
Animal Establishment	X	X	X	X	X	X	AA	X	
Animal Husbandry – Intensive	X	X	X	X	X	X	X	X	
Art Gallery	X	AA	AA	AA	AA	AA	AA	X	
Betting Agency	X	AA	P/X <sup>2</sup> /AA <sup>3</sup>	AA	AA	AA	X	X	
Brewery	X	X	AA/X <sup>2</sup>	X	AA	AA	AA	X	
Bulky Goods Showroom	X	P	P/X <sup>2</sup> /AA <sup>3</sup>	X	P	P	P	P	
Car Park	X	X	AA	AA	AA	AA	AA	AA	
Child Care Premises	AA	P	P/X <sup>2</sup>	P	P	P	AA	AA	
Cinema	X	X	X	X	AA	AA	X	X	
Civic Use	X	AA	AA/X <sup>2</sup>	AA	P	AA	X	X	
Club Premises	X	X	AA	X	AA	AA	AA	X	
Commercial Vehicle Parking	AA	AA	AA	AA	AA	AA	P	P	
Community Purpose	AA	AA	AA/X <sup>2</sup>	AA	P	AA	X	X	
Consulting Rooms,	AA	P	P/X <sup>2</sup>	P	P	P	P	P	
Convenience Store,	X	X	X	AA	AA	AA	AA	AA	
Educational Establishment,	AA	AA	AA/X <sup>2</sup>	P	P	P	AA	AA	
Exhibition Centre	X	AA	AA	AA	AA	AA	AA	X	
Family Day Care	AA	AA	P	X	X	X	X	X	
Fast Food Outlet	X	AA	P/X <sup>2</sup> /AA <sup>3</sup>	P	P	P	P	P	

Zone  Use Class	Residential	Residential/Commercial	Office/Residential	Local Centre	District Centre	Commercial	Industrial (1)	Industrial (2)	Special Use
	1.	2.	3.	4.	5.	6.	7.	8.	9.
Funeral Parlour	X	AA	AA/X <sup>2</sup>	X	AA	AA	AA	X	
General Industry	X	X	X	X	X	X	AA	P	
Grouped Dwelling	P	P	P	AA	AA	P	X	X	
Hazardous Industry	X	X	X	X	X	X	X	X	
Home Occupation	AA	AA	P	AA	AA	AA	X	X	
Home Office	P	P		P	P	P	X	X	
Home Store	AA	AA	AA	AA	AA	AA	X	X	
Hospital	AA	AA	AA/X <sup>2</sup>	AA	AA	AA	AA	AA	
Hotel,	X	X	X/ AA <sup>3</sup>	X	AA	AA	X	X	
Light Industry	X	X	X	X	X	AA	P	P	
Liquor Store-Small	X	P	AA	P	P	AA	X	X	
Liquor Store-Large	X	X	X	X	AA	AA	AA	X	
Lunch Bar	X	AA	P/X <sup>2</sup> / AA <sup>3</sup>	P	P	P	P	P	
Lodging House, Serviced Apartment	AA	AA	P/X <sup>2</sup>	AA	AA	AA	X	X	
Market	X	AA	AA/X <sup>2</sup>	AA	AA	AA	X	X	
Massage Rooms	X	X	X	X	X	X	AA	AA	
Motel	X	X	X/ AA <sup>3</sup>	X	AA	AA	X	X	
Motor Vehicles and Marine Sales Premises	X	X	X	X	X	X <sup>6</sup> /A A	P	P	
Motor Vehicle Repair	X	X	X	X	X	X	P	P	
Motor Vehicle Wash	X	X	X	X	AA	AA	P	P	
Multiple Dwelling	P <sup>1</sup>	P	P	AA	AA	P	X	X	
Nightclub	X	X	X	X	X	X	X	X	
Noxious Industry	X	X	X	X	X	X	X	X	
Nursing Home	AA	AA	AA/X <sup>2</sup>	AA	AA	AA	AA	AA	
Office	X	P	P	P	P	P	P	P	
Place of Worship	AA	AA	AA/X <sup>2</sup>	P	P	P	AA	AA	
Reception Centre	X	AA	AA/X <sup>2</sup>	AA	AA	AA	AA	X	
Recreation – Private	X	AA	AA/X <sup>2</sup>	AA	AA	AA	AA	X	
Residential Building	AA	AA	AA/X <sup>2</sup>	AA	AA	AA	AA	AA	
Restaurant/Café	X	AA	P/X <sup>2</sup> / AA <sup>3</sup>	P	P	P	P	P	
Restricted Premises	X	X	X	X	X/AA <sub>5</sub>	X/AA <sub>5</sub>	AA	AA	X
Service Station	X	X	X	AA	AA	AA	AA	AA	R ∅

Zone	Residential	Residential/Commercial	Office/Residential	Local Centre	District Centre	Commercial	Industrial (1)	Industrial (2)	Special Use
	1.	2.	3.	4.	5.	6.	7.	8.	9.
Use Class	1.	2.	3.	4.	5.	6.	7.	8.	9.
Single Bedroom Dwelling	AA	P	P	P	P	P	X	X	
Tavern	X	X	X/ AA <sup>3</sup>	X	AA	AA	X	X	
Transport Depot	X	X	X	X	X	X	AA	P	
Shop	X	P	AA/X <sup>2</sup> / AA <sup>4</sup>	P	P	AA	AA	AA	
Single House	P	P	P	AA	AA	P	X	X	
Small Bar	X	AA	AA/X <sup>2</sup>	AA	AA	AA	X	X	
Telecommunications Infrastructure	AA	AA	AA	AA	AA	AA	AA	AA	
Veterinary Centre	X	AA	AA/X <sup>2</sup>	AA	AA	AA	X	X	
Warehouse/Storage	X	X	X	X	AA	P	P	P	

**P – Permitted Use**

**AA – Discretionary Use**

**X – Prohibited Use**

**Footnotes:**

- Multiple Dwellings are only permitted in areas coded R40 and above, and in addition are subject to clause 22 Special Application of the R-Codes.
- The “Prohibited Use” notation applies to the Office/Residential Zone within Precinct P10 - Shepperton Precinct.
- The "Discretionary Use" notation applies to the Office/Residential Zone within Precinct P3 - Causeway Precinct.
- The 'Discretionary Use' notation only applies to the Office/Residential Zone within Precinct P3 - Causeway Precinct. "Shop" uses should primarily be limited to "Area 8 - Retail Hub Overlay" with the total shop floor space within the Precinct being limited to 1400m<sup>2</sup>.
- The “Discretionary Use” notation only applies to the Albany Highway Gateway Commercial zone and the East Victoria Park Gateway Shopping Area District Centre zone located within Precinct P11–Albany Highway Precinct, and the Commercial zone located within Precinct P4–McCallum Precinct.
- The “Prohibited Use” notation applies to the Commercial Zone within Precinct P11 – Albany Highway Precinct.

**1.7 Modify the extracts of the Zoning Table in all Precinct Plans in accordance with the Zoning Table above.**

- The Chief Executive Officer and Mayor be authorised to execute the Town Planning Scheme No. 1 Amendment No. 80 documents and to have the Common Seal affixed.



- 3. Amendment No. 80 be forwarded to the Western Australian Planning Commission for final approval.**
- 4. Those persons who lodged a submission regarding the application be advised of Council's decision.**

## 12 CHIEF OPERATIONS OFFICER REPORTS

### 12.1 Tender TVP/18/04 – Construction Works at 6 & 8 Kent Street, East Victoria Park

<b>File Reference:</b>	TVP/18/04
<b>Appendices:</b>	No

<b>Date:</b>	19 June 2018
<b>Reporting Officer:</b>	J. Robbins
<b>Responsible Officer:</b>	B. Killigrew
<b>Voting Requirement:</b>	Simple Majority

<p><b>Executive Summary:</b>  <b>Recommendation – That Council:</b></p> <ol style="list-style-type: none"> <li>1. <b>Accepts the tender TVP18/04 submitted by AE Hoskins, as the most advantageous tender to form a contract to deliver the Construction Works at 6 &amp; 8 Kent Street.</b></li> <li>2. <b>Delegates the formation of the Contract to the Chief Executive Officer, subject to negotiations for minor variations to the tender prior to entry to contact.</b></li> <li>3. <b>Should a contract not be formed within 10 business days (from the acceptance of tender) with AE Hoskins, that the Chief Executive Officer form a Contract with the next advantageous tenderer, M Construction.</b> <ul style="list-style-type: none"> <li>• A tender was called for construction works at 6 and 8 Kent Street, East Victoria Park. The required works include covered building additions, accessibility upgrade and internal layout alterations to the two existing office spaces.</li> <li>• Based on the tender evaluation performed it is recommended that Council accepts the tender submission from AE Hoskins.</li> </ul> </li> </ol>	
--	--

**TABLED ITEMS:**

- Design plans and submission from AE Hoskins.

**BACKGROUND:**

The Town of Victoria Park owns 6 and 8 Kent Street, unoccupied residential properties that are not receiving rental income. After ongoing disputes regarding rental arrears the tenants (Victoria Park Youth Accommodation) vacated 8 Kent Street in May 2017. 6 Kent Street has been vacant since 30 June 2015.

The Town’s Parking service unit are currently paying in excess of \$90,000 per annum for the lease of a commercial building on Star Street, Welshpool. In the Town’s ongoing endeavour to optimise its resources, Council owned properties were investigated for the potential accommodation of the Parking unit. The location of the Rangers service unit was also investigated with the intent of co-locating the Parking and Ranger services together to increase operational efficiency.

6 and 8 Kent Street were considered the most suitable location for these two areas, and the relocation of the Rangers service unit will also result in greater office space at the Depot Administration Centre.

**DETAILS:**

TVP/18/04 was advertised in the West Australian on Saturday 24 February 2018.

As part of the tender process, a mandatory site inspection and briefing session was held on Tuesday 6 March 2018 for any interested parties.

The tender closed at 2 pm on Tuesday 20 March 2018 with 12 submissions being received from:

- Pear Contracting;
- M Construction;
- AWB Building Co;
- AE Hoskins;
- ZD Constructions;
- Vera Group;
- The Hyde Family Trust;
- Interstyle Building;
- Inter Arch Pty Ltd;
- Connolly Building Co;
- Buildon Construction; and
- BCFM (WA) Pty Ltd.

**Description of compliance criteria**

Compliance criteria for TVP/18/04 included submissions being able to demonstrate the below requirements:

- Attend the mandatory onsite tender briefing at 6 & 8 Kent Street;
- Completion of the Offer Form and provision of pricing submitted in the format required;
- Agreement to comply with the Contractual Conditions of the Request for Tender as provided in Part 4 – General Conditions of Contract;
- Provide a minimum of three (3) references;
- Compliance with the Specification contained in the Request;
- Compliance with the Quality Assurance requirement for the Request;
- Compliance with all Australian and Western Australian license requirements;
- Compliance with OHS requirement;
- Complete Respondents Offer and pricing schedule;
- Submit organisation profile;
- Provide details of subcontractors if any;
- Provide details of financial position;
- Advise of any potential conflict of interest;
- Provide quality assurance position; and
- Provide insurance details.

All submissions were deemed to be compliant and were subsequently assessed against the evaluation criteria.

**Description of evaluation criteria**

Selection criteria for TVP/18/04 included each submission being assessed against four criteria, listed below:

SELECTION CRITERIA	WEIGHTING (%)
<p><b>Relevant Experience</b> Describe your experience in completing /supplying similar Requirements. Respondents must, as a minimum, address the following information in an attachment and label it “<b>Relevant Experience</b>”:</p> <ul style="list-style-type: none"> <li>i) Relevant industry experience (including public sector), including details of similar work undertaken;</li> <li>ii) The Tenderer’s involvement in these projects, including details of outcomes produced;</li> <li>iii) Past record of performance and achievement;</li> <li>iv) References from past and present clients; and</li> <li>v) Occupational safety and health track record.</li> </ul>	25
<p><b>Capability</b></p> <ul style="list-style-type: none"> <li>i) Qualifications, skills and experience of key personnel.</li> <li>ii) Plant, equipment and staff resources available.</li> <li>iii) Percentage of operational capacity represented by this work.</li> <li>iv) Quality systems.</li> </ul> <p>Tenderers must address the enquired information in an attachment and label it: <b>(Capability)</b></p>	25
<p><b>Demonstrated Understanding</b> 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"> <li>i) Level of understanding of Tender documents;</li> <li>ii) Level of understanding of work required;</li> <li>iii) Ability to meet delivery dates in regard to overall work commitments;</li> <li>iv) Warranties offered;</li> </ul> <p>Supply details and provide an outline of your proposed methodology in an attachment labelled “<b>Demonstrated Understanding</b>”.</p>	25
<p><b>Tendered Fees and Price/s</b> The price to supply the goods or services in accordance with the Request Rates or prices for variations</p>	25

The overall pricing of this tender is based on a lump sum contract.

The assessment of the submissions was formally undertaken by a panel of three Town officers:

- Building Assets Officer;
- Building Officer; and
- Technical Officer Parks.

Procurement Consultation

Consultation in relation to the procurement process was undertaken with:

- Procurement Officer;
- Coordinator Strategic Assets;
- Manager Technical Services;
- Chief Operations Officer;
- Chief Financial Officer; and
- WALGA Procurement Services.

After assessing the tenders against the compliance and evaluation criteria, the panel scored each tender, and the total scores resulted in the top 4 rankings shown below:

Company	Qualitative Ranking
AE Hoskins & Sons	1
M Construction (WA)	2
ZD Constructions	3
Hyde & Son	4

The tender assessment was made in line with the relative weightings given to relevant experience, capability, demonstrated understanding of the works and pricing; as detailed in the tender. AE Hoskins provided the best quality submission detailing its experience, capability and demonstrated understanding. The level of relevant experience against similar works, records of performance and achievement, references, combined with skills and experience of key personnel as well as other indicators of capability resulted in this submission ranked highest. The proposed methodology, programming and level of understanding of the works provided sufficient evidence to clearly demonstrate that the quality components of the tender were best met by AE Hoskins.

Given the equal relative weightings assigned to the three (3) quality components (experience, capability & understanding), and as the pricing component also only weighted 25%, it did not shift scores to the lowest bid. Consequently, the lowest priced tender submitted has not been recommended as the best value submission.

**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.

Complies with Regulation 18(4), Regulation 20(1) and Regulation 20(2) of the *Local Government (Functions and General) Regulations*.

**Policy Implications:**

Council Policy FIN4 Procurement Policy 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.

**Risk management considerations:**

<b>Risk &amp; Consequence</b>	<b>Consequence + Rating</b>	<b>Likelihood = Rating</b>	<b>Overall Risk Analysis</b>	<b>Mitigation/Actions</b>
Financial/legal Inability to complete works without major variations	Medium	Unlikely	Low	Evaluation of financial capacity, relevant experience, capabilities of key staff and resources, and demonstrated understanding of works

**Strategic Plan Implications:**

Town of Victoria Park Strategic Community Plan 2013 – 2028 (SCP).

One of the key projects of the SCP includes the provision of *planning, management and maintenance services for the Town's facilities.*

**Financial Implications:**

Internal Budget:

The 2017/2018 Assets Capital works budget has a combined allocation of \$430,000 within Work Orders 1773 and 1774. Approximately \$14,000 of these funds has been committed to preliminary design works, leaving \$416,000 within combined current budget.

The pricing contained within the preferred submission is not within the current available funds of these work orders, therefore, it has been recommended that authorisation be given to the Chief Executive Officer to negotiate minor variations to the tender to endeavour to enter the Contract that is within the approved budget. Should the preferred tenderer not be able to respond favourably to minor variations, it is recommended that delegation be given to the Chief Executive Officer to enter into negotiations with the next most advantageous tenderer.

The Town will be able to reduce its leasing commitments by \$90,000 per annum currently being paid for its Welshpool building lease.

Total Asset Management:

The Town's Strategic Community Plan 2013-2028 includes the following objectives that relate to the management of Assets -

- EN5 – Appropriate and sustainable facilities that are well built, well maintained and well managed.

Refurbishing these buildings and utilising the office space for the Town's Administration will save on unnecessary rental costs to external lessors. It will reduce reactive maintenance costs on the tired buildings in their current state (and increase value by investing in capital refurbishment), although routine maintenance and operational costs for the refurbished state of the building will need to be allowed for during the remainder of its life.

**Sustainability Assessment:**

External Economic Implications:

Nil

Social Issues:

There is the potential for the site to attract antisocial behaviour if the two buildings are left undeveloped or not leased. There is also potential for the new building layout to provide a meeting space for community groups.

Parking and Rangers co-locating in this centrally located building will provide an off-site presence for the Town assisting with some administration functions usually provided by the main administration centre such as dog registrations, parking infringement payments.

The design and scope of the works was completed by Elite Compliance which specialise in universal access consulting and design. The scope has been reviewed by the Town's Access and Inclusion Officer and is in line with the Town's Disability Access and Inclusion Plan.

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

6 and 8 Kent Street provides an opportunity to relocate the Town's Parking and Ranger services with some general administrative capabilities to a more central location within the Town, improving operational efficiency, eliminating lease costs and enabling more convenient Community access for these service areas.

The 12 tender submissions received met the compliance criteria for further evaluation. Based on the qualitative and pricing selection criteria, and their relative weightings included in the tender documents, the evaluation assessment has identified AE Hoskins to be the most highly rated tender submission.

**CONCLUSION:**

It is recommended that the Town accepts the tender submission from AE Hoskins.

**RECOMMENDATION/S:****That Council:**

- 1. Accepts the tender TVP18/04 submitted by AE Hoskins, as the most advantageous tender to form a contract to deliver the Construction Works at 6 & 8 Kent Street.**
- 2. Delegates the formation of the Contract to the Chief Executive Officer, subject to negotiations for minor variations to the tender prior to entry to Contract.**
- 3. Should the contract not be formed within 10 business days (from acceptance of the tender) with AE Hoskins, that the Chief Executive Officer form a Contract with the next most advantageous tenderer, M Construction.**



### 13 CHIEF FINANCIAL OFFICER REPORTS

#### 13.1 Integrated Planning and Reporting Framework 2017 – Endorsement of the Long Term Financial Plan

<b>File Reference:</b>	COR/12/8
<b>Appendices:</b>	Yes
<b>Attachments:</b>	No

<b>Date:</b>	28 June 2018
<b>Reporting Officer:</b>	N. Cain
<b>Responsible Officer:</b>	A. Vuleta
<b>Voting Requirement:</b>	Absolute majority

**Executive Summary:**  
**Recommendation – That Council, by an Absolute Majority, endorses the Long Term Financial Plan.**

- A major review of the Town’s Strategic Community Plan and associated Integrated Planning and Reporting Framework documents began in November 2015 and concluded in 2017.
- The review encompassed the most exhaustive and expansive engagement exercise in the Town’s history.
- A new Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan, Workforce Plan and Asset Management Plans were endorsed by Council in 2017.
- A reviewed and updated Long Term Financial Plan is ready to be considered by Council for endorsement.

**TABLED ITEMS:**

Nil

**BACKGROUND:**

In 2013, as part of legislative requirements, the Town completed a set of documents that make up the Western Australian Integrated Planning and Reporting Framework. These documents were a Strategic Community Plan, a Corporate Business Plan, a Long Term Financial Plan, Asset Management Plans and a Workforce Plan. A major review of these documents is required every four years, the next being due in the 2020-2021 financial year.

In September 2015, the Evolve project was established so that the major review of these documents could be completed in 2017. Starting the major review early gave the Town enough time to ultimately complete the most exhaustive and extensive engagement exercise in the Town’s history. This engagement process was used to directly help with preparing a new Strategic Community Plan and to inform the related documents that make up the integrated planning and reporting framework.

The new Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan, Workforce Plan and Asset Management Plans were endorsed in 2017.

Each year, in accordance with Integrated Planning guidelines produced by the Local Government department, and as part of the preparation of the annual budget, the Long Term Financial Plan and the Corporate Business Plan should be reviewed and amended to better reflect the current circumstances and taking into account the need to add a further year to each of these crucial plans.

A review of both these plans has occurred and amendments made that reflect the current circumstances, input from Elected Members and the strategic outcomes of the Strategic Community Plan.

The purpose of this report is for Council to consider these reviewed documents for endorsement.

**DETAILS:**

What is the Western Australian Integrated Planning and Reporting Framework?

The Integrated Planning and Reporting Framework comprises a set of strategic and operational documents that the Town is required, by legislation, to prepare with the involvement of the community. These documents include:

Document	Description
Strategic Community Plan	A Strategic Community Plan is a strategic document that provides direction for the Town (and the community) over a ten to fifteen-year period.
Corporate Business Plan	A Corporate Business Plan is an operational document that activates the Strategic Community Plan over a minimum of a four-year period.
Long Term Financial Plan	A Long Term Financial Plan is a document that shows how the Town will be able to pay for managing its assets, carrying out capital works, and providing services over a minimum ten-year period.
Asset Management Plan	Asset management planning is intended to integrate the expected cost of looking after assets with long-term financial planning.
Workforce Plan	Workforce planning is intended to ensure that the Town employs the right people to deliver the right asset management, service provision and capital works.

The preparation of the above documents is mandated by legislation.

The Town of Victoria Park Strategic Community Plan 2017-2032

The *Town of Victoria Park Strategic Community Plan 2017-2032* is the principal strategy and planning document that reflects the community’s Long Term vision, values, aspirations and priorities.

The single most important aspect of preparing this plan was to genuinely engage the community about their wants and needs. With this in mind, the following was completed:

1. a pre-engagement process (known as Evolve) beginning in November 2015 and finishing in November 2016 that involved:
  - 1.1 four surveys (with approximately 500 responses);
  - 1.2 one hundred workshops (with approximately 350 people contributing 2,700 participant hours);
  - 1.3 pop-up engagement activities (with 160 people contributing);
  - 1.4 digital online engagement;
2. content analysis of the information collected through the pre-engagement process;
3. preparation of a draft Strategic Community Plan using the results of the content analysis;
4. formal engagement of the draft Strategic Community Plan over a six-week period; and
5. review of submissions and modifications made to the draft Strategic Community Plan.

To comply with state requirements, the Town needed to consult with 5% or 500 members of the community by using at least two engagement types. The Town exceeded these requirements making the new plan the result of the most exhaustive and extensive engagement exercise between the Town and the community.

The *Town of Victoria Park Strategic Community Plan 2017–2032* provides a clear direction for how the Town will evolve into a community of an expected 75,000 people by 2050. The key elements of that direction revolve around empowering and engaging the community like never before, focusing on entertainment and entrepreneurship, leading in sustainability, putting people first in urban design and safety, and continuing to become a more inclusive and connected thriving community.

#### The Corporate Business Plan

The Corporate Business Plan is an internal business planning tool that translates Council priorities into operations within the resources available. The plan will highlight the services, operations and projects a local government will deliver within a defined period. It will also include the measures associated with delivering services, operations and projects and the costs associated.

In the preparation of the Corporate Business Plan, the following key aspects will be considered:

- External analysis – an examination of emerging trends and issues that may impact on the operations of the Town;
- Internal analysis – an examination of performance measures, operational issues, and improvement strategies that may impact on the operations of the Town; and
- Service and project evaluation – an examination between the outcomes of the Strategic Community Plan and the current delivery model of the Town to ensure alignment, financial sustainability and resource capability;

The Corporate Business Plan will be presented to the August round of Council meetings for endorsement.

### The Long Term Financial Plan

The Long Term Financial Plan is a 15-year rolling plan that informs the Corporate Business Plan in the activation of Strategic Community Plan priorities. The Long Term Financial Plan includes forecasts for the years accompanying the Corporate Business Plan. From these planning processes, annual budgets that are aligned with strategic objectives can be developed.

The Long Term Financial Plan is therefore a key element of the Integrated Planning and Reporting Framework that enables Council to set priorities, based on resourcing capabilities, for the delivery of short, medium and long-term community priorities. It is also an indicator of a local government's long term financial sustainability and allows for the early identification of financial issues and their longer term impacts. The Long Term Financial Plan highlights linkages between specific plans and strategies and enhances the transparency and accountability of the Council to the community.

The Long Term Financial Plan covers the period 2018-2019 to 2032-2033. There is a high level of accuracy and detail in the first three to five years of the plan, which is underpinned by a number of financial and economic assumptions. The remaining years of the plan are shown as an overview with reasonable estimates only. The Town undertakes a broad review of its Strategic Community Plan every two years and a full review is planned every four years. The Long Term Financial Plan is reviewed annually to ensure the accuracy of the underpinning assumptions and estimates and informs the annual budget prior to adoption each year.

### **Legal Compliance:**

All local governments are required to plan for the future of their district under Section 5.56 (1) of the *Local Government Act 1995*. Regulations under Section 5.56(2) of the Act outline the minimum requirements to achieve this. The minimum requirement of the plan for the future is the development of:

- a Strategic Community Plan; and
- a Corporate Business Plan.

Informing documents to be completed as part of the process include:

- Asset Management Plans;
- a Workforce Plan; and
- a Long Term Financial Plan.

### **Policy Implications:**

Nil

**Risk Management Considerations:**

<b>Risk &amp; Consequence</b>	<b>Consequence + Rating</b>	<b>Likelihood = Rating</b>	<b>Overall Risk Analysis</b>	<b>Mitigation/Actions</b>
<b>Financial</b> Reducing the proposed rate increase for any of the years is likely to negatively impact the financial sustainability of the Town.	Moderate	Possible	Moderate	Ensure that Elected Members are informed and educated through workshops and briefing notes.
<b>Reputational</b> Negative public perception towards the Town may result if these documents are, or are not, endorsed.	Insignificant	Possible	Low	Ensure that anyone who submits a concern regarding the future direction of the Town be addressed in a constructive and empathetic manner.

**Strategic Plan Implications:**

The proposed Corporate Business Plan and Long Term Financial Plan link directly and demonstrate the key services and deliverables to be provided in meeting the outcomes of the Strategic Community Plan.

**Financial Implications:**

Internal Budget:

Year one of the Corporate Business Plan and Long Term Financial Plan will directly align with the Annual Budget 2017-2018. No regard has been had to any carry forwards included within the annual budget.

Years two through five of the Corporate Business Plan and years two through fifteen of the Long Term Financial Plan outline financial estimates to deliver the Strategic Community Plan and highlight the long term financial sustainability of the Town.

Total Asset Management:

The financial implications of the Asset Management Plans, previously endorsed by Council, have been included within the estimates of the Long Term Financial Plan.

**Sustainability Assessment:**

External Economic Implications:

The Strategic Community Plan identifies twenty three strategic outcomes that will be achieved by communicating with, empowering and supporting the community and promoting social, economic and environmental sustainability to create the vision of the Town of Victoria Park as a dynamic place for everyone. A number of these strategic outcomes focus on resolving a number of economic issues identified through engaging the community.

Social Issues:

The Strategic Community Plan identifies twenty three strategic outcomes that will be achieved by communicating with, empowering and supporting the community and promoting social, economic and environmental sustainability to create the vision of the Town of Victoria Park as a dynamic place for everyone. A number of these strategic outcomes focus on resolving a number of social issues identified through engaging the community.

Cultural Issues:

The Strategic Community Plan identifies twenty three strategic outcomes that will be achieved by communicating with, empowering and supporting the community and promoting social, economic and environmental sustainability to create the vision of the Town of Victoria Park as a dynamic place for everyone. A number of these strategic outcomes focus on resolving a number of cultural issues identified through engaging the community.

Environmental Issues:

The Strategic Community Plan identifies twenty three strategic outcomes that will be achieved by communicating with, empowering and supporting the community and promoting social, economic and environmental sustainability to create the vision of the Town of Victoria Park as a dynamic place for everyone. A number of these strategic outcomes focus on resolving a number of environmental issues identified through engaging the community.

**COMMENT:**

The major review and endorsement of the Town's integrated planning and reporting framework documents, which include the Corporate Business Plan and Long Term Financial Plan, occurred in 2017.

During the review, the Town exceeded its requirements in terms of engaging the community. Ultimately the review resulted in a Strategic Community Plan and related documents that sincerely reflects the aspirations and expectations of the people who participated. The strategic direction is clear, concise and easily understandable. These documents can be implemented.

Further to the overarching comments associated with the Integrated Planning Framework process undertaken by the Town, the following information outlines the key points of the Corporate Business Plan and the Long Term Financial Plan:

- The Corporate Business Plan exceeds the minimum number of years (five-year outlook, which exceeds the four year minimum period);
- The Long Term Financial Plan exceeds the minimum number of years (fifteen-year outlook, which exceeds the ten-year minimum period);
- Significant growth in reserve funds;
- Removal of debt (in 2026);
- Significantly costed Asset Management Plans;
- Fully accommodated Workforce Plan requirements;
- Continuation of improving services;
- Reallocation of general capital works to fund those asset classes more requiring of the funding;
- Retention of a Strategic Projects funds allocation at approximately \$35.1 million (of which the exact expenditure locations are to be determined by Council in the future);

- Retention of a financially sustainable position (with an average Financial Health Indicator score of 89 out of 100 over the next fifteen years);
- An annual average rate increase of 3% per annum over the next fifteen years; and
- Both the Corporate Business Plan and Long Term Financial Plan are rated at an intermediate-to-advanced standard, as defined by the Local Government Department, with advanced being the highest achievable level.

**CONCLUSION:**

An annual review of Council's Corporate Business Plan and Long Term Financial Plan is now complete. Feedback from Elected Members during workshops that have occurred over several months have been taken into account and included where appropriate.

The document presented for endorsement, namely the Long Term Financial Plan:

- meets the outcomes as defined in the Strategic Community Plan;
- meets legislative requirements and department guidelines;
- reflects the sentiments of Elected Members as discussed during Council workshops; and
- provides a financially sustainable Town over the next fifteen years.

**RECOMMENDATION/S:**

**That Council, pursuant to Section 5.56 of the *Local Government Act 1995*, and by an absolute majority endorses the Town of Victoria Park Long Term Financial Plan as included in the appendices.**

**(Absolute Majority Required)**

**13.2 Adoption of the 2018-2019 Annual Budget**

<b>File Reference:</b>	FIN/5/65
<b>Appendices:</b>	Yes
<b>Attachments:</b>	No

<b>Date:</b>	28 June 2018
<b>Reporting Officer:</b>	N. Cain
<b>Responsible Officer:</b>	N. Cain
<b>Voting Requirement:</b>	Absolute majority

**Executive Summary:**  
**Recommendation – That Council, by an Absolute Majority, adopt the 2018-2019 Annual Budget.**  
 The annual budget includes statements on:

- The municipal fund budget for 2018-2019;
- General differential rates, minimum payments and instalment arrangements;
- Fees and charges; and
- Elected Members’ fees and allowances.

**TABLED ITEMS:**

Nil

**BACKGROUND:**

Each year Council is to adopt an annual budget for the purposes of allocating resources towards the provision of works and services.

The development of the *2018-2019 Annual Budget* has been an extensive, iterative and consultative process over several months. The process has included the following:

- Workshops for Elected Members aimed at delivering information, exploring concepts and clarifying options;
- The approval by Council of a *Statement of Objects and Reasons for Differential Rating* for public advertising/submission period; and
- The review and update, where required, of the *Long-Term Financial Plan, Workforce Plan* and *Asset Management Plan(s)*.

The development and consideration of all budget documentation has had regard for the direction as provided by the *Strategic Community Plan*.

**DETAILS:**

The *2018-2019 Annual Budget* has been prepared in accordance with the requirements of the *Local Government Act 1995* and various accounting standards. The purpose of this report is to facilitate final consideration of the annual budget, thus enabling the continued operation of the Town’s works and services programs.



The main features of the budget are as follows:

- An average rate increase of 3%, with differential rates being applied. These being:
  - Residential - GRV
    - Encompassing properties used primarily as a place of residence; and
    - At 8.40 cents in the dollar with a minimum payment of \$1,233.
  - Non-residential - GRV
    - Encompassing properties not used primarily as a place of residence; and
    - At 9.40 cents in the dollar with a minimum payment of \$1,282.
- An initial rate revenue strike in the order of \$45.6 million;
- Total capital expense in the order of \$18.4 million, with approximately \$14.8 million representing additional capital works, and the remaining \$3.6 million being items carried forward from previous years;
- Total operating expense in the order of \$65.8 million;
- Fees and charges have been reviewed and amended as appropriate with a select number of fees increasing;
- Some fees and charges have also been decreased;
- The majority of properties in the district have, as part of the annual rates levied on the property, the rubbish and recycling services included;
- Three loans are proposed for the financial year (to part fund the installation of underground power to three locations in the district); and
- An estimated surplus of \$4.5 million is anticipated to be brought forward from 30 June 2018. This is an unaudited figure and may be subject to change. Any change will be addressed as part of a future review of the budget.

#### Results of public submission period

Council previously resolved to proceed with advertising a proposal to implement differential rating in the district and, in accordance with the *Local Government Act 1995*, called for submissions relating to this. Advertising, which was in excess of statutory requirements, was by way of:

- *The West Australian*;
- *The Southern Gazette*;
- Public noticeboards;
- Council's website;
- Council's online engagement platform; and
- Social media channels.

During the submission period, the following statistics were collated:

- *Facebook*  
7,951 people reached, 57 reactions, 11 shares
- *Website public notice*  
27 page views, 25 users, average time on page 2:07
- *Your Thoughts*  
151 visits, 27 document downloads

The request for public submissions sought feedback on the proposal to implement differential rating in the district, and any other related matter. Of the 20 submissions received, there were no submissions commenting on the proposal to implement differential rating in the district.

The majority of the responses focused on the rate increase and/or the individual’s belief of an inequity between levels of service delivery not aligning with the proposed rate increase.

	Property owner-occupier/Property owner (different residential address)/Local resident (non-property owner)/Other	Submission comments	Response
1	Property owner/occupier – Victoria Park	I am astounded that a 3% rate increase is being considered. I have lived in Victoria Park for only 8 years. During this time I have not experienced any extra services provided by council. I have seen you destroy parkland and part of your reason for the rate increase is for "tree planting"? You are planning on developing the Millers Crossing green strip, why not leave it as it is, it already has established trees. I would have thought the charge for parking bays would make up any shortfall of revenue? You won't be satisfied until you have created another ghost town like Subiaco. Keep jacking the rates, paying for parking, this will undoubtedly hurt the average rate-payer and business owner. It would be far more prudent to trim outgoing costs, reduce salaries of Executive Council members?	The response does not comment on the proposal to implement differential rating in the district, and focuses more on the individual’s belief of an inequity between levels of service delivery not aligning with the proposed rate increase.
2	Property owner/occupier – East Victoria Park	Can you advise how the potential rental value of the premises is calculated and if we can provide feedback to what that value is prior to our rates being calculated? I feel that the rental value of my property has been grossly over estimated.	The response does not comment on the proposal to implement differential rating in the district, and focuses more on the calculation of Gross Rental Value (a matter that is outside the control of Council).

3	Property owner/occupier - Carlisle	I'd like a discount on my rates for my property on Marchamley Street, as the property value is set to plummet due to the fact that it is walking distance (won't be able to get the car out of the street) from one of Western Australia's worst black spot intersections, TWO petrol stations and a fast food outlet. Yes, I know TOVP is not 'responsible' - however, I'm dark because the home owner will ultimately pay the price for this planning DEBACLE. #stillirate	The response does not comment on the proposal to implement differential rating in the district, and focuses more on dissatisfaction with planning outcomes.
4	Property owner/occupier – East Victoria Park	Rather than a 3% increase - why not do a one off levy for 2018/19 and keep everyone's rates the same? This avoids year on year increases, a good news story to rate payers and it's a flat one off cost - i.e. \$35 for everyone to fund 18/19 initiatives.	The response does not comment on the proposal to implement differential rating in the district, and focuses more on a rating methodology that is not permitted under the <i>Local Government Act 1995</i> .
5	Property owner/occupier – East Victoria Park	I strongly oppose the differential rates for ToVP for 2018-2019. These rates are a significant increase on last financial year and cannot be justified. Property values in the ToVP have DECREASED. Growth this financial year according to Reiwa ( <a href="http://www.reiwa.com.au">www.reiwa.com.au</a> ) is -0.6% (houses) and -5.4% (units). This has correlated in significant DECREASES in rental rates this financial year. Therefore the differential rates set by ToVP should DECREASE by an equivalent amount (1-5%). I understand the ToVP provides rate payers with a range of services but given the rates are based on property value/rental then the rate amount should be in accordance and DECREASE.	The response does not comment on the proposal to implement differential rating in the district, and focuses more on the calculation of Gross Rental Value (a matter that is outside the control of Council).

6	Property owner/occupier - Burswood	As self-funded retirees on a fixed income, we find our rates bill increasingly difficult to pay. For three years, we suffered from an inflated valuation from Landgate. We hoped for some relief now that property prices are falling. As we don't have any concession cards apart from a WA Seniors Card, it has not been possible to defer our rates and put the debt into our estate. We now need to have this ruling re-evaluated.	The response does not comment on the proposal to implement differential rating in the district, and focuses more on the calculation of pensioner rebates (a matter that is outside the control of Council).
7	Property owner/occupier - Lathlain	You have asked for feedback regarding the increase to the annual rates. My feedback is that this increase is around twice that of the CPI increase. I would suggest that the Town of Victoria Park learn to live within their means like their ratepayers have to and therefore don't support the rate increase. I find it ironic that one of the reasons for the increase (as per article in the West Australia newspaper) was to enable the planting of trees. Really!!! It was not that long ago that over 90 established trees were removed to make way for an extra oval at Lathlain oval. There was no problem with this removal as it was stated at a public meeting that the trees weren't indigenous and were only around 50 years old. Also interesting is that most other councils are not increasing rates to the extent Victoria Park is. Are we going to get a superior service to most other councils?	The response does not comment on the proposal to implement differential rating in the district, and focuses more on the individual's belief of an inequity between levels of service delivery not aligning with the proposed rate increase.

<p>8</p>	<p>Property owner/occupier – St James</p>	<p>I don't agree with differential rates. Just because I look after my property, it seems I get penalized. Should be based on combination of land size, number of beds in house, or similar.</p>	<p>The response does not comment on the proposal to implement differential rating in the district, and either agrees with the basis by which Gross Rental Value is determined, or agrees with the capital valuation method for rates, which is the method for rating in some eastern states.</p>
<p>9</p>	<p>Property owner/occupier – East Victoria Park</p>	<p>I wish to make comment regarding the recent proposal to increase rates in the Town of Victoria Park by a further 3 per cent. I note that the item announcing the rate increase in the June 12 edition of 'Life in the Park' refers to the Consumer Price Index. A more relevant index for the Town to consider might be the Wage Price Index, which rose by just 1.5 per cent in the year to March 2018 in Western Australia. My own wages have risen by nowhere near this amount, and are in fact declining in value when measured against inflation. While the Town states that this increase is expected to amount to only \$61 on average, it should be highlighted that this year's percentage increase will compound the effect of increases applied in previous years. Councils across Western Australia have referred to above -CPI increases in costs such as electricity and water as a means of justifying proposed rate increases. Please note that these increases also affect households. In order to manage these increasing costs on a limited income, my own household has limited spending on non-essential</p>	<p>The response does not comment on the proposal to implement differential rating in the district, and focuses more on the individual's belief of an inequity between levels of service delivery not aligning with the proposed rate increase.</p>

		items. I would strongly urge the Town of Victoria Park to do the same, rather than imposing yet another rate increase on residents.	
10	Property owner/occupier – Victoria Park	<p>I opposed the 3% rate increase in part due to a lack of concrete explanations of exactly what the increase would be funding. Given that according to last years (2017) annual report the council generated a \$6,720,875 net profit together with maintaining substantial reserves as shown below I believe that that council is in a position to at least use some of these reserves to cover any increased expenditure at least for the next few years.</p> <p>Waste Management reserve \$917,175. Park Renewal Reserve \$261,025. Other Infrastructure reserve \$574,443. Future project reserve funds \$1,798,878 and the future fund reserves \$12,332,193 these reserve accounts total \$15,883,714 which equates to approx \$1,270 per household surely some of these fund could be utilized to avoid such a high increase when compared to CPI and other council increase for 2018.</p>	The response does not comment on the proposal to implement differential rating in the district, and focuses more on the individual's belief of an inequity between levels of service delivery not aligning with the proposed rate increase.
11	Property owner/occupier – St James	<p>I hereby make a submission that I disagree with this apparent 'smoke screen' money grabbing exercise by the council.</p> <p>Every year, like the health funds, you make your excuses and raise the rates well above and beyond the CPI.</p> <p>I have only had a solitary 2% wage rise in the last four years due to my own (mining) company citing nonsensical business strategies to cut employee conditions and benefits plus adopting a climate of fiscal restraint; yet they continue to waste money on unnecessary grandiose schemes.</p> <p>It is well beyond time the local council and indeed, all levels of government started to appreciate the</p>	The response does not comment on the proposal to implement differential rating in the district, and focuses more on the individual's belief of an inequity between levels of service delivery not aligning with the proposed rate increase.

		<p>population as a whole are not in a position of continuing to support these never ending increases in charges and fees.</p> <p>We are expected to continually restrain our expectations from our employers; I expect the same from you.</p> <p>It is now expected you make do with the same funding levels that you received during last financial year. If you cannot make your budget balance then you cannot not be trying hard enough. I have to live within my means... so should those expecting me to pay more each and every year.</p>	
12	Property owner/occupier – St James	<p>Victoria Park's rates have increased yet again - by far our town increases their rates the most % each year. With the paid parking being installed a few years ago generating extra income, now the Stadium being part of TOVP and generating quite the income, I would have thought they'd at least stay the same or reduce, definitely not increase.</p>	<p>The response does not comment on the proposal to implement differential rating in the district, and focuses more on the individual's belief of an inequity between levels of service delivery not aligning with the proposed rate increase. It should be noted that Optus Stadium is exempt from paying rates.</p>
13	Property owner/occupier – Victoria Park	<p>Thank you for inviting me to make a submission.</p> <p>I disagree with the proposed rate increase of 3% and believe it should be limited to no more than either CPI or average wage growth.</p> <p>As an individual my income increase for this year is about 1.5%. I, like the council, have been subject to increases in electricity, water and other non-discretionary costs which have been far in excess of CPI. While my family won't starve I have to limit my discretionary expenditure simply for the reason that I can't</p>	<p>The response does not comment on the proposal to implement differential rating in the district, and focuses more on the individual's belief of an inequity between levels of service delivery not aligning with the proposed rate increase.</p>

		<p>force my boss to pay me extra money so that I can do the things I want to do.</p> <p>That is the difference between me and the council. The council can impose a fee increase of whatever it likes and I cannot do anything about it. In fact, if it does, it further constrains my discretionary spending.</p> <p>As such, I believe an increase above CPI or average wage growth shows a lack of consideration and integrity.</p>	
14	Property owner/occupier – Victoria Park	<p>I am totally against the 3% rate increase. Compare with other councils, Town of Vic Park does not deliver as much. Playgrounds are all very poor condition compared to other suburbs. What does the council use the money for?</p>	<p>The response does not comment on the proposal to implement differential rating in the district, and focuses more on the individual’s belief of an inequity between levels of service delivery not aligning with the proposed rate increase.</p>
15	Property owner/occupier – Victoria Park	<p>Please do not raise our rates again. People trying to live on pensions will be driven out of the suburb because we will not be able to afford to live here. I do not understand why you are doubling the inflation rate in this latest planned increase, particularly as the Town of Victoria Park has ample of funds (more than \$12m, from memory, according to a response to a public question at a council meeting I attended). Why then are you placing increasing financial pressure on your ratepayers? The latest planned increase is quite outrageous and not justifiable by anything I’ve read or heard.</p>	<p>The response does not comment on the proposal to implement differential rating in the district, and focuses more on the individual’s belief of an inequity between levels of service delivery not aligning with the proposed rate increase.</p>



16	Property owner/occupier – East Victoria Park	<p>I do not support an increase on rates as</p> <p>1 - We don't even enjoy the benefits or aesthetics of underground power</p> <p>2 - I would have thought the implementation of the parking fees would be more than adequate in providing the Town of Victoria Park with the projected revenue that they put forward</p> <p>3 - Leisurelife is one of most expensive gym memberships in our community and it doesn't even offer the rate payers a discount, which it previously did</p> <p>4 - It doesn't embrace supporting small business and allow them to implement new initiatives without incurring red tape and additional costs</p>	<p>The response does not comment on the proposal to implement differential rating in the district, and focuses more on the individual's belief of an inequity between levels of service delivery not aligning with the proposed rate increase.</p>
17	Property owner/occupier – East Victoria Park	<p>I find it outrageous that rates increase alongside amenities and yet we are not receiving pay rises to meet this increases. This is a highly populated single income/family orientated suburb and this must be kept in consideration.</p>	<p>The response does not comment on the proposal to implement differential rating in the district, and focuses more on the individual's belief of an inequity between levels of service delivery not aligning with the proposed rate increase.</p>
18	Property owner/occupier – Victoria Park	<p>Not all of the projects that you have approved meet the total acceptance of all ratepayers. Therefore I respectfully suggest you prune some of them until you have funds available and can still live within your means and increase rates at no more than one and a half percent.</p>	<p>The response does not comment on the proposal to implement differential rating in the district, and focuses more on the individual's belief of an inequity between levels of service delivery not aligning with the proposed rate increase.</p>

19	Property owner/occupier - Carlisle	With regard to the proposed rate increase for the 2018-2019 year I am opposed to any increase above the inflation rate. I have been paying Local Government rates in Western Australia at many different country and metropolitan local government locations, including City of Perth, for over 60 years and not one of them have had annual increases as great as those experienced in the Town of Victoria Park since I became a ratepayer about 1995.	The response does not comment on the proposal to implement differential rating in the district, and focuses more on the individual's belief of an inequity between levels of service delivery not aligning with the proposed rate increase.
20	Property owner/occupier - Burswood	<p>It comes as no surprise the Town of Victoria Park as usual is crying poor. The rates levied by this Town Council are one of the highest in the Metropolitan area as shown by various publications, and this new rate rise of 1.5%, twice the inflation rate, is not justified by the services I have receive as a rate payer and by the additional rates flow from new infill developments.</p> <p>For the Council to trot out the old arguments that increased cost of providing street lighting, electricity, water, gardening, road works and a myriad of other costs, does not pass the pub test. All other councils have the same costs and are able to work within their means without finding the need to raise their rates by such amounts as our Council does every year.</p> <p>Before this new Town Council came into existence we were told that "our own Town Council" would look after us rate payers.</p> <p>It started with a staff of 79 and now has a staff of over 400 plus numerous consultants for an area smaller than other councils.</p> <p>I see no difference in services provided or performance between this Council and the previous City of Perth Council - but for the steep rate hikes by this Council. This Council with its small area should be able to</p>	The response does not comment on the proposal to implement differential rating in the district, and focuses more on the individual's belief of an inequity between levels of service delivery not aligning with the proposed rate increase.

		<p>provide existing services and any additional services (which do not come to mind); because:</p> <ol style="list-style-type: none"> <li>1). the amount of additional multiple rates generated from new ongoing infill every year -where there was one house or business premises you now have apartments, unit, flats etc., all this was proposed by the Perth City Council.</li> <li>2). all parklands are well established and receive little maintenance.</li> <li>3). roads -some have pot holes, foot paths - non -existent in places, and verges (torn up by service providers) all get little maintenance. The concrete footpath outside my house, has been pushed up 70mm in one corner by tree roots, this I pointed out to the council almost two years ago. I also pointed out the NO STOPPING signs at my driveway crossover needed to be renewed. Your ranger took pictures on his mobile phone but no remedial action has been taken.</li> <li>4). The street light in Egham Road in front of units at #11 was removed- I would like to see it reinstated. Since its removal my property across the road had its copper piping removed, including the gas copper pipe (dangerous). In the past few weeks this copper piping and gas hot water unit have again become a target. The next door neighbours had their cars broken into as have others in the street. It was reported in the Southern Gazette, June 12, 2018, "the town required to increase rates above the Consumer Price Index (CPI) in order to deliver new place planning initiatives, increase tree planting programmes and provide the level of service expected by the community in a growth market.</li> </ol>	
--	--	--	--

		<p>My questions are:</p> <p>1). in order to deliver WHAT new place planning initiatives and at what cost?</p> <p>2). To increase tree planting programmes? It would be nice to see those plantings that I have been notified during the past 20 years. How about for a start the promise that trees removed at the front of the Montessori School, Egham Road, were to be replaced that winter!?</p> <p>As far as I am aware any verge trees removed due to adjoining property owner planning requirements the cost of this removal and new planting is borne by the owner- so where is the cost to the council?</p> <p>3). WHAT level of service expected by the community? maintaining existing, upgrade or additional?, Each and every tenancy pays for bin and verge waste pick-up, whether used partly, fully or not at all;</p> <p>4) WHAT growth market? the signs speak for themselves. Business is getting out as quickly as is possible due to rent hikes because of tax on inflated land values and rates on assumed forward rental income. Business in its various forms draws people to its area otherwise and area becomes stagnant and money flows out to these areas that can provide this service. The Perth City Council found this out when it pushed residential life out so as to cater just for business. You need a diversity of both. Victoria Park is becoming just a cafe strip. A fad: here one day and gone the next. For my rates over the years, I would like to see the council more proactive when it comes to issues affecting me and the ratepayers in this area:</p> <p>1) Parking: Kitchener Avenue Parking in this area is abysmal, my call to council testify this.</p>	
--	--	---	--

		<p>The cars parked along the side of the railway reserve in Kitchener Avenue are a safety hazard. This parking lane or new parking areas where possible between Leigh Street and Victoria Park train station should be pushed into the railway reserve which is a waste of land and an eyesore on the door step of this town and its state capital. This ugly train yard area should have a screen wall to match those on main roads or freeways to stop noise, dust and vibrations. I have seen and felt road rage myself a number of times along this stretch of Kitchener Avenue, the worst was when a male lunatic on a rainy day passed me at speed on top of the speed hump at the Howick Street intersection making me brake otherwise I would have been pushed into the row of parked cars. Other times I have seen irrational drivers force cars to back all the way to Egham Road.</p> <p>2) Buses/Burswood Road          To turn right or left into Burswood Road takes some patience at certain times of the day because of traffic flow in both directions at the same time and cars parked in Burswood Road at the bottom of Leigh Street. The number of buses that come at once from Teddington Road and stop at the first bus stop on the bend in Burswood Road and the bus stop alongside GO Edwards Park new playground impedes the flow of traffic. I have experienced both, stuck in traffic on Teddington Road and not been able to come out of Leigh Street into Burswood Road.</p> <p>3) Rates</p> <p>a) For the past 24 years I have been paying 6% in my rates for underground power, when am I going to see this?</p> <p>b) Why is the cost not shown on my rate notice - has the council something to conceal?</p>	
--	--	---	--

		<p>c) Why am I paying for this item when I have had underground power for some years</p> <p>d) What is this percentage based on?</p> <ul style="list-style-type: none"> <li>• a flat sum for all;</li> <li>• GRV;</li> <li>• some other input?</li> </ul> <p>Subiaco has finished all of its underground power. In closing: The Council has not shown why its new rates should be so high. In closing: The Council has not shown why its new rates should be so high. Some mundane objectives of no benefit to me. With newer projects generating a larger income flow every year to Council the rate should be no more than CPI.</p>	
--	--	---	--

The focus topic of the majority of the submissions was not unexpected, and was considered as part of the deliberation when proposing a 3% rate increase.

Proposed year end position as at 30 June 2019

After allowing for the proposed carry forward items from the previous year (2017-2018), as detailed and explained in the next section of this item, there is no proposed year end surplus position forecast for 30 June 2019.

Carry-forward items from the previous annual budget

Each year the Town potentially carries forward works and projects (and in some instances associated project revenues) that are 'in progress' or have been deferred for a specific reason.

There are essentially three categories of carry-forward items, these being:

- Programs/projects either in progress or yet to commence that are fully or partly funded from sources external to Council, e.g. grant and/or contribution-funded programs/projects;
- Council funded programs/projects that, as at 30 June, are either in progress or yet to commence, and for which there exists a desire to continue forward with the programs/projects; and
- Those other Council works and services where there exists a known outstanding commitment/obligation to complete a specific task, e.g. programs/projects temporarily deferred for a variety of reasons.

Carry-forward items from the previous budget included in the *2018-2019 Annual Budget* have a net total of \$4.2 million (\$4.8 million in expense and \$0.6 million in associated revenue).

There is a separate section within the *2018-2019 Annual Budget* that provides a complete listing of all items for carry forward.

#### Proposed rates to apply for the 2018-2019 financial year

In preparing the annual budget, Elected Members considered the rate revenue parameter in order to establish the framework of the annual budget within which detailed works programs and estimates could be developed.

During Elected Member workshops, it was generally accepted that an average rate increase of approximately 3%, utilising differential rates, was considered appropriate. These being:

#### Residential - GRV

- Encompassing properties used primarily as a place of residence; and
- At 8.40 cents in the dollar with a minimum payment of \$1,233.

#### Non-residential - GRV

- Encompassing properties not used primarily as a place of residence; and
- At 9.40 cents in the dollar with a minimum payment of \$1,282.

By applying the above rates in the dollar and minimum payments, an initial rate revenue strike in the order of \$45.6 million will be realised.

The following is a summary of the matters considered in achieving the proposed 3% rate increase, which is in keeping with the most recent *Long-Term Financial Plan*:

- Indexation assumptions have been revised taking into account the current (and immediate future) economic position in Western Australia;
- Variations have been made to reserve fund transfers;
- Revenue estimates from fees and charges have been frozen from any indexation;
- Rate revenue from larger-scale developments in the district have been considered with regards to anticipated completion dates;
- Increased expenses likely to be incurred as a result of state government price increases and legislation changes and changes to the processing of waste; and
- Other adjustments have been made to expense areas (without materially impacting the levels of service being supplied).

#### Additional commentary

It is important to note that the proposed budget includes an increase in rates of 3%.

Previous Long Term Financial Plans identified an 8% annual rate increase for many future years - this being a deliberate effort to overcome previous 'underrating' years. Council will recall having an additional rating effort above the 8% being for Local Government Reform. This additional rating effort has not been removed for the purpose of determining rates for this coming financial year and is included within the increase.

#### Determination of material variance for reporting purposes

Each year Council is required to adopt a percentage or value for the purposes of reporting material variances in the Monthly Financial Activity Statement. This value or percentage is then used throughout the financial year to identify potential areas in Council's actual revenues and expenditures that may not be in keeping with Council's budget. The early identification of these potential issues can assist in better utilisation and allocation of scarce

Council funds and resources. The values chosen should provide a good indication of variances that would not normally be able to be covered through Council's normal operations and should, therefore, be assessed to identify if a potential issue exists or not.

Council has previously used a value of (+) or (-) \$25,000, per business unit/service area, for each of the revenue and expenditure areas included in the Statement of Financial Activity.

It is recommended that this value continue to be used.

#### Statement of calculation of the annual budget

In compiling the annual budget, officers have, in accordance with the Local Government Accounting Manual, as produced by the Department of Local Government:

- identified recurring operating revenue and expenditure;
- prepared salary and wages schedules including proposed new staff positions, staff increment changes and enterprise agreement increases;
- prepared water, power and sewer utilities cost estimates and increase assumptions;
- prepared capital expenditure based, where possible, on long-term asset management plans;
- confirmed grants for both operating and capital requirements;
- determined and applied the assumptions for the opening current position from the previous financial year;
- identified any carry forward projects into the new financial year;
- flagged committed funds and excluded these from the brought forward balance in the determination of the current position;
- established if there is a budget deficit or surplus to be carried forward restricted to the prescribed amount;
- obtained estimates for non-current assets to be sold or traded-in on new assets;
- obtained estimates for insurance, including workers' compensation;
- updated the scale of fees and charges for the next 12 months;
- compiled projected cash flows over the next 12 months to ensure there is sufficient liquidity to meet current commitments throughout the year;
- prepared the budget document consistently with comparative financial results for the previous year;
- ensured that any surplus funds invested conforms with the short-term requirements for drawdowns as and when the funds are required; and
- completed all the required statutory schedules for adoption by Council.

#### **Legal Compliance:**

Section 6.2 of the *Local Government Act 1995* states:

*During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time that as the Minister allows, each local government is to prepare and adopt \*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

*\* Absolute majority required*

Section 6.2 of the *Local Government Act 1995* requires Council, in formulating the budget, to have regard to the contents of the *Strategic Community Plan* and prepare detailed estimates for the current year.



Section 6.2(4) of the *Local Government Act 1995* sets out certain details that the annual budget is to incorporate and such other matters as prescribed.

Part 3 of the *Local Government (Financial Management) Regulations 1996* establishes the form and content of the budget document and requires a copy of the Annual Budget to be submitted to the Department of Local Government within 30 days of adoption by Council.

Various clauses of Section 6 of the *Local Government Act 1995*, and other subsidiary legislation, also affect the budget document.

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires Council to adopt a percentage or value, calculated in accordance with Australian Accounting Standards, to be used in the monthly Statement of Financial Activity.

Numerous other pieces of state legislation have an impact on the budget including, although not limited to:

- the *Local Government (Miscellaneous Provisions) Act 1960*;
- the *Waste Avoidance and Resources Recovery Act 2007*; and
- the *Building Regulations 2012*.

**Policy Implications:**

Nil

**Risk Management Considerations:**

<b>Risk &amp; Consequence</b>	<b>Consequence + Rating</b>	<b>Likelihood = Rating</b>	<b>Overall Risk Analysis</b>	<b>Mitigation/Actions</b>
<b>Reputational</b> Negative public perception if Council does not adopt the annual budget.	Moderate	Possible	Moderate	Community consultation/submission periods. Elected Member workshops.
<b>Service interruption</b> Potential reduction in the quality of assets provided and services delivered if the rate increase and annual budget are not adopted.	Major	Possible	High	Elected Member workshops. Rate modelling.

<p><b>Financial</b> Potential cash flow issues may result if the annual budget is not adopted.</p>	<p>Major</p>	<p>Unlikely</p>	<p>Moderate</p>	<p>Overdraft facility.</p>
<p><b>Compliance</b> Failing to adopt the annual budget by 31 August in any year is considered a breach of the <i>Local Government Act 1995</i>.</p>	<p>Moderate</p>	<p>Unlikely</p>	<p>Moderate</p>	<p>Elected Member workshops. Annual Budget delivery timetable.</p>

**Strategic Plan Implications:**

The development and consideration of all budget documentation has had regard for the direction as provided by the Town’s *Strategic Community Plan*.

**Financial Implications:**

Internal Budget:

In accordance with the *2018-2019 Annual Budget* timetable, this report makes recommendation to Council on the adoption of the *2018-2019 Annual Budget*.

Total Asset Management:

The preparation of the *2018-2019 Annual Budget* is aligned with the Integrated Planning and Reporting framework, of which asset management is a significant part.

**Sustainability Assessment:**

External Economic Implications:

The preparation of the *2018-2019 Annual Budget* has had regard for the sustainability items of economic, social, cultural and environmental matters. The document supports the outcomes identified as being part of sound sustainability principles.

Social Issues:

The preparation of the *2018-2019 Annual Budget* has had regard for the sustainability items of economic, social, cultural and environmental matters. The document supports the outcomes identified as being part of sound sustainability principles.

Cultural Issues:

The preparation of the *2018-2019 Annual Budget* has had regard for the sustainability items of economic, social, cultural and environmental matters. The document supports the outcomes identified as being part of sound sustainability principles.

Environmental Issues:

The preparation of the *2018-2019 Annual Budget* has had regard for the sustainability items of economic, social, cultural and environmental matters. The document supports the outcomes identified as being part of sound sustainability principles.

**COMMENT:**

The annual budget has been compiled using the *Strategic Community Plan*, various other statutorily required documents, and input from Elected Members and staff.

**CONCLUSION:**

The *2018-2019 Annual Budget* will deliver on the strategies adopted by the Council in the *Strategic Community Plan*, and maintains a high level of service across all programs, while ensuring an increased focus on renewing all assets to sustainable levels.

**RECOMMENDATION/S:**

That Council, by an absolute majority:

**1. Municipal fund budget for 2018-2019**

Pursuant to the provisions of Section 6.2 of the *Local Government Act 1995* (as amended), and Part 3 of the *Local Government (Financial Management) Regulations 1996*, adopts the Municipal Fund Budget, as included in the Appendices, for the Town of Victoria Park for the 2018-2019 financial year, which includes the following:

- 1.1 Statement of Comprehensive Income by Nature and Type showing a net result for that year of \$2,942,500;
- 1.2 Statement of Comprehensive Income by Program showing a net result for that year of \$2,942,500;
- 1.3 Rate Setting Statement showing an amount required to be raised from rates of \$45,789,500;
- 1.4 Notes to, and forming part of, the budget;
- 1.5 Budget program schedules; and
- 1.6 Transfers to/from Reserve Accounts as detailed.

**2. Differential rates, minimum payments and instalment payment arrangements**

2.1 For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part 1 above, and pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995*, imposes the following differential rates and minimum payments on Gross Rental Values.

**Residential – GRV**

- Encompassing properties used primarily as a place of residence; and  
At 8.40 cents in the dollar with a minimum payment of \$1,233.

**Non-Residential - GRV**

- Encompassing properties not used primarily as a place of residence; and  
At 9.40 cents in the dollar with a minimum payment of \$1,282.

**2.2 Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, nominates the following due dates for rate payment in full and by instalments:**

**2.2.1 Full payment and 1st instalment due date 29 August 2018;**

**2.2.2 Second quarterly instalment due date 31 October 2018;**

**2.2.3 Third quarterly instalment due date 9 January 2019; and**

**2.2.4 Fourth quarterly instalment due date 13 March 2019.**

**2.3 Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$14 for each instalment after the initial instalment is paid (a total of \$42).**

**2.4 Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.**

**2.5 Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations 1996*, adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remain unpaid after becoming due and payable.**

**3. Fees and charges**

**Pursuant to Section 6.16 of the *Local Government Act 1995*, Section 245A (8) of the *Local Government (Miscellaneous Provisions) Act 1960*, Section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, and Regulation 53(2) of the *Building Regulations 2012* adopts the Fees and Charges included in the Annual Budget 2018-2019 as attached to, and forming part of, this report.**

**4. Elected Members' fees and allowances**

**4.1 Pursuant to Section 5.98 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Administration) Regulations 1996*, adopt the following annual fees for payment of Elected Members in lieu of individual meeting attendance fees:**

**4.1.1 Mayor \$30,841; and**

**4.1.2 Councillors \$23,000**

- 4.2 Pursuant to Section 5.99A of the *Local Government Act 1995* and Regulations 34A and 34AA of the *Local Government (Administration) Regulations 1996*, adopts the Information and Communication Technology allowance of \$3,500 for Elected Members.
- 4.3 Pursuant to Section 5.98(5) of the *Local Government Act 1995* and Regulation 33 of the *Local Government (Administration) Regulations 1996*, adopts the annual local government allowance of \$62,727 to be paid to the Mayor in addition to the annual meeting allowance.
- 4.4 Pursuant to Section 5.98A of the *Local Government Act 1995* and Regulation 33A of the *Local Government (Administration) Regulations 1996*, adopts the annual local government allowance of \$15,682 to be paid to the Deputy Mayor in addition to the annual meeting allowance.
5. **Material variance reporting for 2018-2019**  
Pursuant to Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, and Australian Accountings Standard *AASB 1031 Materiality*, adopts the level to be used in Statements of Financial Activity in 2018-2019 for reporting material variances of any individual business unit / service area shall be an amount of (+) or (-) \$25,000.

(Absolute majority required)

**13.3 Sale of land for recovery of rates and charges – Assessment #77271**

<b>File Reference:</b>	RT77271
<b>Appendices:</b>	No
<b>Attachments:</b>	No

<b>Date:</b>	16 June 2018
<b>Reporting Officer:</b>	E. Monteath
<b>Responsible Officer:</b>	N. Cain
<b>Voting Requirement:</b>	Simple majority

<b>Executive Summary:</b>	
<b>Recommendation – That Council proceed to sell the property associated with assessment #77271, with rates and charges in arrears totalling approximately \$11,792.45.</b>	
<ul style="list-style-type: none"> <li>• Council can take possession of land and sell land where rates and charges have been unpaid for at least three years.</li> <li>• The total rates and charges in arrears on assessment #77271 total approximately \$11,792.45.</li> <li>• Numerous instances over the last five years to recover the outstanding rates and charges have failed.</li> <li>• It is recommended that Council proceed to take possession of the land and sell the land to recover the unpaid rates and charges.</li> </ul>	

**TABLED ITEMS:**

Nil

**BACKGROUND:**

Council is empowered, under the provisions of the *Local Government Act 1995*, to impose rates and charges on rateable land within the district. Owners of the rateable land within the district are required, by legislation, to pay those rates and charges, as determined each year.

From time-to-time owners of the rateable land (ratepayers) do make the necessary payment to cover the raised rates and charges. Where this occurs, the Town attempts to work with the ratepayers to assist them in making payment and clearing the debt. Where the debt remains unpaid for a lengthy period of time it is necessary to escalate the recovery effort.

Various means to recover the outstanding rates debt are tried, with the final option being to take possession of the land and then to sell the land to recovery outstanding rates and charges.

The sale of property to recover outstanding rates and charges is not a course of action normally pursued or required because, in most instances, legal proceedings are successful in recovering the outstanding monies.

**DETAILS:**

From December 2013, there has been no contact or payment from the owner. During this time the Town has:

- issued rates notices each financial year;
- telephoned the owner and left messages;
- sent letters to the owner;
- sent *Intention to Summons* notices;
- commenced legal action via a *General Procedure Claim*;
- issued a *Property Seizure and Sale Order* (which failed due to the appointed bailiff being unable to identify any suitable goods to seize); and
- identified that the owner of the property has also defaulted on their obligation to meet water rates and consumption payments and that the Water Corporation continued to apply interest and associated fees to the assessment.

During the last five years, the Town has increased efforts to recover the outstanding rates and charges due to the increasing magnitude of the growing debt.

**Legal Compliance:**

The *Local Government Act 1995* Section 6.56 (rates or service charges recoverable in court) states:

- 1) *If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.*
- 2) *Rates or service charges due by the same person to the local government may be included in one writ, summons, or other process.*

Section 6.64 of the *Local Government Act 1995* (actions to be taken) states:

- 1) *If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and:*
  - a. *from time to time lease the land; or*
  - b. *sell the land; or*
  - c. *cause the land to be transferred to the Crown; or*
  - d. *cause the land to be transferred to itself.*
- 2) *On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.*

- 3) *Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.*

**Policy Implications:**

Council Policy *FIN3 Debt collection* has been followed during this process.

**Risk Management Considerations:**

Two risks have been identified as outlined.

<b>Risk &amp; Consequence</b>	<b>Consequence + Rating</b>	<b>Likelihood = Rating</b>	<b>Overall Risk Analysis</b>	<b>Mitigation/Actions</b>
Council not approving action to proceed sale of property.	Moderate	Unlikely	Moderate	Provide reasoning and detailed explanations to Council to enable informed decision making.
Property continues to be unsightly and unfit for habitation.	Moderate	High	Moderate	Inform Environmental Health Officers.  Proceed with proposed action to sell.

**Strategic Plan Implications:**

Nil

**Financial Implications:**

Possession and sale of the property will equate to a decrease in the level of outstanding rates and charges by approximately \$11,792.45.

Total Asset Management:

Nil

**Sustainability Assessment:**

External Economic Implications:

Nil

Social Issues:

The property is currently unoccupied and left unlocked, therefore increasing the possibility of vagrants occupying the premises. The property currently does not have water and electricity supply, therefore any use of the property’s sanitary facility will result in a health nuisance.

Cultural Issues:

Nil



Environmental Issues:

Nil

**COMMENT:**

It is certainly not the preferred option of the Town to seize property for sale in order to recover unpaid rates and charges. In this instance, however, it is unlikely that amounts owing to the Town will be met through any other means. It is also noted that the Water Corporation, who share similar legislative powers to local governments for possession and sale of land, are also owed monies for unpaid water rates and consumption charges.

Ultimately, as part of a future land sale (generated by the Town or other party), the Town will receive payment towards outstanding rates and charges. The risk of allowing the outstanding amount to grow to any sizeable nature is that the Town may be required to share any proceeds rather than have full entitlement to all funds (that is, not all amounts owing may necessarily be forthcoming). It is also unequitable to other ratepayers in the District that do make payment and, therefore, contribute to the wellbeing of the community through the services provided by the Town.

**CONCLUSION:**

The Town has tried, without success, to recover rates and charges on assessment #77271 since 2013. The owner of the property has failed in their obligation to make payment and to acknowledge the various recovery actions that have been attempted. It is therefore recommended that Council proceed to take possession of the land and sell the land to recover the unpaid rates and charges (approximately \$11,792.45).

**RECOMMENDATION/S:**

**That Council, pursuant to section 6.56 (rates or service charges recoverable in court) and section 6.64 (actions to be taken) of the *Local Government Act 1995*, proceeds to take possession of, and sell, the property associated with assessment #77271 that has rates in arrears exceeding three years, and recover from the proceeds of sale the outstanding balance of approximately \$11,792.45.**

**13.4 Tender TVP/18/07 - Preventive and Reactive Maintenance of Commercial Pool Facilities**

<b>File Reference:</b>	TVP18/07
<b>Appendices:</b>	No
<b>Attachments:</b>	No

<b>Date:</b>	26 June 2018
<b>Reporting Officer:</b>	K. Winterbourn
<b>Responsible Officer:</b>	N. Cain
<b>Voting Requirement:</b>	Simple majority

**Executive Summary:**  
**Recommendation – That Council awards tender TVP/18/07 for the provision of preventive and reactive maintenance of commercial pool facilities at Aqualife to Aquatic Services WA and endorses the Chief Executive Officer executing a contract as per the advertised tender documentation.**

- A tender was called for a contract to provide preventative and reactive maintenance of the Aqualife facility.
- This tender encompasses the electrical and hydraulic maintenance of all water treatment equipment installed at the Aqualife facility.
- An evaluation of the tender submissions against the prescribed criteria has been completed and it is recommended that Council accepts the tender submission from Aquatic Services WA.

**TABLED ITEMS:**

- Tender assessment documents.

**BACKGROUND:**

The Aqualife Centre has five pools including a spa, leisure, hydrotherapy, 25m indoor and 50m outdoor pools. Each one of these has separate filtration with assistance from ultraviolet light systems. Each has circulation pumps, chemical dosing, heat exchange water heating, and general aquatic plumbing and electrical infrastructure. The Town of Victoria Park is seeking a contractor to carry out service, provide trouble shooting response and preventative maintenance to enable the system to work at its optimum, and maximise the life of the aquatic plant.

The following information is required for all common and exclusive equipment to the following water bodies and their associated plant and equipment:

- 50 metre pool – 8 lanes, 1.3 to 1.98 metres deep, original structure (constructed 1965);
- 25 metre pool – 6 lanes, 1.2 metres deep, wet deck, universal access;
- Leisure pool – 0 lanes - 0.9 metres deep;
- Hydrotherapy pool – 3 lanes, 0.9 metres deep, universal access, separate area enclosed; and
- Spa – 0.9 metres deep, heated to 36 degrees Celsius, separate plant room, universal access.

The Aqualife Centre requires monthly plant and equipment checks, and quarterly maintenance and annual servicing of all equipment and plant. All maintenance, repairs and preventative maintenance are to be in accordance with the manufacturers requirements as presented but not limited to the on-site manuals. The contractor is to ensure prompt assistance and advice where required.

The scope of work is detailed within the tender and is based on industry standards and the Town's requirements.

The overall pricing of this tender is aggregated, based on the total costs for annual estimated requirements.

The contract to be awarded for this tender is for a period of two years, with two further options of one year each, exercisable at the Town's discretion.

During the contract period, performance will be monitored by Town staff and include:

- compliance with reporting requirements;
- quarterly review outcomes;
- meeting timelines;
- adherence to communication requirements;
- compliance with safety guidelines;
- general standard of services; and
- compliance with tender requirements.

#### **DETAILS:**

Tender TVP/18/07 was advertised in The West Australian newspaper on Saturday 17 March 2018. The tender closed at 2pm on 5 April 2018 and four submissions were received being from:

- Trisley's Hydraulic Services Pty Ltd;
- Aquatic Services WA;
- Commercial Aquatics; and
- Hydramet.

#### **Description of compliance criteria**

Compliance criteria for TVP/18/07 was as below –

##### Description of compliance criteria

1. Compliance with the condition of this tender  
Tenderers are to provide acknowledgement 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.
2. References  
Provide a minimum of three reference. You should give examples of work provided for your referees where possible.
3. Complete respondents offer.
4. Complete pricing schedule.

5. Corporate information  
Respondents to submit organisation profile. Advise if agent for another party, include name and address of principal.
6. Financial position
  - 6.1 Respondent to confirm ability to pay all debts in full as and when the fall due.
  - 6.2 Advise of any current litigation as a result of which you may be liable for \$50,000 or more.
  - 6.3 Will you be able to fulfil the financial requirements from your own resources of from resources readily available to you to pay all your debts in full as and when they fall due?
7. 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.
8. 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.
9. 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.

Four (4) submissions met the compliance criteria.

**Description of qualitative selection criteria**

Selection criteria for TVP/18/07 was as detailed below:

<b>Selection Criteria</b>	<b>Weighting (%)</b>
Experience in completing/supplying similar requirements.	25
Current capability.	25
Demonstrated understanding of the process they intend to use to achieve the requirements of the specification.	25
Tendered price/s.	25

The pricing of this tender is aggregated, based on the total costs for the estimated quantities for the contract period of two years, with two further options of one year each, exercisable at the Town's discretion.

The assessment of the compliant submissions was formally undertaken by an assessment panel of three, comprising the Aqualife Aquatic Coordinator, Aqualife Manager and Building Officer– Assets.

Their individual scores were averaged and the weightings applied, as per the table below:

	Relevant Experience		Capability		Demonstrated Understanding		Tendered Fees and Prices		Total Weighted Scores
Weighting	25%		25%		25%		25%		
Company	Score	Weighted Score	Score	Weighted Score	Score	Weighted Score	Score	Weighted Score	
Commercial Aquatics Australia	6.0	15.0	6.0	15.0	5.0	12.5	9.3	23.2	65.7
Hydramet Pty Ltd	7.0	17.5	7.0	17.5	1.0	2.5	1.0	2.5	40.0
Trisley's Hydraulic Services	6.0	15.0	6.0	15.0	5.0	12.5	10.0	25.0	67.5
Aquatic Services WA	8.0	20.0	7.0	17.5	7.0	17.5	7.4	18.4	73.4

**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 FIN4 Purchase of Goods and Services has been complied with.

**Risk Management Considerations:**

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Reputational - If plant is not well maintained, the water quality could be compromised causing closure.	Moderate	Possible	High	Robust maintenance program for plant facility.
Compliance – Plant not well maintained will not comply with Department of Health standards.	Major	Possible	High	Ensure plant is well maintained to provide high water quality.

Service interruption – Low water quality could mean programs ceased until up to standard.	Moderate	Possible	Moderate	Ensure plant is well maintained to provide high water quality.
Financial impact – If pools closed due to water quality.	Moderate	Possible	Moderate	Robust maintenance program for plant facility.

**Strategic Plan Implications:**

The Town’s Strategic Community Plan 2013-2028 includes the following objectives that relate to management of assets.

- Effectively manage, maintain and renew the Town’s assets.

**Financial Implications:**

Internal Budget:

Maintenance funding of \$75,000 is included in the 2017/2018 Aqualife budget under a separate work order, 971, on the draft 2018/2019 budget \$75,000 is listed specific to the maintenance classification.

Current financial year expenditure for the Aqualife plant maintenance, including commitments, is \$82,119.70

Previous two financial year’s expenditure for the Aqualife plant maintenance was:

- 2015/2016 \$84301.70; and
- 2016/2017 \$92732.27.

**Sustainability Assessment:**

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

Aquatic Services WA have provided services to the Aqualife Centre through a range of different areas. Their work has included the installation of the features for the leisure pool and the new grating around the pools edge. The standard of work exceeded expectations and the service provided has been excellent. The tender evaluation process identifies that Aquatic Services WA has achieved the highest score upon evaluation of all tenders.

**CONCLUSION:**

It is recommended that the tender submitted by Aquatic Services WA be accepted as the most advantageous tender for preventative maintenance of the Aqualife facility.

**RECOMMENDATION/S:**

**That Council:**

- 1. Awards tender TVP/18/07 for Preventive and Reactive Maintenance of Commercial Pool Facilities Aqualife Facility to Aquatic Services WA; and**
- 2. Authorises the Chief Executive Officer to execute a contract with Aquatic Services WA for preventative maintenance services for the Aqualife Facility under the following contractual arrangements –**
  - Contract Schedule of Rates: *Estimated cumulative spend for the contract period of two 4) years based on Schedule of Rates is \$114,192,000 (ex-GST)* Contract Term; and**
  - Term: Two (2) years, with two further options of one year each, exercisable at the sole discretion of the Town.**

## 14 COMMITTEE REPORTS

### FINANCE AND AUDIT COMMITTEE

#### 14.1 Recommendation from the Finance and Audit Committee - Schedule of Accounts for 31 May 2018

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

<b>Date:</b>	11 May 2018
<b>Reporting Officer:</b>	A. Thampoe
<b>Responsible Officer:</b>	N. Cain
<b>Voting Requirement:</b>	Simple majority
<b>Executive Summary:</b> <b>Recommendation - That the Finance and Audit Committee recommends that Council, acknowledges the Schedule of Accounts paid for the month ended 31 May 2018.</b> <ul style="list-style-type: none"> <li>• The accounts paid for 31 May 2018 as included in the appendices.</li> <li>• Direct lodgement of payroll payments to the personal bank accounts of employees are also included.</li> </ul>	

#### 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 –

<b>Fund</b>	<b>Reference</b>	<b>Amounts</b>
<b>Municipal Account</b>		
Automatic Cheques Drawn	608351 - 608371	32,474
Creditors – EFT Payments		5,528,287
Payroll		1,029,386
Bank Fees		5,125
Corporate MasterCard		11,402
		<b>6,606,674</b>
<b>Trust Account</b>		
Automatic Cheques Drawn	3567 - 3580	48,882
		<b>48,882</b>

**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.

<b>Risk &amp; Consequence</b>	<b>Consequence + Rating</b>	<b>Likelihood = Rating</b>	<b>Overall Risk Analysis</b>	<b>Mitigation/Actions</b>
<b>Compliance:</b> Council not accepting Schedule of Accounts	Moderate	Unlikely	Moderate	Provide reasoning and detailed explanations to Council to enable informed decision making.
<b>Financial Impact:</b> Misstatement or significant error in Schedule of Accounts	Major	Unlikely	Moderate	Daily and monthly reconciliations. Internal and external audits.
<b>Financial Impact:</b> 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 Committee recommend to the Council to accept and confirm the payments, as included in the appendices.

In anticipation that the Committee will ask questions about the schedule of accounts, please note that these questions and answers will be included in the appropriate Elected Members Briefing Session agenda and Ordinary Council Meeting agenda.

**FURTHER COMMENT:**

The members of the Finance and Audit Committee sought further information on a number of payments made in May 2018. The following list represents the questions and answers associated with the request for further information.

- Can you please provide details for the following payments?
  - Anditi P/L Photography & Imaging - \$16,720  
*Aerial imagery interpretation and report for the Town of Victoria Park as part of the Urban Forest Strategy.*
  - Aust. Institute of Criminology - Training Services - \$800  
*Conference registration for an employee to attend the Crime Prevention and Communities conference.*
  - East Perth Women's Football Club - Kidsport Program - \$150. Would also like to know if this is an adult sports club?  
*Kidsport eligibility is for applicants aged up to 18 years. East Perth Women's Football Club is open to participants aged from 14 years that are female. This particular applicant was not over 18 years old therefore she was eligible for the funding.*
  - Flight Centre - Travelling Expenses
    - \$677  
*Return flights to Melbourne for onsite Economic Development consultant.*
    - \$1,823  
*Return flights to Melbourne and accommodation for an employee to attend Criminology – Crime Prevention and Communities conference.*
  - Gladstone MRM Software & IT Solutions – Annual Licensing and Software Support - \$14,572.14  
*Gladstone point of sale system for the Aqualife and Leisurelife centres.*
  - Major Motors - Plant Supply & Servicing - \$101,906.55  
*Purchase of heavy plant vehicle (truck) as per approved capital projects.*
  - Melville Subaru - Transport Services - \$27,452.20  
*Purchase of fleet vehicle as per approved capital projects.  
The standard description for this supplier has been updated to "Plant Supply & Servicing".*

- Mr D Ansted - Art and Event –\$8,140  
*Art acquisition from Staff Room 2018.*
- Regents Isuzu - Plant Supply - \$35,029  
*Fleet vehicle purchase as per approved capital projects.*
- Subaru Osborne Park - Equipment Supply & Repair - \$27,281  
*Fleet vehicle purchase as per approved capital projects.*  
*The standard description for this supplier has been updated to “Plant Supply & Servicing”.*
- The below payments seem much higher than usual. Could you please provide some details?
  - AWB Building Co - Facility Maintenance Services
    - \$27,131.50  
*Victoria Park Bowling Club refurbishment as per approved capital projects.*
    - \$32,523.70  
*Victoria Park Bowling Club refurbishment as per approved capital projects.*
    - \$17,319.23  
*Chemical shed replacement at Aqualife Centre as per approved capital projects.*
  - Carpets Online Facility - Maintenance Services - \$55,165.00  
*Replacement of flooring at Leisurelife Centre as per approved capital projects.*
  - Civica - Software & IT Solutions - \$91,841.17  
*The total is made up of two invoices.*  
*\$86,626.07 – Annual license fee for Civica software.*  
*\$5,215.10 – Onsite consultant for assistance with infringement module.*
  - LD Total Landscaping- Materials & Services - \$222,653.99  
*GO Edwards park upgrade as per approved capital projects.*
  - Maia Financial - Equipment Hire
    - \$13,045.90  
*Lease payments for cardio gymnasium equipment at Leisurelife.*
    - \$40,358.04  
*Lease payments for public Wi-Fi, espresso coffee machine for the public at Aqualife and spin bikes at Leisurelife.*
    - \$14,023.56  
*Lease of desktop computers.*
  - Rosevale Electrical - Electrical Services
    - \$5,685  
*Made up of 11 invoices for electrical maintenance at centres including Leisurelife, Aqualife , the depot and Digital Hub.*

- \$27,836  
*Made up of 10 invoices relating to electrical maintenance but does include high value payments of \$5,000 for the repair of the fire panel at Edward Millen House and \$17,820 for the annual electrical testing of emergency lighting and RCD at all Town properties.*
  - \$440  
*Maintenance at Higgins Park clubrooms as three external lights were damaged due to vandalism and needed fixing.*
  - \$40,976.10  
*Made up of four invoices for electrical maintenance, including one invoice for \$39,641.80 for the upgrade of the fire monitoring system at the administration centre, as per approved capital projects.*
  - \$19,659.20  
*Made up of four invoices for electrical maintenance, including one invoice of \$18,892.50 for the replacement of LED lighting at the Aqualife Centre as per approved capital projects.*
- Why were Perth Cricket Club paid \$34,320 for Facility Maintenance Services? How much do we pay them each year, and what is the origin of those arrangements?  
*The Perth Cricket Club are provided with monthly payments for grounds maintenance at Fletcher Park as per tender TVP16/09, which was approved at the OCM on 11 October 2016. The total per year is \$187,200 (ex GST). The standard description is showing Facility Maintenance Services as the tender was for maintenance of Fletcher Park. This is not a contribution, but a payment for Perth Cricket Club who maintain the grounds.*
  - Why were Perth Football Club paid \$27,500 for Contributions? How much do we pay them each year, and what is the origin of those arrangements?  
*The Perth Football Club originally requested \$25,000 as an annual contribution in 2003 and this was approved by Council at the OCM on 20 May 2003. The Perth Football Club asked for a further \$25,000 annual contribution in 2010 which was approved by Council at the OCM on 15 June 2010 with the condition that the club demonstrate their expenditure on maintenance over the leased area. The funding was specified to be to the end of the then current lease (30 June 2015).*

*The Deed of Partial Surrender of Lease (dated 1 July 2016) specifies that the lease remains in force with respect to the premises, less the West Coast Eagles area, in accordance with the holding over provisions in clause 11.2 of the lease.*

*It should be noted that whilst the OCM resolution of 15 June 2010 specifies that the financial assistance be provided "to the end of the current lease period", there is no binding clause within the lease to compel Council to continue providing that assistance.*

**RECOMMENDATION/S FROM THE FINANCE AND AUDIT COMMITTEE:**

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

- 1. The accounts paid for 31 May 2018 as included in the appendices; and**
- 2. Direct lodgement of payroll payments to the personal bank accounts of employees.**

**14.2 Recommendation from the Finance and Audit Committee - Financial Statements for the Month Ending 31 May 2018**

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

<b>Date:</b>	19 June 2019
<b>Reporting Officer:</b>	A. Thampoe
<b>Responsible Officer:</b>	N. Cain
<b>Voting Requirement:</b>	Absolute Majority

**Executive Summary:**  
**Recommendation - That the Finance and Audit Committee recommends that Council, accepts the Financial Activity Statement Report – 31 May 2018 as attached to and forming part of this report.**

- The Financial Activity Statement Report is presented for the month ending 31 May 2018. The report complies with the requirements of Regulation 34 (Financial activity statement report) of the *Local Government (Financial Management) Regulations 1996*.

**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 – 31 May 2018.

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:**

<b>Risk &amp; Consequence</b>	<b>Consequence + Rating</b>	<b>Likelihood = Rating</b>	<b>Overall Risk Analysis</b>	<b>Mitigation/Actions</b>
<b>Financial Impact:</b> Council not accepting budget amendment recommendation	Moderate	Unlikely	Moderate	Provide reasoning and detailed explanations to Council to enable informed decision making.
<b>Compliance:</b> Financial statement not complying with the requirements of the <i>Local Government (Financial Management) Regulations 1996</i>	Moderate	Unlikely	Moderate	Internal review of monthly Financial activity statement.  External audits of monthly financial statements.

<b>Financial impact:</b> Misstatement or significant error in financial statements	Major	Unlikely	Moderate	Daily and monthly reconciliations.  Internal and external audits.
<b>Financial Impact:</b> 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 – 31 May 2018 be accepted.

**CONCLUSION:**

The Financial Activity Statement Report – 31 May, complies with the requirements of Regulation 34 (Financial activity statement report) of the *Local Government (Financial Management) Regulations 1996*. It is therefore recommended that the Financial Activity Statement Report – 31 May be accepted.

**RECOMMENDATION/S FROM THE FINANCE AND AUDIT COMMITTEE:**

**That Council, pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, accepts the Financial Activity Statement Report – 31 May 2018 as attached to, and forming part of, this report.**



# ***Financial Activity Statement Report***

*For the month ended 31 May 2018*



## **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

The Financial statements are presented based on the new organisational structure

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

## Revenue

### Chief Executive Officer

No material variance to report

### Community Planning

- **Environmental Health**

- The period variation is favourable to period budget by \$27,712.
- The variation predominantly relates to higher than anticipated income received from Noise approval monitoring fees and Food business fees.
- The impact on the year end position is estimated to be an increase in revenue of \$15,000.

- **Urban Planning**

- The period variation is favourable to period budget by \$35,518.
- The variation predominantly relates to higher than anticipated income received from development application fees and Subdivision fees.
- The impact on the year end position is estimated to be an increase in revenue of \$20,000.

### Operations

- **Asset Planning**

- The period variation is unfavourable to period budget by \$35,421.
- The variation predominantly relates to lower than budgeted lease income due to some properties being vacant.
- The impact on the year end position is estimated to be a decrease in revenue of \$30,000.

- **Street Operations**

- The period variation is favourable to period budget by \$34,495.
- The variation predominantly relates to the final grant claim for two capital projects which were greater than budgeted for. The grants relate to Bishopsgate Street and Roberts Road Upgrade and Oat Street and Star Street upgrade. The positive variance is reduced by budget timing variances related to Hill View Terrace and Oat Street upgrade and Roberts Road and Orrong Road Intersection upgrade projects. These projects are staged over two financial years and therefore the associated grants for the second stage of the project will only be received next financial year.
- The impact on the year end position is estimated to be an increase in revenue of \$75,000.

## Operating Expense

### Chief Executive Office

- **Chief Executive Office**

- The period variation is favourable to period budget by \$50,138.
- The variation predominantly relates to underspend on “Think, Act, Plan, Participate (TAPP)” projects where there has been a change in project ownership due to staff resources. These projects have been reallocated to staff who will carry forward the projects to be completed next financial year.
- The impact on the year end position is estimated to be a reduction in expenditure of \$30,000.

- **Communication and Engagement**

- The period variation is favourable to period budget by \$56,228.
- The variation predominantly relates to vacancies within the area.
- The impact on the year end position is estimated to be a reduction in expenditure of \$50,000.

- **Human Resources**

- The period variation is favourable to period budget by \$68,967.
- The variation predominantly relates to lower than budgeted expenditure within the programs area.
- The impact on the year end position is estimated to be a reduction in expenditure of \$50,000.

### Community Planning

- **Digital Hub**

- The period variation is favourable to period budget by \$35,952.
- The variation predominantly relates to vacancies within the area.
- The impact on the year end position is estimated to be a reduction in expenditure of \$40,000.

- **Economic Development**

- The period variation is favourable to period budget by \$68,093.
- The variation predominantly relates to vacancies within the area.
- The impact on the year end position is estimated to be a reduction in expenditure of \$60,000.

- **Place Management**

- The period variation is favourable to period budget by \$61,834.
- The variation predominantly relates to vacancies within the area.
- The impact on the year end position is estimated to be a reduction in expenditure of \$70,000.



Finance

- **Information Systems**

- The period variation is favourable to period budget by \$221,796.
- The variation is due to delays in project initiatives that could not be resourced within the budgeted timeframe.
- The impact on the year end position is estimated to be a reduction in expenditure of \$180,000.

- **Leisurelife**

- The period variation is favourable to period budget by \$66,058.
- The variation predominantly relates to vacancies and rostering changes within the area.
- The impact on the year end position is estimated to be a reduction in expenditure of \$60,000.

- **Parking**

- The period variation is favourable to period budget by \$76,978.
- The variation predominantly relates to vacancies within the area and lower than anticipated consultancy cost to perform a review of paid parking to meet the objectives of the Corporate Business Plan.
- The impact on the year end position is estimated to be a reduction in expenditure of \$50,000.

Operations

- **Asset Planning**

- The period variation is favourable to period budget by \$362,567.
- The variation predominantly relates to savings made in maintenance works and costs savings made renewing furniture and equipment for Aqualife and Leisurelife. The variance also includes a \$190,000 budget timing variance relating to the Lathlain Precinct Redevelopment Project. This project is currently underway and is expected to continue through to the following financial year.
- The impact on the year end position is estimated to be a reduction in expenditure of \$200,000.

- **Street Improvement**

- The period variation is favourable to period budget by \$104,546.
- The variation is predominantly due to lower than anticipated expenditure relating issues associated with drainage / sumps and their investigations which have been minimum this financial year, thus budget being underspent. Vacancies within the area has also created a favourable variance to budget.
- The impact on the year end position is estimated to be a reduction in expenditure of \$60,000.

- **Street Operations**

- The period variation is favourable to period budget by \$348,600.
- The variation predominantly relates to lower than anticipated costs relating to footpath and drainage maintenance. There is also a budget timing variance relating to invoices that are yet to be received and paid.
- The impact on the year end position is estimated to be a reduction in expenditure of \$120,000.

## **Capital Expense**

### Chief Executive Office

No material variance to report.

### Community Planning

No material variance to report.

### Finance

No material variance to report.

### Operations

- **Asset Planning**

- The period variation is favourable to period budget by \$1,459,199.
- The variation predominantly relates to delays in capital projects. Four major capital projects are currently progressing through the tender process. Works will commence towards the end of the financial year.
- The impact on the year end position is estimated to be a reduction in expenditure of \$900,000. Funds that are not spent will be carried forward to the next financial year.

- **Parks**

- The period variation is favourable to period budget by \$2,032,612.
- The variation relates to delays and budget timing of major capital projects. The most significant project being the new Lathlain Park with a total budget of \$1,500,000. This project will be carried forward to the next financial year. McCallum Park foreshore river wall project funds will be carried forward to secure an opportunity for additional external funding towards the park upgrade. Stage 1 of GO Edwards park redevelopment is complete and awaiting final invoices from supplier.
- The impact on the year end position is estimated to be a reduction in expenditure of \$1,500,000. Funds that are not spent will be carried forward to the next financial year.

- **Street Operations**

- The period variation is favourable to period budget by \$817,684.
- The variation relates to delays and budget timing of capital projects. Physical works for some projects have been completed, with invoices yet to be received. Upgrade to Hill View Terrace and Oats Street Intersection project and the Roberts Road and Orrong Road intersection project will be carried forward to the next financial year as they are staged over two years.
- The impact on the year end position is estimated to be a reduction in expenditure of \$600,000. Funds that are not spent will be carried forward to the next financial year.

**Non-Operating Revenue**

No material variance to report

**Non-Operating Expenses**

No material variance to report

**Proposed Budget Amendments**

No budget amendments to report

**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) Inventories**General

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:

Buildings		40 years
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.

**Service 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 leads and supports the transformation of the organisation into a customer-focused, culturally constructive, legislatively compliant, sector-leading entity, with a primary focus on the Service Areas within the Chief Executive Office functional area.

Communications and Engagement

Communications and Engagement manages the brand and reputation of the Town. This is achieved through developing clear and accessible messaging, consulting with the community, delivering key messages through various channels and working to reach the appropriate audiences through strategically executed marketing, engagement and communication planning..

Customer Relations

Customer Relations manages the Customer Service Contact Centre, which is the first point of contact for the organisation, and monitors performance against the Town's Customer Service Charter.

Leadership and Governance

The Leadership and Governance Service Area is committed to responsibly managing the Town on behalf of the residents and ratepayers of the District through collaboration, knowledge-sharing and good governance.

Human Resources

Human Resources is responsible for the development and implementation of occupational health and safety compliance, staff development, employee relations, recruitment and payroll services of the Town.

**Community Planning**Building Services

Building Services provide services to ensure buildings are safe, liveable, accessible and sustainable, and meet statutory requirements.

Community Development

The Community Development team's vision is an empowered Victoria Park, which will be achieved through the mission of community capacity building.

### Community Planning Office

The Community Planning Office leads and supports the transformation of the organisation into a customer-focused, culturally constructive, legislatively compliant, sector-leading entity, with a primary focus on the Service Areas within the Community Planning functional area.

### Digital Hub

The Digital Hub provides free digital literacy and online training for the local community, not-for-profit organisations and local business operators.

### Economic Development

Economic Development seeks to increase the economic growth of the district through fostering business attraction and retention, tourism, marketing, community initiatives and creating robust relationships.

### Environmental Health

Environmental Health seeks to promote good standards of public health via the many hospitality outlets in the area and the community in general.

### General Compliance

The General Compliance Area liaise with and direct property owners and developers to ensure built-form building and planning requirements are adhered to at all times.

### Healthy Community

The Healthy Community team connect people to services, resources, information, facilities, and experiences that enhance their physical and social health and wellbeing.

### Library Services

Library Services plays a pivotal role in providing our community with access to resources, knowledge and technology in a safe, nurturing environment.

### Place Management

The Place Management Service Area implements programs, that are suitable for the particular targeted section of the community, to improve places within the District or, where the community is satisfied with the standard of operation, to maintain the already attained standard.

### Strategic Town Planning

Strategic Town Planning develops strategies for the future growth of the Town, with the aims of creating a vibrant community and improving the quality of life for residents.

### Urban Planning

Urban Planning assesses applications for development approval and subdivision, provides advice to the community and ensures land is appropriately used and developed.

## **Finance**

### Aqualife

The Aqualife Centre aims to improve community health and wellbeing; and to provide a safe and welcoming environment for the community to meet and socialise, primarily through aquatic recreation.

### 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.

### Corporate Funds

The Corporate Funds are includes the management of loans, reserve fund transfers, restricted and trust funds, rate revenue and corporate grants funding.

### Finance Office

The Finance Office leads and supports the transformation of the organisation into a customer-focused, culturally constructive, legislatively compliant, sector-leading entity, with a primary focus on the Service Areas within the Finance functional area.

### Financial Services

The key role of Financial Services is to manage and control the Town's finances in a sound and prudent manner.

### Information Systems

Information Systems assists the Town in operating efficiently with the smooth running of essential business computer programs and systems.

### Leisurelife

The Leisurelife Centre aims to improve community health and wellbeing, and to provide a safe and welcoming environment for the community to meet and socialise, primarily through active recreation.

### Parking

The Parking Management section guides future parking initiatives within the Town, ensuring equitable access for everyone, whilst also monitoring existing parking areas and ensuring a safer community.

### Rangers

Ranger Services offer a 24 hours-a-day / 7 days-a-week service to help ensure community safety in the areas of Dog and Cat management and Local Law enforcement.

## **Operations**

### Asset Planning

Asset Planning provides services to manage and maintain Council facilities and their related assets.

### Environment

The Environment Area is committed to preserving and enhancing natural areas and recognises not only the ecological benefits of protecting natural assets, but also the social and recreational benefits as well.

### Fleet Services

Fleet Services oversees the various items of light fleet, heavy fleet and plant and equipment.

### Operations Office

The Operations Office leads and supports the transformation of the organisation into a customer-focused, culturally constructive, legislatively compliant, sector-leading entity, with a primary focus on the Service Areas within the Operations functional area.

### Parks and Reserves

The Parks and Reserves Section delivers high quality horticultural works to parks, reserves and streetscapes.

### Project Management

Project Management assists in improving the standards of project management and project delivery, and delivers nominated projects on behalf of the Town.

### Street Improvement

Street Improvement provides engineering advice, design, planning, and road safety initiatives.

### Street Operations

Street Operations ensure the maintenance and renewal of roads, pathways, drainage and associated assets.

### Waste

Waste Management implements waste collection, minimisation and disposal in a sustainable manner.



**Statement of Financial Activity**  
For the period 1 July 2017 to 31 May 2018

Particulars	\$	Material Variance		31 May 2018		
		\$	%	Revised Budget	Year-to-Date Budget	Year-to-Date Actual
				\$	\$	\$
<b>Revenue</b>						
<b>Chief Executive Office</b>				<b>5,500</b>	<b>3,710</b>	<b>11,732</b>
Chief Executive Office				500	0	1,641
Communications and Engag				1,000	880	5,820
Customer Relations				0	0	0
Human Resources				3,000	2,830	2,744
Leadership and Governance				1,000	0	1,527
<b>Community Planning</b>				<b>1,460,500</b>	<b>1,293,680</b>	<b>1,372,794</b>
Building Services				333,000	320,990	313,329
Community Development				405,000	317,360	332,798
Community Planning Office				1,000	440	1,837
Digital Hub				1,500	1,050	479
Economic Development				0	0	0
Environmental Health	27,712	▲	10.6%	286,000	262,430	290,142
General Compliance				0	0	7,292
Healthy Community				30,500	27,380	26,147
Library Services				33,500	30,580	32,157
Place Management				0	0	0
Strategic Town Planning				500	500	146
Urban Planning	35,518	▲	10.7%	369,500	332,950	368,468
<b>Finance</b>				<b>54,177,326</b>	<b>53,098,958</b>	<b>53,179,263</b>
Aqualife				2,300,000	2,055,840	2,045,042
Budgeting				4,000	1,100	22,941
Corporate Funds				46,045,826	45,599,860	45,615,598
Finance Office				1,000	880	1,320
Financial Services				747,500	746,040	764,749
Information Systems				13,000	11,880	1,792
Leisurelife				2,209,500	2,052,868	2,065,728
Parking				2,735,500	2,525,100	2,532,524
Ranger services				121,000	105,390	129,569
<b>Operations</b>				<b>7,010,000</b>	<b>6,169,145</b>	<b>6,215,287</b>
Asset Planning	35,421	▼	15.2%	258,500	232,480	197,059
Environment				0	0	9,930
Fleet Services				10,000	0	21,164
Operations Office				2,802,500	2,791,180	2,774,816
Parks and Reserves				257,000	53,170	41,341
Project Management				850,000	850,000	858,493
Street Improvement				47,500	23,826	46,696
Street Operations	34,495	▲	2.4%	1,978,000	1,450,139	1,484,634
Waste Services				806,500	768,350	781,154
<b>Total Revenue</b>				<b>62,653,326</b>	<b>60,565,493</b>	<b>60,779,075</b>



**Statement of Financial Activity**  
For the period 1 July 2017 to 31 May 2018

Particulars	\$	Material Variance		31 May 2018		
		\$	%	Revised Budget	Year-to-Date Budget	Year-to-Date Actual
				\$	\$	\$
<b>Operating Expense</b>						
<b>Chief Executive Office</b>				<b>(4,405,000)</b>	<b>(3,775,347)</b>	<b>(3,597,960)</b>
Chief Executive Office	50,138	▼	5%	(1,063,500)	(964,462)	(914,324)
Communications and Engage	56,228	▼	8%	(769,500)	(682,505)	(626,277)
Customer Relations				(821,000)	(695,105)	(681,284)
Human Resources	68,967	▼	8%	(1,107,000)	(812,643)	(743,676)
Leadership and Governance				(644,000)	(620,632)	(632,398)
<b>Community Planning</b>				<b>(8,504,000)</b>	<b>(7,004,456)</b>	<b>(6,793,356)</b>
Building Services				(531,500)	(469,811)	(454,363)
Community Development				(2,065,000)	(1,682,875)	(1,667,116)
Community Planning Office				(1,368,000)	(1,023,665)	(1,008,150)
Digital Hub	35,952	▼	23%	(170,500)	(156,783)	(120,831)
Economic Development	68,093	▼	37%	(193,000)	(183,298)	(115,205)
Environmental Health				(648,500)	(586,048)	(603,838)
General Compliance				(158,500)	(153,500)	(163,632)
Healthy Community				(238,500)	(224,749)	(235,414)
Library Services				(1,179,000)	(1,088,759)	(1,097,098)
Place Management	61,834	▼	77%	(154,000)	(80,000)	(18,166)
Strategic Town Planning				(761,500)	(464,471)	(439,921)
Urban Planning				(1,036,000)	(890,497)	(869,622)
<b>Finance</b>				<b>(21,134,000)</b>	<b>(20,432,512)</b>	<b>(20,038,740)</b>
Aqualife				(2,824,500)	(2,495,544)	(2,481,700)
Budgeting				(7,461,000)	(8,692,452)	(8,717,190)
Corporate Funds				(530,500)	(411,112)	(393,494)
Finance Office				(719,500)	(654,118)	(678,425)
Financial Services				(1,128,000)	(940,411)	(916,873)
Information Systems	221,136	▼	10%	(2,819,000)	(2,218,461)	(1,997,325)
Leisurelife	66,058	▼	3%	(2,758,500)	(2,396,491)	(2,330,433)
Parking	76,978	▼	4%	(2,050,000)	(1,887,647)	(1,810,669)
Ranger services				(843,000)	(736,276)	(712,632)
<b>Operations</b>				<b>(22,880,000)</b>	<b>(20,484,525)</b>	<b>(19,684,783)</b>
Asset Planning	362,567	▼	11%	(3,766,000)	(3,200,168)	(2,837,601)
Environment				(108,500)	(92,000)	(112,528)
Fleet Services				0	(8,589)	(8,009)
Operations Office				(3,583,000)	(3,487,145)	(3,471,506)
Parks and Reserves				(4,427,000)	(3,947,462)	(3,969,575)
Project Management				(1,014,500)	(757,033)	(756,046)
Street Improvement	104,546	▼	10%	(1,298,500)	(1,067,671)	(963,125)
Street Operations	348,600	▼	14%	(2,629,500)	(2,549,549)	(2,200,949)
Waste Services				(6,053,000)	(5,374,908)	(5,365,444)
<b>Total Operating Expense</b>				<b>(56,923,000)</b>	<b>(51,696,840)</b>	<b>(50,114,839)</b>



*Statement of Financial Activity  
For the period 1 July 2017 to 31 May 2018*

Particulars	Material Variance		31 May 2018		
	\$	%	Revised Budget \$	Year-to-Date Budget \$	Year-to-Date Actual \$
<b>Capital Expense</b>					
<b>Chief Executive Office</b>			<b>0</b>	<b>0</b>	<b>0</b>
Chief Executive Office			0	0	0
Communications and Engage			0	0	0
Customer Relations			0	0	0
Human Resources			0	0	0
Leadership and Governance			0	0	0
<b>Community Planning</b>			<b>(20,000)</b>	<b>(20,000)</b>	<b>(16,020)</b>
Building Services			0	0	0
Community Development			(20,000)	(20,000)	(16,020)
Community Planning Office			0	0	0
Digital Hub			0	0	0
Economic Development			0	0	0
Environmental Health			0	0	0
General Compliance			0	0	0
Healthy Community			0	0	0
Library Services			0	0	0
Place Management			0	0	0
Strategic Town Planning			0	0	0
Urban Planning			0	0	0
<b>Finance</b>			<b>(1,335,000)</b>	<b>(414,300)</b>	<b>(428,926)</b>
Aqualife			(23,000)	(23,000)	(8,091)
Budgeting			0	0	0
Corporate Funds			0	0	0
Finance Office			0	0	0
Financial Services			0	0	0
Information Systems			(945,000)	(282,300)	(292,135)
Leisurelife			0	0	0
Parking			(367,000)	(109,000)	(128,700)
Ranger services			0	0	0
<b>Operations</b>			<b>(14,526,700)</b>	<b>(11,649,286)</b>	<b>(7,302,601)</b>
Asset Planning	1,459,199	▼ 42%	(3,687,500)	(3,454,350)	(1,995,151)
Environment			0	0	0
Fleet Services			(1,019,200)	(743,500)	(729,829)
Operations Office			0	0	0
Parks and Reserves	2,032,612	▼ 72%	(3,786,000)	(2,814,400)	(781,788)
Project Management			(74,000)	(26,500)	(2,982)
Street Improvement			0	0	0
Street Operations	817,684	▼ 18%	(5,949,000)	(4,610,536)	(3,792,852)
Waste Services			(11,000)	0	0
<b>Total Capital Expense</b>			<b>(15,881,700)</b>	<b>(12,083,586)</b>	<b>(7,747,547)</b>





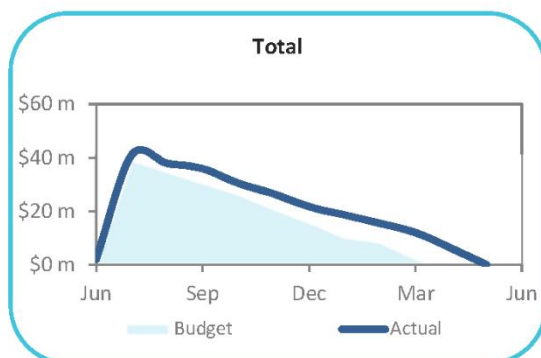
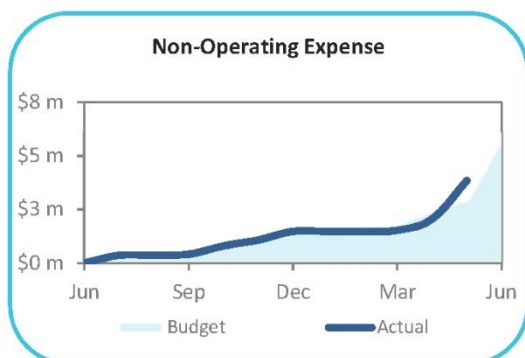
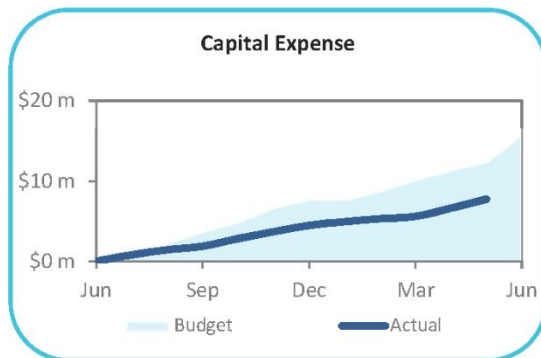
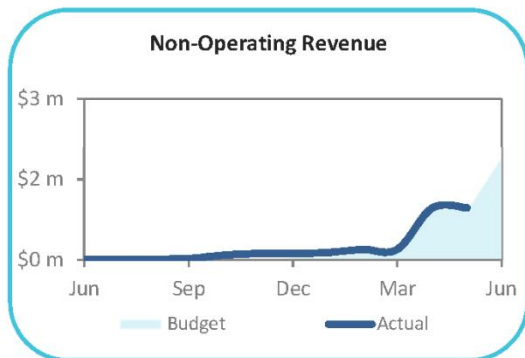
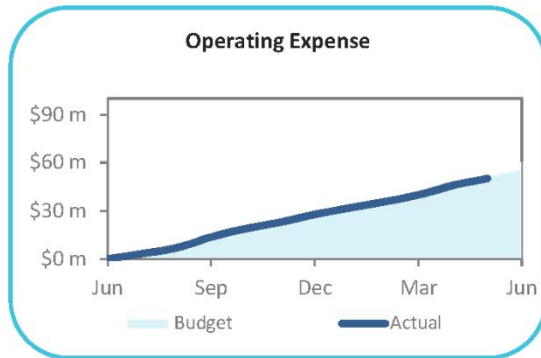
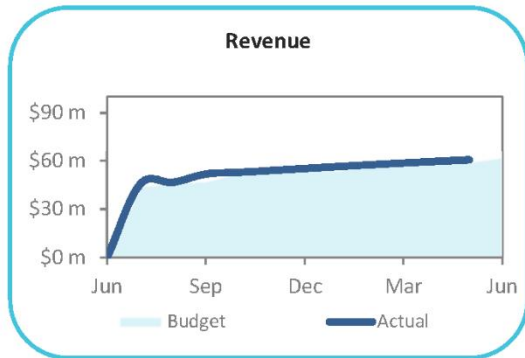
*Statement of Financial Activity  
For the period 1 July 2017 to 31 May 2018*

Particulars	\$	Material Variance %	31 May 2018		
			Revised Budget \$	Year-to-Date Budget \$	Year-to-Date Actual \$
<b>Non-Operating Revenue</b>					
<b>Finance</b>			<b>1,700,000</b>	<b>750,000</b>	<b>750,000</b>
Corporate Funds			1,700,000	750,000	750,000
<b>Operations</b>			<b>301,500</b>	<b>200,000</b>	<b>221,133</b>
Fleet Services			301,500	200,000	221,133
<b>Total Non-Operating Revenue</b>			<b>2,001,500</b>	<b>950,000</b>	<b>971,133</b>
<b>Non-Operating Expense</b>					
<b>Finance</b>			<b>(5,868,000)</b>	<b>(3,850,000)</b>	<b>(3,859,884)</b>
Corporate Funds			(5,868,000)	(3,850,000)	(3,859,884)
<b>Total Non-Operating Expense</b>			<b>(5,868,000)</b>	<b>(3,850,000)</b>	<b>(3,859,884)</b>
<b>Non-Cash Items Adjustments</b>					
Profit and Loss			26,500	24,374	680,472
Depreciation			7,780,500	6,986,152	8,455,104
<b>Total Non-Cash Items Adjustments</b>			<b>7,807,000</b>	<b>7,010,526</b>	<b>9,135,576</b>
<b>Suspense Items Yet To Be Applied</b>				0	367,670
Opening Surplus / (Deficit)			6,210,874	6,210,874	6,210,874
Closing Surplus / (Deficit)			<b>0</b>	<b>7,081,467</b>	<b>15,742,058</b>



**Statement of Financial Activity**  
For the period 1 July 2017 to 31 May 2018

Graphical Representation





**Net Current Funding Position**  
For the period 1 July 2017 to 31 May 2018

Particulars	Brought Forward 1 July \$	2017-2018 Revised Budget \$	Year To Date Actual \$
<b>Current Assets</b>			
Cash - Unrestricted	10,533,455	4,080,896	17,121,141
Cash - Reserves / Restricted	24,441,643	25,249,343	26,093,912
Receivables and Accruals	4,532,901	2,000,000	4,311,159
Inventories	6,978	10,000	6,978
Land Held for Sale	0	509,104	0
	<b>39,514,977</b>	<b>31,849,343</b>	<b>47,533,190</b>
<b>Less Current Liabilities</b>			
Payables and Provisions	(8,862,461)	(6,600,000)	(5,697,221)
	<b>(8,862,461)</b>	<b>(6,600,000)</b>	<b>(5,697,221)</b>
<b>Net Current Asset Position</b>	<b>30,652,516</b>	<b>25,249,343</b>	<b>41,835,970</b>
<b>Less</b>			
Cash - Reserves / Restricted	(24,441,643)	(25,249,343)	(26,093,912)
<b>Estimated Surplus / (Deficiency) Carried Forward</b>	<b>6,210,873</b>	<b>-</b>	<b>15,742,057</b>



*Cash and Cash Investments  
For the month ended 31 May 2018*

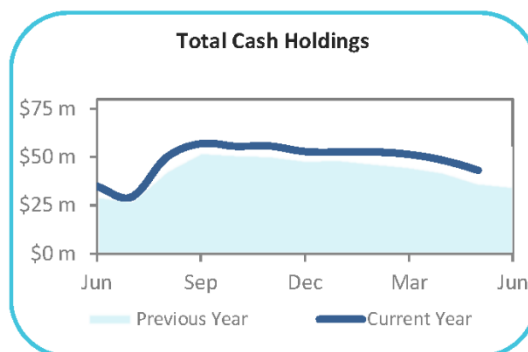
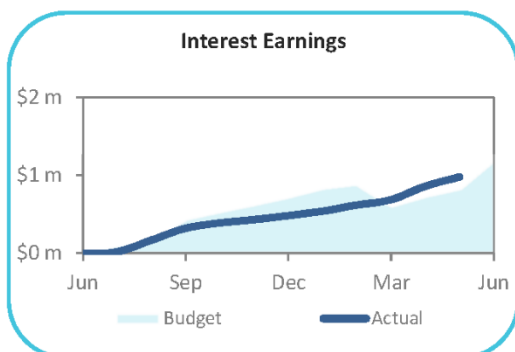
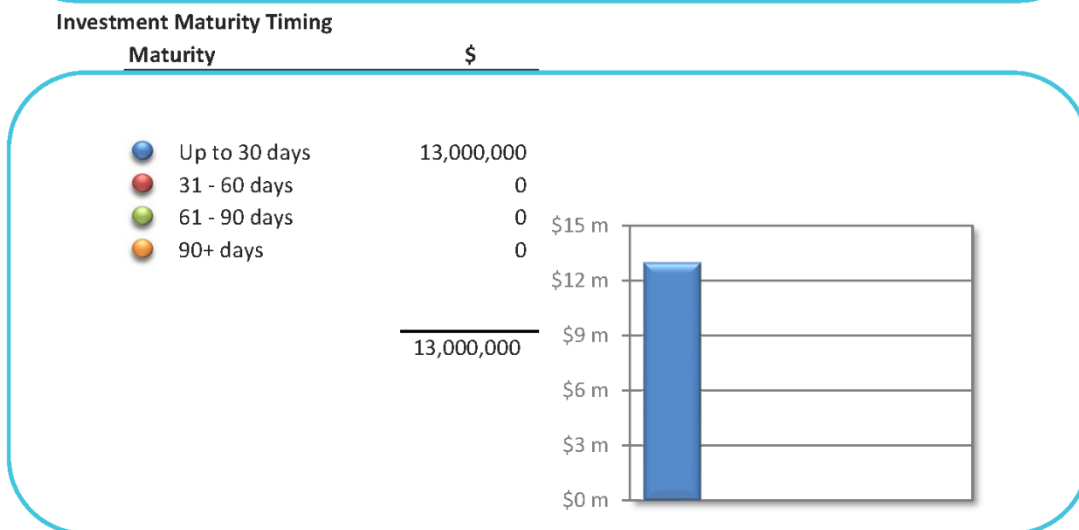
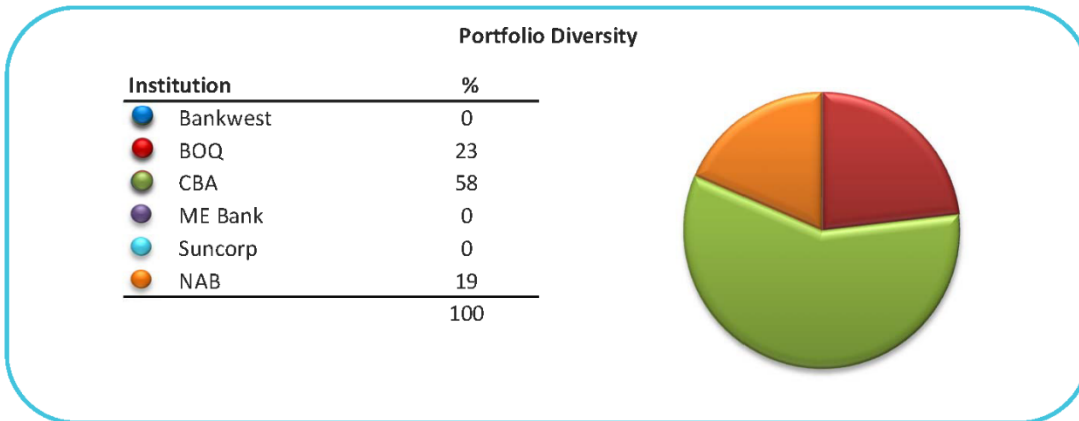
Cash and Investments Analysis

	Amount Invested \$	Interest Rate %	Term (Days)	Maturity Date	Projected Earnings \$	Percentage of Portfolio
<b>Cash - Unrestricted</b>						
<b>CBA</b>	<b>15,112,136</b>				<b>15,318</b>	<b>35%</b>
At Call	15,112,136	Variable	11am	Daily	15,318	
<b>NAB</b>	<b>2,000,000</b>				<b>12,715</b>	<b>5%</b>
10520451	2,000,000	2.55	91	25-Jun-18	12,715	
<b>Total Cash - Unrestricted</b>	<b>17,112,136</b>				<b>28,033</b>	<b>40%</b>
<b>Cash - Restricted</b>						
<b>CBA</b>	<b>10,093,912</b>				<b>170</b>	<b>23%</b>
At Call	10,093,912	Variable	11am	Daily	170	
<b>NAB</b>	<b>6,000,000</b>				<b>87,703</b>	<b>14%</b>
97-887-7369	3,000,000	2.50	334	25-Jun-18	68,630	
10520450	3,000,000	2.55	91	25-Jun-18	19,073	
<b>BOQ</b>	<b>10,000,000</b>				<b>224,129</b>	<b>23%</b>
026499	7,000,000	2.60	336	27-Jun-18	167,540	
027704	3,000,000	2.55	270	26-Jun-18	56,589	
<b>Total Cash - Restricted</b>	<b>26,093,912</b>				<b>312,002</b>	<b>60%</b>
<b>Total Cash - Invested</b>	<b>43,206,049</b>				<b>340,035</b>	<b>100%</b>
<b>Cash on Hand</b>	<b>9,005</b>					
<b>Total Cash</b>	<b>43,215,054</b>					



*Cash and Cash Investments  
For the month ended 31 May 2018*

Cash and Investments Analysis

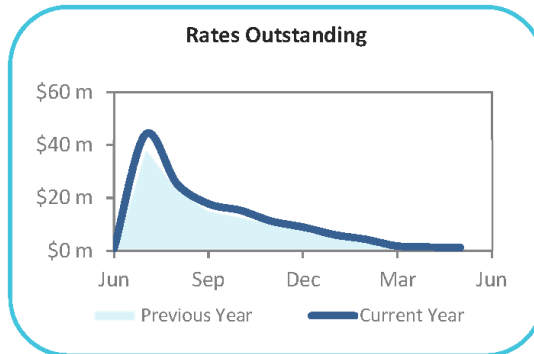




**Receivables (Rates and Sundry Debtors)**  
For the month ended 31 May 2018

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

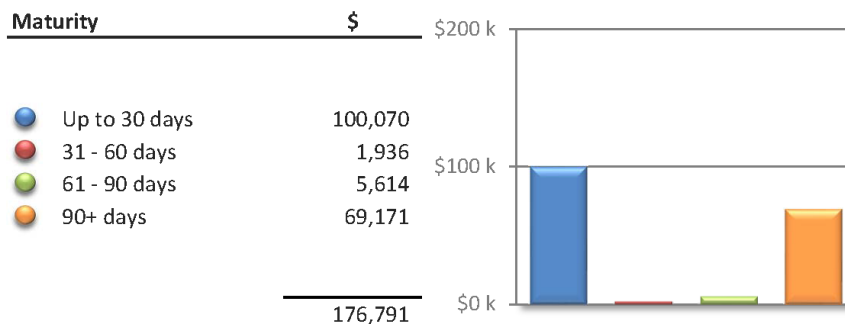
	<b>Total</b>
Balance from Previous Year	821,508
Rates Levied - Initial	0
Rates Levied - Interims	44,267,573
<b>Total Rates Collectable</b>	<b>45,089,081</b>
Current Rates Collected To Date	43,862,337
<b>Current Rates Outstanding</b>	<b>1,226,743</b>
<b>% Rates Outstanding</b>	<b>2.7%</b>



**Sundry Debtors**

Type	Total	30 Days	60 Days	90 Days	90+ Days
Grants and Subsidies	10,923	10,923	-	-	-
Property Rent	64,138	15,635	-	-	48,503
Aqualife Fees	8,661	8,556	105	-	-
Leisurelife Fees	14,598	12,843	869	-	886
Community Life Fees	24,972	24,280	693	-	-
Health Fees	2,547	80	150	692	1,625
Other Fees and Charges	37,871	21,568	120	-	16,183
Long Service Leave From Councils	-	-	-	-	-
Building and Planning Application Fees	13,081	6,184	-	4,922	1,975
<b>Total Sundry Debtors</b>	<b>176,791</b>	<b>100,070</b>	<b>1,936</b>	<b>5,614</b>	<b>69,171</b>

**Sundry Debtor Aged Analysis**





**Grants and Contributions**  
For the month ended 31 May 2018

**Grants and Contributions**

Details	Original	Revised	Receipt Status	
	Budget	Budget	Invoiced	Remaining
	\$	\$		
<b>Corporate Funds</b>				
Federal Assistance	750,000	350,000	349,230	770
Federal Local Road	330,000	175,000	173,187	1,813
<b>Lifelong Learning</b>				
Book Council Grants - Local History	2,000	1,000	-	1,000
State Government Grants - Lifelong	2,000	2,000	2,500	-
State Government Grants - Adult Programs	2,000	1,000	1,600	-
Book Council Grants - Young People Services	3,600	2,000	715	1,285
<b>Neighbourhood Enrichment</b>				
Federal Gov Grants Access Inclusion & Seniors	4,500	-	-	-
Sponsorship Creative Arts	4,500	2,500	5,000	-
State Government Grants Cultural Engagement	20,000	2,500	-	2,500
State Government Grants Families and Youth	50,000	-	-	-
Lotterywest Grants Events and Volunteers	20,000	-	14,860	-
Sponsorship Events and Volunteers	14,000	16,000	4,950	11,050
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	-	-	-
<b>Parks</b>				
State Government Grant - Recreational	200,000	200,000	-	200,000
<b>Street Operations</b>				
MRWA Direct Road Grants	62,400	47,500	47,552	-
Street Lighting Subsidy	1,000	31,000	30,022	978
MRRG Road Rehabilitation Grants	180,000	233,500	153,280	80,220
MRWA Black Spot Grants	675,000	598,000	387,319	210,681
MRWA Other Grants	280,000	270,000	178,879	91,121
Transport Authority Grants	90,000	125,000	25,000	100,000
Transport Grants	285,700	330,500	326,162	4,338
State Government Grant	70,000	145,000	75,000	70,000
<b>Total Cash Deposits</b>	<b>3,075,700</b>	<b>2,567,500</b>	<b>1,785,256</b>	<b>800,756</b>



---

### 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 May 2018*

---

**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 May 2018*

**Reserve Funds Transactions**

	<b>Annual Opening Balance \$</b>	<b>Transfer to Reserve \$</b>	<b>Transfer from Reserve \$</b>	<b>31 May 2018</b>		<b>Annual Revised Budget \$</b>
				<b>Balance Actual \$</b>	<b>Balance Budget \$</b>	
Building Renewal	400,466	1,735	-	402,201	400,466	418,266
Community Art	641,043	2,778	-	643,821	641,043	690,043
Drainage Renewal	172,720	747	-	173,467	172,720	225,920
Edward Millen Site	1,356,878	5,878	-	1,362,756	1,356,878	1,458,678
Furniture and Equip Renewal	558,907	2,422	-	561,329	558,907	599,907
Future Fund	12,332,193	803,433	-	13,135,626	12,332,193	13,658,793
Future Projects	1,798,878	7,794	-	1,806,672	1,798,878	450,178
Harold Hawthorn - Carlisle	126,430	548	-	126,978	126,430	148,630
Information Technology Ren	358,400	1,552	-	359,952	358,400	665,400
Insurance Risk Reserve	367,830	1,594	-	369,424	367,830	397,230
Land Asset Optimisation	-	796,370	-	796,370	-	397,230
Other Infrastructure Renewal	574,443	2,488	-	576,931	574,443	615,443
Parks Renewal	261,025	1,132	-	262,157	261,025	46,225
Pathways Renewal	367,397	1,593	-	368,990	367,397	420,397
Plant and Machinery	235,342	1,020	-	236,362	235,342	269,342
Renewable Energy	220,980	957	-	221,937	220,980	75,380
Roads Renewal	788,737	3,417	-	792,154	788,737	882,337
Underground Power	2,962,799	12,837	-	2,975,636	2,962,799	3,241,999
Waste Management	917,175	3,974	-	921,149	917,175	985,175
	<b>24,441,643</b>	<b>1,652,270</b>	<b>-</b>	<b>26,093,913</b>	<b>24,441,643</b>	<b>25,646,573</b>



**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 May 2018*

**Capital Items**

Particulars	Budget Status	Completion Stage	Revised Budget \$	Year-to-Date Actual \$
<b>Buildings</b>			<b>3,457,500</b>	<b>1,882,195</b>
<b>New - Buildings</b>				
Aqualife - Energy Efficiency Initiatives	☐	■ ■ ■ ☐	100,000	79,720
Leisurelife - Energy Efficiency Initiatives	☐	■ ■ ■ ☐	100,000	35,902
Community Facility - Zone 6 - Lathlain Precinct	☐	■ ■ ■ ☐	30,000	8,707
<b>Upgrade - Buildings</b>				
Administration Centre - Security Card Entry Control	☒	■ ■ ■ ■	60,000	73,926
Lifelong Learning - Library Entrance Upgrade	☐	☐ ☐ ☐ ☐	95,000	0
Leisurelife - Emergency Management Switchboard	☐	■ ■ ■ ■	5,000	0
Administration Centre - Accessibility	☐	■ ■ ☐ ☐	70,000	18,978
Leisurelife - Reception and Cafe Area	☐	■ ■ ■ ■	20,000	10,745
Police and Citizens Youth Centre - Switchboard	☐	■ ■ ■ ■	15,000	11,691
Upgrade Lot 61 Lathlain Place - Zone 8 - Lathlain Precinct	☐	■ ■ ■ ■	3,000	1,000
<b>Renewal - Buildings</b>				
Aqualife Centre - Pool Deck Floor (Stage 1)	☐	■ ■ ■ ■	140,000	131,670
Air Conditioning System - Council Administration	☐	■ ■ ■ ■	810,000	798,521
Shepperton Road Underpass - Retiling	☒	■ ■ ■ ■	18,000	18,040
Aqualife Centre - Renew Leisure Pool - Water feature	☐	■ ■ ■ ■	36,000	35,950
Aqualife Centre - Replacement of Boilers	☒	■ ■ ■ ■	97,500	99,246
Aqualife Centre - Renew Spa Plant Room, Filter and Pipes	☐	■ ■ ■ ■	17,000	0
Aqualife Centre - Tiling of 50m Swimming Pool	☐	■ ■ ■ ■	16,000	2,738
Aqualife Centre - Renewal Circulation and Chemical Pump	☒	■ ■ ■ ■	5,000	7,897
6 Kent Street - Accessibility and Internal Renewal	☐	■ ☐ ☐ ☐	230,000	7,153
8 Kent Street - Accessibility and Internal Renewal	☐	■ ☐ ☐ ☐	200,000	6,370
Administration Centre - Fire Panel Replacement	☐	■ ■ ☐ ☐	65,000	27,011
Aqualife Centre - Chemical Shed	☒	■ ■ ■ ■	20,000	20,245
Aqualife Centre - Window Tinting	☐	■ ■ ■ ■	8,000	7,825
Archer Street Toilets - LED Lighting	☐	■ ■ ■ ■	2,000	1,144
Balbuk Reserve Toilets - LED Lighting	☐	■ ■ ■ ■	2,000	0
Carlisle Reserve Clubrooms - Flooring Replacement	☐	■ ■ ■ ■	19,000	18,010
Depot Rear Shed - Roof and Cladding Replacement	☐	■ ■ ■ ☐	180,000	45,463
GO Edwards Park Toilets (1) - LED Lighting	☐	■ ■ ■ ■	2,000	1,685
GO Edwards Park Toilets (2) - LED Lighting	☐	■ ■ ■ ■	2,000	1,796
Higgins Park Tennis Club - Kitchen	☐	■ ■ ☐ ☐	40,000	0
Hubert Street Carpark Toilets - LED Lighting	☐	■ ■ ■ ■	2,000	1,444
John Macmillan Park Toilets - Lighting and accessibility	☐	■ ☐ ☐ ☐	125,000	4,755
Leisurelife - Commercial Kitchen Flooring	☐	■ ■ ■ ■	8,000	7,862



*Capital Items Progress  
For the month ended 31 May 2018*

**Capital Items**

Particulars	Budget Status	Completion Stage	Revised Budget \$	Year-to-Date Actual \$
<b>Renewal - Buildings (continued)</b>				
Leisurelife - Court Flooring	☐	■ ■ ■ ■	95,000	63,049
Leisurelife - Courts Lighting	☐	■ ■ ■ ■	28,000	25,097
Leisurelife - Emergency Exit Doors	☐	■ ■ ■ ■	24,000	18,700
Leisurelife - Entrance and Signage Renewal	☒	■ ■ ■ ■	25,000	25,798
Leisurelife - Gym Flooring	☐	■ ■ ■ ■	65,000	53,915
Leisurelife - Roofing	☐	■ ■ ■ ■	9,000	8,225
Leisurelife - Squash Courts (3 and 4)	☐	■ ■ ■ ■	65,000	58,180
Leisurelife - Toilets and Change Rooms	☐	■ ■ ☐ ☐	170,000	8,072
Library - Facility Lighting	☐	■ ■ ■ ■	50,000	44,665
Library - Fire Panel Replacement	☐	■ ■ ■ ☐	35,000	18,777
Library - Public Area Carpets	☐	■ ☐ ☐ ☐	100,000	13,820
McCallum Park Toilets - LED Lighting	☐	■ ■ ■ ■	2,000	0
Read Park Toilets - LED Lighting	☐	■ ■ ■ ■	2,000	1,519
Taylor Street Reserve Toilets	☐	■ ☐ ☐ ☐	190,000	4,393
Victoria Park Carlisle Bowling Club - Toilets	☐	■ ■ ■ ■	55,000	52,492
<b>Plant and Machinery</b>			<b>1,019,200</b>	<b>729,829</b>
<b>New</b>				
Plant - Electric Bikes	☐	■ ■ ■ ☐	17,200	6,336
Plant - Street Operations - High Pressure Cleaner and Trai	☐	■ ■ ■ ■	12,000	11,694
<b>Renewal - Plant and Machinery</b>				
Purchase Major Plant - Light Truck Parks (160VPK - Plant	☐	■ ■ ■ ■	103,500	103,216
Purchase Major Plant - Mower Slasher Parks (147VPK Pla	☐	■ ■ ■ ■	28,000	27,974
Purchase Major Plant - Mowing Trailer Parks (158VPK - Pl	☐	■ ■ ■ ■	24,000	23,940
Minor Plant Renewal - Low Value Pool - Parks	☐	■ ■ ■ ☐	11,000	4,817
Minor Plant Renewal - Street Improvement	☐	■ ■ ■ ■	10,500	9,353
Minor Plant Renewal - Workshop Pressor (Replacing CVR:	☐	■ ■ ■ ☐	10,000	0
Fleet - Aqualife - 1EMT367 (Plant 365)	☐	■ ■ ■ ■	22,500	22,241
Fleet - Asset Management - 179VPK (Plant 385)	☐	■ ■ ■ ■	25,000	24,986
Fleet - Building Services - 113VPK (Plant 368)	☐	■ ■ ■ ■	22,500	22,448
Fleet - Business Life Administration - 106VPK (Plant 369)	☐	■ ■ ■ ■	33,000	32,736
Fleet - Community Life Administration - 110VPK (Plant 371)	☐	■ ■ ■ ■	32,000	31,188
Fleet - Community Life Administration - 166VPK (Plant 379)	☐	■ ■ ■ ☐	35,000	31,118
Fleet - Environmental Health - 116VPK (Plant 372)	☐	■ ■ ■ ■	21,000	20,838
Fleet - Leisurelife - 112VPK (Plant 364)	☐	■ ■ ■ ■	22,000	21,947
Fleet - Lifelong Learning - 164VPK (Plant 386)	☒	■ ■ ■ ■	25,000	25,352
Fleet - Ranger Services - 183VPK (Plant 366)	☐	■ ■ ■ ☐	40,000	25,151
Fleet - Renew Life Administration - 111VPK (Plant 360)	☐	■ ■ ■ ■	35,000	183
Fleet - Street Improvement - 128VPK (Plant 384)	☐	■ ■ ■ ■	25,000	25,000
Fleet - Urban Planning - 108VPK (Plant 377)	☐	■ ■ ■ ■	25,000	24,911



**Capital Items Progress**  
For the month ended 31 May 2018

**Capital Items**

Particulars	Budget Status	Completion Stage	Revised Budget \$	Year-to-Date Actual \$
<b>Renewal - Plant and Machinery (continued)</b>				
Plant - Street Operations - High Pressure Cleaner (239)	☐	■ ■ ■ ■	5,000	4,413
Plant - Street Operations - High Pressure Cleaner (332)	☐	■ ■ ■ ■	5,000	4,371
Truck - Street Operations - 131VPK (44)	☐	■ ■ ■ ■	105,000	92,842
Truck - Street Operations - 145VPK (43)	☐	■ ■ ■ ☐	150,000	183
Utility (Fleet) - Parks - 130VPK (283)	☐	■ ■ ■ ■	40,000	36,988
Utility (Fleet) - Parks - 148VPK (329)	☒	■ ■ ■ ■	30,000	32,904
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	33,530
<b>Furniture and Equipment</b>			<b>296,000</b>	<b>121,046</b>
<b>New - Furniture and Equipment</b>				
Licence Plate recognition devices and equipment - Parking	☐	■ ■ ☐ ☐	9,000	0
Hardware, software and cabling - Parking Initiative	☐	☐ ☐ ☐ ☐	23,000	0
Edward Millen - Low Value Pool	☐	■ ■ ■ ■	6,500	6,486
VICPARK LED - Illuminated Lights	☐	■ ■ ■ ■	4,500	4,300
<b>Renewal - Furniture and Equipment</b>				
Renew Furniture & Equipment - Depot - Low Value Pool	☐	■ ■ ■ ☐	6,000	2,270
Renew Minor Plant - Bins	☐	■ ■ ☐ ☐	11,000	0
Renew Furniture - Administration Centre - Low Value Pool	☐	■ ■ ■ ☐	22,000	16,260
Parking Management Office - Office Furniture	☐	■ ☐ ☐ ☐	5,000	0
Renew Furniture & Equipment - Aqualife - Low Value Pool	☐	■ ■ ■ ☐	10,000	6,109
Renewal - Furniture & Equipment - Aqualife Cafe	☐	■ ■ ■ ☐	5,000	0
Renewal - Equipment - Aqualife - Pool Scrubber	☒	■ ■ ■ ■	8,000	8,091
Aqualife - Crèche Furniture	☐	■ ■ ■ ☐	4,000	0
Aqualife - Gymnasium Equipment (Assorted)	☐	■ ■ ☐ ☐	20,000	8,868
Aqualife - Pool Equipment	☐	■ ■ ■ ☐	40,000	23,462
Renewal - Equipment - Leisurelife- Gym Equipment	☐	■ ■ ■ ☐	20,000	5,059
Leisurelife - Court Floor Cleaner	☐	■ ■ ■ ■	20,000	17,146
Leisurelife - Bingo Furniture	☐	■ ■ ■ ■	7,000	6,889
Leisurelife - Sports Equipment	☐	■ ■ ■ ☐	23,000	4,861
Renewal - Furniture & Equipment - Leisurelife Cafe	☐	■ ■ ■ ☐	5,000	2,944
Renew Furniture & Equipment - Leisurelife - Low Value Po	☐	■ ■ ■ ☐	15,000	4,433
Renew Furniture & Equipment - Lifelong Learning - Low Va	☐	■ ■ ■ ☐	15,000	650
Renew Furniture & Equipment - Digital Hub - Low Value Pc	☒	■ ■ ■ ■	2,000	3,218
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 May 2018*

**Capital Items**

Particulars	Budget Status	Completion Stage	Revised Budget \$	Year-to-Date Actual \$
<b>Information Technology</b>			<b>945,000</b>	<b>292,135</b>
<b>New - Information Technology</b>				
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	☒	■ ■ ■ ■	8,000	13,235
New - Noise Monitoring Device - Environmental Health	☒	■ ■ ■ □	25,000	27,874
Handheld Enforcement devices and associated equipment	☐	■ ■ □ □	12,000	0
<b>Renewal - Information Technology</b>				
Hardware - Mobile Computing Devices	☐	■ ■ ■ ■	65,000	64,176
Network - Wi-Fi Network	☐	■ ■ ■ ■	47,000	46,991
Systems - Website, Intranet and Client Portal	☐	■ □ □ □	85,000	0
<b>Renewal - Information Technology</b>				
Depot Communications System (Hardware)	☐	■ ■ ■ ■	5,000	4,997
Network Storage (Hardware)	☐	■ ■ ■ ■	38,000	37,033
Bookings Management System (Software)	☐	■ □ □ □	50,000	0
Development Application System (Software)	☐	■ ■ □ □	110,000	43,660
Email Archival System (Software)	☐	■ ■ ■ □	30,000	29,728
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)	☐	■ ■ ■ ■	25,000	24,440
<b>Roads</b>			<b>3,744,500</b>	<b>2,387,582</b>
<b>New - Roads</b>				
New - Albany Highway - Pedestrian Crossing Safety Measure	☒	■ ■ ■ ■	43,500	48,914
New - Alday Street - Lane Channelisation	☐	■ ■ ■ ■	68,000	67,609
New - Enfield Street - Traffic Calming	☐	■ ■ ■ ■	89,000	85,186
Gallipoli Street - Egham Road to Enfield Street - Traffic Calming	☐	■ ■ □ □	25,000	1,820
Gallipoli Street - Egham Road to Howick Street - Traffic Calming	☐	■ ■ □ □	25,000	1,820
Goddard Street - Egham Road to Howick Street - Traffic Calming	☐	■ ■ □ □	25,000	1,000
Goddard Street - Midgley Street to Cookham Road - Traffic Calming	☐	■ ■ □ □	25,000	1,000
Hill View Terrace - Cycle Lane Extension and Ramps	☐	■ ■ □ □	15,000	0
McCartney Crescent - Goddard Street to Roberts Road - Traffic Calming	☐	■ ■ □ □	60,000	8,104
Saleham Street - Goddard Street to Gallipoli Street - Traffic Calming	☐	■ ■ □ □	55,000	2,116
Star Street - Intersection Safety Works at Briggs Street	☐	■ ■ ■ ■	15,000	6,268



**Capital Items Progress**  
For the month ended 31 May 2018

**Capital Items**

Particulars	Budget Status	Completion Stage	Revised Budget \$	Year-to-Date Actual \$
<b>Renewal - Roads</b>				
Albany Highway - Duncan Street to Teddington Road	☒	■ ■ ■ ■ □	330,000	340,635
Asteroid Way - Star Street to Mercury Street	☒	■ ■ ■ ■ ■	120,000	120,272
Bank Street - Oats Street to Milford Street	☒	■ ■ ■ ■ ■	86,000	91,436
Berwick Street - Sussex Street to Basinghall Street	☒	■ ■ ■ ■ ■	150,000	162,048
Bishopsgate Street - Oats Street to Mercury Street	□	■ ■ ■ ■ ■	49,000	48,880
Bolton Avenue - Glenn Place to Path (Northbound)	□	■ ■ ■ ■ □	151,500	6,405
Bolton Avenue - Glenn Place to Path (Southbound)	□	■ ■ ■ ■ □	104,000	116
Cookham Street - Gallipoli Street to Goddard Street	□	■ ■ ■ ■ ■	112,000	111,815
Goddard Street - Saleham Street to Bishopsgate Street	□	■ ■ ■ ■ ■	103,000	102,425
Raleigh Street - Mercury Street to Lion Street	□	■ ■ ■ ■ ■	130,000	113,069
Somerset Street - Shepperton Road to Bank Street	☒	■ ■ ■ ■ □	200,000	249,641
Swansea Street (West) - Dane Street to Cul-de-sac	☒	■ ■ ■ ■ ■	178,000	178,876
<b>Upgrade - Roads</b>				
Upgrade Hillview & Berwick Intersection Stage 2	□	■ ■ ■ ■ □	18,000	1,177
Upgrade - McCartney Crescent	□	■ ■ □ □ □	22,500	0
Traffic Management Initiative - Shepperton Rd and Gresha	□	■ ■ ■ ■ ■	243,000	210,043
Traffic Management Initiative - Teddington St and Burswo	□	■ ■ ■ ■ □	204,000	190,887
Upgrade - Bishopsgate and Roberts Road - Pre Deflection	□	■ ■ ■ ■ ■	9,000	6,006
Upgrade - Oats Street and Star Street - Pre Deflections	☒	■ ■ ■ ■ ■	3,500	3,634
Upgrade - Temple Street and Hordern Street - Traffic Islan	□	■ ■ ■ ■ ■	500	360
Hill View Terrace and Oats Street - Intersection	□	■ □ □ □ □	180,000	9,875
Roberts Road and Orrong Road - Intersection	□	■ □ □ □ □	220,000	0
Rutland Avenue - Oats Street to Welshpool Road	□	■ ■ □ □ □	450,000	464
Temple Street and Hordern Street - Intersection	□	■ ■ ■ ■ ■	135,000	133,613
Upgrade - Great Eastern Highway and Craig Street - Inters	□	■ ■ ■ ■ ■	100,000	82,066
<b>Drainage</b>			<b>552,000</b>	<b>262,208</b>
<b>New - Drainage</b>				
Drainage - Carnarvon Street	□	■ ■ ■ ■ ■	63,000	62,294
Drainage - Harris Street and Appleton Street - Stage 1	□	■ ■ ■ ■ □	64,500	17,786
Drainage - Northampton Street	□	■ ■ ■ ■ □	50,000	36,548
Lake View Terrace Drainage - To be constructed as part of	□	■ ■ □ □ □	20,000	0
<b>Renewal - Drainage</b>				
Intersection Improvements - Hillview Terrace	□	■ ■ ■ ■ □	87,500	12,887
Right Of Ways - Various Locations	□	■ ■ ■ ■ □	45,000	14
Pipe Renewal- Various Locations	□	■ ■ ■ ■ □	45,000	21,125
Pit Renewal- Various Locations	□	■ ■ ■ ■ □	80,000	57,227
Sump Renewal- Various Locations	□	■ ■ ■ ■ ■	37,000	36,596
<b>Upgrade</b>				
Albany Highway - Hotspot 1 Drainage Master Plan	□	■ ■ ■ ■ □	60,000	17,731





*Capital Items Progress  
For the month ended 31 May 2018*

Capital Items

Particulars	Budget Status	Completion Stage	Revised Budget \$	Year-to-Date Actual \$
<b>Pathways</b>			<b>432,500</b>	<b>246,638</b>
<b>New - Pathways</b>				
Bolton Avenue - Carpark to Main Entrance	☒	■ ■ ■ ■ ■	26,000	26,180
Brodie Hall Drive - Turner Avenue to Hayman Road	☐	■ ■ ■ ■ ■	42,500	42,360
Rutland Avenue P2P - Stage 2	☐	■ ■ ■ ■ □	20,000	448
Rutland Avenue Safe Active Street	☐	■ ■ ■ ■ □	25,000	3,887
Victoria Park Drive - Footpath Extension	☐	■ ■ □ □ □	50,000	0
<b>Renewal - Pathways</b>				
Berwick Street - Bush Street to Boundary Road (East)	☐	■ ■ ■ ■ □	40,000	27,380
Berwick Street - Bush Street to Boundary Road (West)	☐	■ ■ ■ ■ ■	59,000	58,720
Forward Street - Welshpool Road to Swansea Street (East)	☐	■ ■ ■ ■ ■	14,000	7,378
Pathway - Lathlain Precinct Redevelopment (Zone 2)	☐	□ □ □ □ □	75,000	0
Mars Street - Oats Street to Cohn Street	☐	■ ■ ■ ■ ■	24,000	23,968
Mint Street - Carnarvon Street to Shepperton Road	☐	■ ■ ■ ■ ■	14,000	13,800
Oats Street - Hubert Street to Albany Highway	☐	■ ■ ■ ■ ■	12,000	11,610
Star Street - Briggs Street to President Street	☐	■ ■ ■ ■ ■	21,000	20,999
Star Street - Cohn Street to Briggs Street	☐	■ ■ ■ ■ ■	10,000	9,908
<b>Parks</b>			<b>3,786,000</b>	<b>781,788</b>
<b>New - Parks</b>				
George Street Reserve Revegetation	☐	■ ■ ■ ■ □	80,000	42,113
Park Furniture and Equipment - Burswood Peninsula	☐	■ ■ ■ ■ □	75,000	688
Kensington Bushland - Jirdarup Signage	☐	■ ■ ■ ■ □	30,000	5,459
Manners Reserve - Shade Sails	☐	■ ■ ■ ■ ■	25,000	16,159
New - Tree Plan- Tree Planting	☐	■ ■ ■ ■ □	35,000	25,081
Renew - Park Lighting - Poles and Floodlighting	☐	■ ■ ■ ■ ■	20,000	7,500
Lathlain Park - New	☐	■ □ □ □ □	1,500,000	31,473
Peninsula to Park - Landscaping	☐	■ □ □ □ □	200,000	3,340
Emergency Works - Water Tank installation	☐	■ ■ ■ ■ ■	50,000	43,950
<b>Renewal - Parks</b>				
Fletcher Park - Playground	☐	■ □ □ □ □	60,000	0
Fraser Park - Playground	☐	■ □ □ □ □	50,000	80
GO Edwards Park - Redevelopment	☐	■ ■ ■ ■ □	590,000	307,638
Harold Rossiter Park - Irrigation	☒	■ ■ ■ ■ ■	160,000	173,198
Manners Reserve - Furniture	☐	■ ■ ■ ■ □	5,000	0
Park Signage - Various Locations	☐	■ ■ ■ ■ □	50,000	27,342
Renew - McCallum Park (Foreshore River Wall)	☐	■ □ □ □ □	341,000	22,719
Renewal - Tree Plan - Tree Planting	☐	■ ■ ■ ■ □	75,000	32,689
Victoria Park Community Centre - Playground	☐	■ □ □ □ □	20,000	1,035



*Capital Items Progress  
For the month ended 31 May 2018*

**Capital Items**

Particulars	Budget Status	Completion Stage	Revised Budget \$	Year-to-Date Actual \$
<b>Upgrade - Parks</b>				
Upgrade - Entry Statements - Landscaping	□	■□□□	80,000	3,011
Upgrade - Higgins Park Tennis Club - Court Modifications	□	□□□□	300,000	0
Upgrade - Rayment Park	□	■ ■ ■ ■	40,000	38,312
<b>Other Assets</b>			<b>1,575,000</b>	<b>1,041,144</b>
<b>New - Other Assets</b>				
New - Lathlain Primary School / Rayment Park Carpark	□	■ ■ ■ ■	27,500	27,433
Car Parks - Harvey Street ACROD bays	□	■ ■ ■ ■	7,500	7,253
New Street Lighting - Purchase and Installation	□	■ ■ □ □	66,000	10,432
Purchase and Installation of parking meters	□	■ □ □ □	75,000	0
Signage - Parking Plan Works	□	■ □ □ □	130,000	0
New - Street Furniture - Various Locations	□	■ ■ ■ □	35,000	30,302
Street Lighting - Safety Improvement at Various Locations	□	■ ■ □ □	25,000	5,370
Visual Art	□	■ ■ ■ ■	20,000	16,020
Burswood Peninsula Way Finding - Signs and Line marking	□	■ □ □ □	50,000	0
<b>Renewal - Other Assets</b>				
Right of Way 51	□	■ ■ ■ □	500,000	476,475
Street Furniture - Bus Shelters at Various Locations	□	■ ■ ■ ■	47,000	46,462
Street Lighting - Albany Highway and Laneways	□	■ □ □ □	40,000	0
Car Parks - Carlisle Reserve	□	■ ■ ■ □	100,000	72,448
Lighting - St James East Victoria Park - Safer Communities	□	■ □ □ □	75,000	0
<b>Upgrade - Other Assets</b>				
Upgrade - Right of Way 31a & 31b	□	■ ■ ■ ■	23,000	22,701
Upgrade - Right of Way 45	□	■ ■ ■ ■	14,000	13,758
Right of Way 14 - Access Upgrade	□	■ ■ ■ □	170,000	146,451
Tap and Go - Parking Meter Upgrade	□	■ ■ ■ ■	130,000	128,700
Street Lighting - Community Safety Projects	□	■ ■ ■ ■	40,000	37,339
<b>Land</b>			<b>74,000</b>	<b>2,982</b>
<b>Upgrade</b>				
Land - Upgrade: 25 Boundary Road Subdivision	□	■ □ □ □	74,000	2,982

### 14.3 Recommendation from the Finance and Audit Committee - Auditor's Interim Audit Report 2017-2018 Financial Year

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

<b>Date:</b>	19 June 2018
<b>Reporting Officer:</b>	A. Thampoe
<b>Responsible Officer:</b>	N. Cain
<b>Voting Requirement:</b>	Simple Majority

<b>Executive Summary:</b>	
<b>Recommendation – That Council notes the Auditor's Interim Audit Report and supports the management responses to those comments.</b>	
<ul style="list-style-type: none"> <li>• This item presents the matters raised in the Auditor's Interim Report, together with the responses provided by management to those matters.</li> </ul>	

**TABLED ITEMS:**

Nil

**BACKGROUND:**

Each year, as part of Council's audit process, an interim audit is undertaken to ascertain areas of potential review associated with Council's financial systems processes. The advice received through the interim audit is then assessed by management who note the comments and take action as required. The findings of the interim audit, together with responses from management, are now presented for the Finance and Audit Committee's consideration and recommendation to Council.

**DETAILS:**

As part of Council's committee structure, the Finance and Audit Committee has been established to review areas of an audit or compliance nature. The Auditor's Interim Audit is summarised in the attached report. It is to be noted that the Interim Audit is primarily concerned with a review of internal controls/practices/procedures and management's compliance with those controls. The interim audit reports on an exception basis those items that require management's attention and does not seek to point out all the strong internal controls in place.

**Legal Compliance:**

*Local Government Act 1995 (as amended) and associated regulations*  
*Australian Accounting Standards*  
*International Financial Reporting Standards*

**Policy Implications:**

Nil

**Risk Management Considerations:**

Two risks have been identified as outlined below:

<b>Risk &amp; Consequence</b>	<b>Consequence + Rating</b>	<b>Likelihood = Rating</b>	<b>Overall Risk Analysis</b>	<b>Mitigation/Actions</b>
<b>Compliance:</b> Council not accepting auditor recommendation which may leave the Town open to fraud, error or non-compliance	Major	Unlikely	Moderate	Provide reasoning and detailed explanations to Council to enable informed decision making.
<b>Financial Impact:</b> Management not implementing auditor recommendations which will lead to poor financial management and control.	Major	Unlikely	Moderate	Identify the Town's tolerance for risk. Ensure auditor recommendations which address risks that are above the identified risk tolerance limit is implemented by management.

**Strategic Plan Implications:**

Nil

**Financial Implications:**

Internal Budget:

The budget for all audit services for the Town is \$40,000. The costs to perform the interim audit are within budget constraints.

Total Asset Management:

Nil

**Sustainability Assessment:**

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

Matters raised by the auditor, and management's response to each matter, are as follows:

**PURCHASES, PAYMENTS AND CREDITORS****1. Matter**

Our review of the outstanding purchase orders listing as at 31 March 2018 revealed that 17 purchase orders were outstanding since July 2016. Our checks revealed that some of these outstanding purchase orders were completed and require cancellation.

**Rating:** Moderate

**Implication:**

Such practice may increase the risk of unauthorised purchases being made.

**Recommendation:**

We request that management review the long outstanding purchase orders and purge unwanted and fulfilled purchase orders from the system. This will ensure that only valid outstanding purchase orders remain in the system.

**Management Comment:**

*Management notes the observations as stated.*

*An open purchase order review is conducted by the Financial Services section on a monthly basis.*

*The outstanding purchase orders that were identified at the Interim Audit predominantly relate to standing orders, which are not currently included in the monthly review. Standing orders are generally raised at the commencement of the financial year to accommodate annual items such as cleaning services, tree management services, power, water, gas etc. or where an ongoing and continuing obligation exists (which may occur over multiple years).*

*Management will review the process in consideration of the recommendation from the auditor.*

**Responsible Person:** Financial Controller

**Completion Date:** September 2018

**2. Matter**

During our interim audit, we noted two (2) instances (22 samples tested) where purchase orders had been raised only after the goods and services have been supplied. These instances related to:

- Ticket machine upgrade for Tap & Go – Purchase Order No. 2028021
- Security system upgrade – Purchase Order No. 2028311

**Rating:** Moderate

**Implication:**

Such practice may increase the risk of unauthorised purchases being made.

**Recommendation:**

We request that purchase orders be raised when the goods and services are ordered and not after the goods and services have been received. This will ensure that goods and services have been obtained at the most competitive prices and ensure adherence to Council's purchasing policy.

**Management Comment:**

*Management notes the observations as stated.*

*In general, purchase orders are raised when the goods and services are ordered and not after receipt. Management will review the appropriateness of employee training on procurement processes so as to minimise such instances in the future. It is unlikely that this issue will ever be fully removed from the organisation and so a risk reduction, rather than risk removal, approach will be taken.*

**Responsible Person:** Financial Controller

**Completion Date:** September 2018

**PAYROLL****3. Matter**

The Town's "Human Resources Procedure – HRP038 Annual Leave" and Enterprise Agreement 2016 stipulates that employees may accrue a maximum of 10 weeks (380 hours) of annual leave at any time. During our review of the employee annual leave entitlement balances as at 10 May 2018, we noted that 27 employees with accrued annual leave in excess of 380 hours to a maximum of 837 hours (approximately 22 weeks).

This matter was raised in our previous interim audit management letter dated 9 August 2017. The management response then provided was as follows:

*"Management confirms that leave reduction agreements are currently in place for most of the staff who have excess leave. Excess leave is monitored regularly by management in order to ensure agreements are in place to reduce any excess leave balance."*

**Rating:** Moderate

**Implication:**

Excess annual leave entitlements may have adverse effects on the Town including:

- key staff not being rotated, a preventive control against fraud;
- health and safety concerns with staff members not taking their annual entitlements; and
- increase the Town's costs given salary rises and increments over time.

**Recommendation:**

We recommend that appropriate steps be taken by the management to manage and minimize the excessive annual leave balances in order to avoid the effects mentioned under implication.

**Management Comment**

*Management notes the observations as stated.*

*There are currently a number of instances where Leave Reduction Plans are being implemented.*

*Regular reporting and management review is currently occurring and, over time, this matter will be extinguished.*

**Responsible Person:** Manager Human Resources and Organisational Development  
**Completion Date:** Ongoing

**INFORMATION TECHNOLOGY**

We discussed with the Information Services Officer about the general information technology controls operating at the Council. Generally, the controls appear to be operating satisfactorily.

However, the following matters were noted and are brought to your attention:

**4. Matter**

During our review of the IT general and application controls, we noted that passwords are not changed with sufficient regularity to maintain a secure system.

**Rating:** Significant

**Implication:**

Lack of such controls can lead to unauthorised access to the Town's accounting system.

**Recommendation:**

We recommend that the passwords be changed at periodic intervals to prevent the possibility of unauthorised access. Further consideration be given to password controls such as complexity, length, history, expiry and lock out as complex passwords provide a stronger control over access to the Town's systems, applications and data.

This matter was raised in our previous interim audit management letters dated 26 August 2016 and 9 August 2017. The management response then provided was as follows:

*"Management confirms that controls to change computer/system passwords regularly have been reviewed and the Town is currently in the process of implementing this change."*

**Management Comment:**

*Management notes the observations as stated.*

*Changes have now been implemented that meet Australian Signals Directorate and the Australian Cyber Security Centre guidelines and standards.*

**Responsible Person:** Principal ICT Specialist

**Completion Date:** Complete

**5. Matter**

During our review, we noted that there is no formal process to review user access rights.

**Rating:** Significant

**Implication:**

The lack of control over user access rights could result in significant issues in data integrity of the system.

**Recommendation:**

We recommend that a formal process be put in place to review user access rights periodically. The user access rights to employees should be granted considering the job description.

**Management Comment:**

*Management notes the observations as stated.*

*The process to fully resolve the matter identified by the auditor is currently scheduled for completion in the 2019-2020 financial year, which is following a significant programmed upgrade to the organisational core systems. Given the rating (of significant) of the matter noted by the auditor, management will seek to complete a review of user access rights in the 2018-2019 financial year.*

**Responsible Person:** Principal ICT Specialist

**Completion Date:** September 2018 (interim issue resolution)

**RECOMMENDATION/S FROM THE FINANCE AND AUDIT COMMITTEE:**

**That Council notes and accepts the comments arising from the Auditor's 2017-2018 Interim Audit and supports the management responses to those comments as contained within the body of this report.**



## 14.4 Review of Wards and Representation 2018

<b>File Reference:</b>	COR/10/0008
<b>Appendices:</b>	Yes
<b>Attachments:</b>	No

<b>Date:</b>	24 May 2018
<b>Reporting Officer:</b>	R. Fishwick
<b>Responsible Officer:</b>	A. Vuleta
<b>Voting Requirement:</b>	Simple Majority

### Executive Summary:

**Recommendation – That the Finance and Audit Committee recommends that Council initiates a review of its ward boundaries and the number of offices of councillor for each ward.**

- The *Local Government Act 1995* requires that local governments undertake a review of their wards and representation every eight years.
- Recommended that Council initiates the process to carry out a review of its wards and representation.

### TABLED ITEMS:

Nil

### BACKGROUND:

Under Schedule 2.2 of the *Local Government Act 1995* (the Act), local governments with wards must conduct regular reviews of ward boundaries and representation in consultation with their communities.

It is obligatory for the Town to conduct the review pursuant to the abovementioned legislation as it is a local government that has a ward system and must therefore carry out reviews of:

- (a) its ward boundaries; and
- (b) the number of offices of councillor for each ward;

from time to time so that not more than eight years elapse between successive reviews. The previous (second) review was completed in 2010 and therefore the Town is now required to conduct a further review.

### DETAILS:

The information supplied by the Local Government Advisory Board (the Board) states that the purpose of a review is to assess the current arrangements and to evaluate a range of options to find a system of representation that best suits the characteristics of the district and its people. Any of the following may be considered:

- Creating new wards in a district already divided into wards;
- Changing the boundaries of a ward;
- Abolishing any or all of the wards into which a district is divided;
- Changing the name of a district or a ward;
- Changing the number of offices of councillor on a council; and
- Specifying or changing the number of offices of councillor for a ward.

The Board expects local governments to complete their reviews to allow any changes to be implemented within the eight year period. Local governments may undertake reviews on a more frequent basis if they are experiencing significant changes to their population.

Before conducting the review the Council must resolve to undertake a review of its ward system. Once resolved by Council and before conducting the review, a local government is to give local public notice that a review is to be carried out.

The purpose of the public notice is to inform the community that the Council intends to conduct a review – it should not try to “sell” a particular option.

The notice must advise that submissions may be made to the local government six weeks from the date of the first notice (not including the day of the notice). The closing date for submissions should not be a weekend or public holiday.

It is essential to develop a diverse range of alternatives additional to the current ward system so that all options can be considered. The public notice should also encourage responses and suggestions from the community.

In addition to giving public notice, local governments may undertake other initiatives to promote community discussion including public meetings, website and media articles and interviews, sending information to non-resident electors, ratepayers or progress associations and distributing information to all households. Maps clearly showing the current situation and possible options are essential.

A discussion or information paper should be developed to explain the various options and the five factors (noted below) against which they will be assessed. Instructions on how to access the discussion paper should be included in the public notice.

The local government must consider all submissions it receives and record this in the minutes of its meeting along with any other information considered relevant to the decision making process.

All options must be assessed against the following five factors:

- Community of interest;
- Physical and topographical features;
- Demographic trends;
- Economic factors; and
- The ratio of councillors to electors in the various wards.

These factors should be considered in terms of the whole district prior to assessing the options.

The Board considers that the ratio of councillors to electors is particularly significant. It is expected that each local government will have similar ratios of electors to councillors across its wards, generally falling within a deviation of plus or minus 10%.

The Board may be reluctant to recommend (to the Minister) changes to ward boundaries and representation that result in ward councillor/elector ratios that are greater than plus or minus 10% unless exceptional circumstances apply.

Current situation

Currently the Town of Victoria Park has eight (8) councillors elected from two (2) wards as follows:

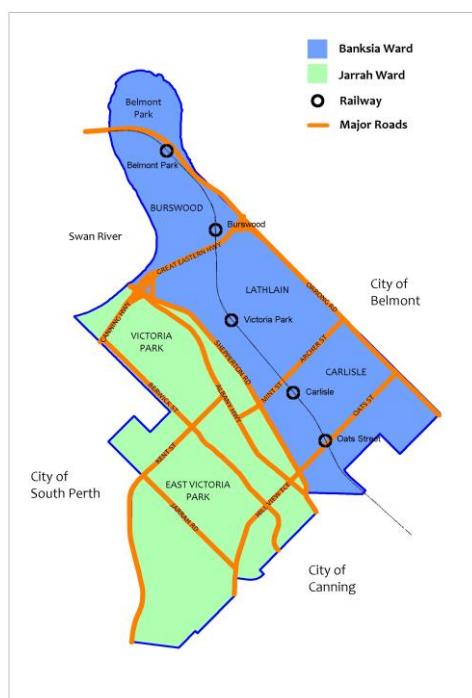
**Table 1 - Current Councillor (Cr)/Elector Ratios**

Ward	Number of Electors	Number of Crs	Cr: Elector Ratio	% Ratio Deviation
Banksia	10,154 *	4	1:2539	5.88%
Jarrah	11,423 *	4	1:2856	-5.88%
<b>Total</b>	<b>21,577</b>	<b>8</b>	<b>1:2697</b>	

The percentage deviation gives a clear indication of the percentage difference between the average councillor/elector ratios for each ward. It can be seen that there is a slight imbalance in representation between the two Wards with Banksia being slightly over represented and Jarrah being slightly under represented having 1,269 more electors than Banksia.

Notwithstanding the above, a balanced representation is considered appropriate where the percentage ratio deviation falls within plus or minus 10%. The percentage ratio deviation is currently 5.88% which is currently accepted as being balanced.

The following map shows the current ward boundaries, the railway and major roads within the Town:



**Legal Compliance:**

The review of the wards and representation complies with schedule 2.2 of the Act which states:

**“6. Local government with wards to review periodically**

- (1) A local government the district of which is divided into wards is to carry out reviews of —
  - (a) its ward boundaries; and
  - (b) the number of offices of councillor for each ward, from time to time so that not more than 8 years elapse between successive reviews.
- (2) A local government the district of which is not divided into wards may carry out reviews as to —
  - (a) whether or not the district should be divided into wards; and
  - (b) if so —
    - (i) what the ward boundaries should be; and
    - (ii) the number of offices of councillor there should be for each ward, from time to time so that not more than 8 years elapse between successive reviews.
- (3) A local government is to carry out a review described in subclause (1) or (2) at any time if the Advisory Board requires the local government in writing to do so.

In accordance with clauses 10 and 11 of schedule 2.2 of the Act, where local governments do not review these matters, the Board may recommend the making of any order in relation to changes. The Board may recover the costs of any inquiries conducted for this purpose from the local government.

**Policy Implications:**

Nil

**Risk Management Considerations:**

The risks have been identified as outlined below:

<b>Risk &amp; Consequence</b>	<b>Consequence + Rating</b>	<b>Likelihood = Rating</b>	<b>Overall Risk Analysis</b>	<b>Mitigation/Actions</b>
<b>Compliance:</b> No noticeable regulatory or statutory impact.	Insignificant	Unlikely	Low	The Town’s current elector representation ratios are within the prescribed deviation of plus or minus 10% for both of its Wards which sit at plus and minus 5.88%.  Pursuant to Schedule 2.2 of the <i>Local Government Act 1995</i> the Town is obligated to conduct a review of its Wards and Representation which is due this year.

**Strategic Plan Implications:**

CL10 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:**

Information provided by Board suggests that it is helpful to develop some alternative(s) to the current ward system so that options can be considered in a discussion paper that is made available to the public. Whilst Council may have a preferred option, the discussion paper and particularly the public notice must not limit the possible responses and suggestions to the community.

Such options as a proposal to dispense with wards increase the number of wards could be included in the discussion paper whilst maintaining, increasing or reducing the number of elected members.

In addition a proposal to change the names of the Wards based on geographical location such as North East and South West may be appropriate rather than the current names of Banksia and Jarrah.

To commence the process the Town needs resolve to undertake a review of the ward boundaries and the number of offices of councillor for each ward. In doing so it is also considered that the four options of either:

1. retaining the current ward structure and representation;
2. a no ward structure and the same representation; and
3. changing the ward names and maintaining the same representation;
4. changing the ward boundaries and maintain the same representation;

be presented as a discussion paper that can be disseminated to the public upon request.

**CONCLUSION:**

It is therefore recommended that the Town resolves to initiate a review of its ward boundaries and the representation of elected members.

**ADDITIONAL INFORMATION:**

The Finance and Audit Committee requested that the Administration consider appropriate dates when the review process would be undertaken and when a report would be presented to Council for consideration.

The process involved and proposed timeline should the Council resolve to initiate the review of its ward boundaries and the number of councillors is as follows:

**Review of Wards and Representation - Timeline**

Item	Date	Comments
Town initiates proposal.	Report to Council meeting 10 July 2018.	Discussion Paper endorsed and Council resolves to invite public submissions (Local Public Notice).
Public consultation (invite submissions).	Local Public Notice given from 17 July to 7 September 2018 (ie 52 days).	Must be 6 weeks (42 days) minimum.
Submissions and options considered.	Report to Council meeting 9 October 2018	Determination made on preferred option
Review forwarded to Local Government Advisory Board (the Board)	12 October 2018	If changes are recommended to the Wards and number of Councillors then these need to be considered by the Board.

**RECOMMENDATION/S:**

**That the Finance and Audit Committee recommends that the Council recommend, in accordance with clause 7 of Schedule 2.2 of the *Local Government Act 1995*, that the Town initiates a review of its ward boundaries and the number of offices of councillor for each ward and makes available to the public the discussion paper as contained within the Appendices.**

**FUTURE PLANNING COMMITTEE**

**14.5 Recommendation from the Future Planning Committee - Draft HLTH6 Mobile Food Vendors (Vic Park Vendor’s) Policy**

<b>File Reference:</b>	PLA/6/41
<b>Appendices:</b>	1. Draft HLTH6 Mobile Food Vendors (Vic Park Vendor’s) Policy 2. Summary Report of Preliminary Consultation Outcomes 3. Submission from Restaurant and Caterers Association
<b>Attachments:</b>	No

<b>Date:</b>	11 June 2018
<b>Reporting Officer:</b>	L. Parker
<b>Responsible Officer:</b>	R. Cruickshank
<b>Voting Requirement:</b>	Simple Majority

**Executive Summary:**

**Recommendation – The Future Planning Committee recommends to Council that the draft HLTH6 Mobile Food Vendors Policy be advertised for public comment.**

- A draft Policy has been prepared to establish and guide the appropriate location, management and operation of mobile food vendors with the Town.
- The Policy builds on a previous proposal to trial mobile food vending at a number of public open spaces within the Town as a means of increasing the activation and enjoyment of the Town’s public open spaces.
- Preliminary consultation undertaken in January to February 2018 indicated a high level of community support for mobile food vending to occur at public open spaces within the Town.
- In preparing the draft Policy a focus has been to provide flexibility, choice and diversity of mobile food vendors, minimise and/or remove the need to obtain multiple permits and to locate vendors at locations that are lacking in nearby food choices so as to provide convenience and choice to residents, as well as minimise potential conflict with established “bricks and mortar” food businesses.
- It is intended for the Policy to be trialled for the 2018/2019 summer trading period from November to March, with a review to follow in Autumn 2019.
- It is recommended that the draft Policy be advertised for public comment and consultation with key external stakeholders and relevant State Government agencies.

**TABLED ITEMS:**

Nil

**BACKGROUND:**

Preliminary Consultation

Preliminary community consultation was undertaken from 16 January to 7 February 2018 through the Town’s ‘Your Thoughts’ online consultation hub. The purpose of the preliminary consultation was to gauge whether a general level of support for mobile food vendor trading exists and to identify a range of the possible concerns or expectations that the community may have in relation to the operation of mobile food vendors to help inform and guide the development of a draft Policy.

This engagement involved the following:

- Your Thoughts online consultation hub
  - Community Survey, Pin a Place, Ask a Question, Quick Poll, FAQs
- Advertisements in Southern Gazette and on social media calling for submissions
- Community Survey:
  - basic questions to help underpin and establish policy direction;
  - identify desirability of food trucks/mobile food vendors in the Town; and
  - where and when people do or don't wish to see mobile food vendors operating.

There were a total of 574 visits to the Your Thoughts consultation page for the project during the consultation period. Of these:

- 497 visitors were 'aware participants' (individuals accessing the project home page);
- 346 were 'informed participants' (visited the Key Dates page, viewed FAQs, visited multiple pages or contributed to a tool);
- 118 participated in the Community Survey;
- 107 participated in the Quick Poll, with 76% of respondents indicating they support mobile food vendors operating in the Town;
- 3 asked questions;
- 24 pinned a place on a Map; and
- 93 new user registrations to Your Thoughts.

#### Community Survey Results

The majority of submissions were received from residents, ratepayers and/or property owners within the Town. The 118 submissions identified the following with respect to the trading of mobile food vendors within the Town:

- 78% of respondents agreed that mobile food vendors could fill a particular niche or demand not currently being met in the community;
- The top concerns raised included impact on local businesses, proximity to restaurants, waste management and noise;
- 54% thought that food trucks should be located in specific locations only, rather than anywhere in the Town;
- 59% indicated that there are locations where they should not operate, with the most common reply being "not near existing restaurants and cafes";
- 52% felt that operating hours should be limited;
- 86% indicated that mobile food vendors should be able to co-locate (cluster), with 72% supporting no limit on the number of vendors subject to adequate space and facilities/infrastructure being available to accommodate vendors and their customers; and
- 79% indicated that they would specifically seek out food mobile food vendors if they were aware they were operating within the Town.

A summary report of the consultation outcomes is included in the Appendices.

#### 'Pin a Place' Results

- 71 visitors, 57 contributions from 24 visitors (average of 2 or 3 locations nominated)
- 24 locations nominated for Food Trucks – 20 of these were public open spaces, 2 train stations, and 2 road/shop locations.



WA Mobile Food Vendors Association

The WA Mobile Food Vendors Association have indicated general support and interest in mobile food vendors operating within the Town. It is expected they will provide further detailed comments during the recommended consultation for the draft policy.

Restaurant and Caterers Association

The Restaurant and Caterers Association (R&CA) were directly consulted during the preliminary consultation phase and provided an initial submission on behalf of its members (Appendices 3). The recommendations requested by the R&CA for consideration by Council Officers in the development of the draft Policy are listed and responded to in the Comments section of this report.

Progress/Policy Development Updates to Future Planning Committee

The outcomes of the preliminary consultation and updates on the development and likely form of the draft policy were discussed as workshop items at the February 2018 and April 2018 Future Planning Committee Meetings (Appendices 3 and 4). The discussions during these meetings indicated a general level of support for the likely direction and form of the draft policy.

**DETAILS:**

A draft Policy has been prepared to establish and guide the appropriate location, management and operation of mobile food vendors with the Town (Appendices 1).

The Town does not have an adopted policy position with respect to the location or regulation of mobile food vendors, and applications to trade within the Town are assessed on an ad hoc basis, and may require multiple forms of approval depending on whether they are located on Council property, privately owned land, public open spaces, car parks or on the roadside.

The Policy builds on a previous proposal to trial mobile food vending at a number of public open spaces within the Town as a means of increasing the activation and enjoyment of the Town's public open spaces.

In preparing the draft Policy a focus has been to provide flexibility, choice and diversity of mobile food vendors, minimise and/or remove the need to obtain multiple permits and to locate vendors at locations that are lacking in nearby food choices so as to provide convenience and choice to residents.

The draft Policy establishes a new form of 'Trader's Permit' under the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000*. The name of the new permit is proposed to be called 'Vic Park Vendor's Permit'. Approved 'Vic Park Vendors' would then have conditional approval to trade on the public open spaces identified within the draft Policy.

It is intended for the Policy to be trialled for the 2018/2019 summer trading period from November 2018 to March 2019, with a review to follow in autumn 2019.

The draft Policy is organised as follows:

- Part 1 – General  
(Policy application, purpose, objectives and definitions)
- Part 2 – Permit Requirements  
(Application requirements, permit conditions, renewal and suspension, events trading, itinerant food vendors)
- Part 3 – Vendor Trading and Location Guidelines  
(Approved locations, trading hours, trading at multiple locations, waste management, signage, noise, parking, public liability)
- Part 4 – Approved Designated Trading Areas  
(Maps of public open spaces with approved trading areas marked, vehicle access points identified and trading hours/maximum vendor numbers detailed)

#### Internal Staff Review

The draft Policy has been referred internally to a broad range of staff and service areas that will or are likely to be impacted by its recommended implementation, including Environmental Health, Parks, Waste and Bookings. An initial working group meeting followed by multiple meetings, discussions and correspondence with internal staff have informed development of the draft Policy.

#### Review of Other Local Government Policies

The draft Policy has been informed by a review of other local government mobile food vehicle/food truck policies, including those of the Cities of Bayswater, Fremantle, Kwinana, Perth, Vincent and Wanneroo.

#### Community Consultation:

It is recommended that the draft Policy be advertised for public comments and consultation with key external stakeholders and relevant State Government agencies (refer to comments under Legal Compliance below).

While not a local planning policy, it is recommended that the draft Policy be subjected to a similar level of community consultation, including:

- Letters to owners and occupier of properties immediately surrounding the proposed mobile food vendor trading locations/public open space;
- Emails to known food business contacts, organisations and all submitters that made contributions during the Town's preliminary consultation;
- Advertisement in the Southern Gazette Newspaper;
- Online consultation and invitations to submit comments via the Town's 'Your Thoughts' consultation hub; and
- Advertising/promotion on the Town's online social media platforms.

#### **Legal Compliance:**

##### *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000*

The Town's *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000* (Local Law) provides for the regulation, control and management of activities and trading on public spaces within the Town. The Local Law provides for the Council to adopt a policy in relation to activities for which a permit is required from the Town, as well as the conditions that the granting of a permit may be subject to.

The trading of mobile food vendors on the Town's public open spaces constitutes an activity that requires the granting of a "trader's permit" under the Local Law.

The draft Policy seeks to establish the granting of a specified form of "trader's permit" under the Local Law (proposed to be named "Vic Park Vendor's Permits") and to set out the circumstances, trading requirements and conditions that the granting of such permits may be subject to.

#### Department of Conservation, Biodiversity and Attractions (DCBA) Approval

Application for a Form 7 Permit under the *Swan and Canning Rivers Management Regulation 2007* is required to be obtained from the Rivers and Estuaries Division of the DCBA in order for mobile food trading to occur at McCallum Park, as it is located within the Swan Canning Riverpark, under the control of the Swan River Trust. The approval process is approximately 4-6 weeks following receipt of the application. Initial enquiries have been made as to whether it will be possible for a single approval to be issued to the Town, rather than requiring individual permits for each mobile food vendor/activity as would usually be the case. Council Officers have been requested to provide a written enquiry with a copy of the draft policy for consideration before a formal response is provided. It is recommended that this occur during the community and stakeholder consultation period.

#### Department of Planning, Lands and Heritage Consent

Written consent is likely to be required for mobile food vendor trading to occur at McCallum Park and Edward Millen Park, under Section 75 of the *Land Administration Act 1997*, as these Crown land sites are conditional tenure land that cannot be the subject of any licence, mortgage, charge, security or other encumbrance without the written approval of the Minister for Lands. The approval process usually takes a number weeks. Initial enquiries have been made as to whether it will be possible for a single 'blanket' type approval to be issued to the Town, rather than requiring individual permissions for each mobile food vendor/activity as would usually be the case in relation to a specific event or activity occurring for a defined time period. Council Officers have been requested to provide a written enquiry with a copy of the draft policy for consideration before a formal response is provided. It is recommended that this occur during the community and stakeholder consultation period.

#### **Policy Implications:**

The draft Policy is aligned with, and assists in achieving a number of the aims and objectives contained in a broad range of the Town's adopted Strategies and Policies. These are outlined below.

#### Strategic Community Plan 2017-2032

The Town's Strategic Community Plan is the principal strategy outlining the long-term vision, values, aspirations and priorities for the Town of Victoria Park for the next 15 years. The policy aligns with the plan by embracing the following strategic outcomes:

- Social - The outcome is to provide an environment where the community can live a safe, healthy and active life with opportunities to participate in socially diverse and culturally rich activities and exchanges.
  - S1 – A healthy community.
  - S3 – An empowered community with a sense of pride, safety and belonging.
  - S4 – A place where all people have an awareness and appreciation of arts, culture, education and heritage.

- Economic - The outcome is to provide the community with a vibrant, strong and sustainable local economy as well as a range of business and employment opportunities.
  - EC1 – A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.
  - EC2 – A clean, safe and accessible place to visit.
- Environment – The Town’s natural environment (including parks and reserves) have been enhanced and protected, providing options for a cleaner, healthier lifestyle.
  - EN6 – Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.

#### Safer Neighbourhoods Plan 2017-2022

The draft Policy supports Crime Priority Area 3 contained in the Safer Neighbourhoods Plan to support and encourage inclusive and socially connected streets and neighbourhoods, by promoting social inclusion and connectedness and increasing the activation and vibrancy of the Town’s public open spaces.

#### Events and Place Activation Strategy 2017-2018

The draft policy is consistent with the following objectives of the Events and Place Activation Strategy:

- Foster community pride and involvement in a diverse and vibrant Town – through activation and celebration of people, spaces and places, and creating an inclusive environment for people to live, work and play.
- To be a destination of choice by – attracting and increasing visitors to the Town, fostering and facilitating a destination rich with experiences for everyone to enjoy, and creating the right environment for events and activation to succeed.
- Destination development – encourage local residents and community groups to activate local spaces and places through community-driven initiatives and events.
- Place activation – investigate and pursue opportunities to activate local street and neighbourhood spaces with events (not just along Albany Highway and East Victoria Park).
- The Town will maintain, enhance and develop Town infrastructure and resources, including parks and reserves, to activate local spaces and to attract visitors to the Town.
- Identify and implement new and innovative methods to support best practise approach and capitalise on emerging opportunities in relation to event and place activation within the Town.

#### Disability Access and Inclusion Plan 2017-2022 (DAIP)

The draft Policy has been prepared in alignment with the outcomes of the DAIP, most notably ensuring that events organised by the Town are planned and delivered in accordance with the Disability Service Commission’s ‘Creating Accessible Events Checklist’. This checklist has been integrated into the Town’s Operational Events Guide and supporting Accessibility Checklist, which focuses on ensuring events held in external environments are accessible for people with a disability by providing a continuous, even accessible path of travel.

Efforts have been made to ensure that the proposed Designated Trading Areas are conveniently located, close to public car parking areas (and disabled car parking bays) and are on predominantly flat, accessible areas of the relevant public open spaces.

Healthy Vic Park Plan 2017-2022

The draft Policy is aligned with the following “Community Visions” and associated actions contained in the Healthy Vic Park Plan under the Key Areas of ‘Healthy People and Community’ and ‘Healthy Business and Events’:

- There is healthy air, water and land for me to recreate and live:
  - Action 2 – Implement and adhere to legislative requirements as defined in the Food Act, Environmental Protection Act, etc.
- There are activated and exciting urban spaces for me to socialise with others.
- I am connected and supported by my community:
  - Action 1 – Deliver programs and initiatives that encourage resilience and positive mental health
  - Action 4 – Link and foster socially inclusive opportunities for all residents, including culturally and linguistically diverse community members, Aboriginal people, seniors, people with a disability, youth with complex needs and young families.
- There are social events for me:
  - Action 1 – Deliver events that create community connectedness and cohesion
  - Action 2 – Promote and encourage premier public events in the local community
  - Community Vision: My local government leads by example when it comes to being a healthy business.
  - Action 5 – Ensure health is considered and incorporated into new and reviewed plans and policies.
- There’s a healthy and safe food option for me.
  - Action 1 – Offer healthy eating alternatives at events
  - Action 2 – Monitor and educate food business around food safety initiatives
  - Action 3 – Work directly with and support food businesses and outlets to provide healthy food options

**Risk Management Considerations:**

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Continued ad hoc consideration of mobile food vending applications, multiple application types and general lack of any mobile food vendor trading in the Town (aside from organised events) if a Policy is not adopted.	Moderate	Likely	Low	Support the proposed draft Policy for the purposes of community consultation, including consultation with industry organisations, relevant State Government agencies, local food businesses and

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
				directly with mobile food vendors. This feedback to then inform further changes/improvements to the draft Policy, prior to an anticipated recommended trial implementation from November 2018 to March 2019, with a subsequent review/evaluation of its success to occur in April to May 2019. Development of internal procedures, education and training of staff will also be required to effectively administer the Policy and maximise its potential success.
General lack of policy success and therefore waste of Council resources in its development/implementation.	Moderate	Unlikely	Low	
Significant opposition from local residents and existing food businesses to the nearby trading of mobile food vehicles	Moderate	Unlikely	Low	
Inability to attract mobile food vendors and realise potential benefits of mobile food vendors to the community	Significant	Unlikely	Medium	
Trading area locations that are not successful due to a range of potential factors (e.g lack of	Moderate	Some likelihood of occurring	Medium	

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
information/awareness, lack of exposure, insufficient customers, etc.)				
Damage to public open spaces and increased littering and inappropriate disposal of food waste/containers	Low to moderate	Some likelihood of occurring	Low	
Traffic and noise impacts to surrounding residents	Moderate	Some likelihood of occurring	Low	
Excessive fees that discourage mobile food vendors or insufficient fees that do not recover the additional costs for Council staff and resources in implementing the policy or managing/mitigating potential adverse impacts.	Moderate	Unlikely	Low	
Inability to obtain consent/statutory approvals from relevant Stage Government agencies to allow for mobile food vendor trading at McCallum Park and Edward Millen Park.	Low	Unlikely	Low	
Internal staff opposition or lack of policy 'buy in' of staff to effectively implement and administer the Policy due to its cross-functional nature.	Low to moderate	Some likelihood of occurring	Low	
Ineffective or delayed review/evaluation of policy trial.	Low to moderate	Some likelihood of	Low	

**Sustainability Assessment:**External Economic Implications:

The draft Policy will provide a platform for mobile food vendors to trade within the Town, supporting the growth of existing and new small businesses. While efforts have been made to locate the majority of proposed Designated Trading Areas at public open spaces situated a significant distance from existing 'bricks and mortar' establishments, there is evidence that rather than directly competing with these businesses, mobile food vendors can attract additional visitors and customers to their trading locations than would otherwise normally occur, which can have a positive impact on the trading of nearby established traders.

Notwithstanding, a major objective of the Policy is to increase choice and diversity where only limited food options exist and to increase the activation of the Town's public open spaces. Therefore, these objectives support mobile food vendor trading away from locations where a large number of food businesses already exist, in any case.

Cultural Issues:

The draft Policy has potential to provide a platform for the small business community to showcase and provide culturally diverse, unique and interesting food choices to the local community. The ability for food to serve as a medium for cultural exchange and the celebration of cultural diversity may also contribute to positive cultural and social outcomes.

Environmental Issues:

The Vendor Guidelines contained within the draft Policy include an emphasis on ensuring that potential environmental impacts arising from the trading of mobile food vendors are minimised and avoided. These include provisions requiring traders to provide bins for the disposal of patron waste, to have receptacles for the collection of any waste water or other emissions from the mobile food vehicles themselves, and provisions regarding their operation or setting up to avoid damages to the public open spaces, Council buildings or vegetation.

The ability for enforcement action (e.g. infringement or suspension of trading permits) to occur as a result of damages caused by traders exists under the Local Law, and adherence to these requirements will be encouraged/enforceable as part of the conditions able to be applied to the conditions of the proposed 'Vic Park Vendor's Permits'.

There is a risk that the ability to enforce these requirements or penalise offenders may be limited due to difficulty in identifying the party responsible for any damages, particularly if the damage occurs during the trading of multiple vendors or if the damage arises from the actions of customers/the public rather than the traders themselves. However, it is considered that these potential issues can be managed/minimised through a variety of measures, including the following:

- Evaluation and review following the proposed initial trial of the policy;
- Continued communication and education of mobile food vendors by Council staff;
- Potential changes to the provision of facilities by Council (e.g. more Council bins or public seating); and
- Changes to the scale or timing of activities that are permitted to occur at the proposed Designated Trading Areas (e.g. reducing the maximum number of mobile food vehicles permitted to trade at a given time, 'resting' or alternating the trading areas to provide increased turf recovery times, etc.).



**COMMENT:**

The proposed Policy will enable the Town to establish a platform for the trading of mobile food vehicles within the Town and share in the positive activation and community benefits that can arise from their trade, as has been witnessed in a number of local government areas throughout the Perth Metropolitan area and more broadly in other centres nationally and internationally.

There is a growing trend for local governments to provide opportunities for mobile food vendors and other activities such as weekend markets and festivals, to facilitate enjoyable, interesting, unique and convenient leisure and recreational opportunities for residents, families and other members of the community to experience in their local area.

The addition of diverse and convenient food options at a number of the Town’s public open spaces provides the potential for their increased activation and utilisation by the community, and the ability for residents and families to enjoy these spaces for longer periods of time, in a richer, and more socially inclusive manner. Some of the potential benefits include:

- greater social connectedness;
- opportunities for community members to meet or build on existing relationships with their neighbours;
- supporting other activities occurring in public open spaces by providing convenient food options for families or spectators (e.g. at sporting events/matches (with permission), before or after undertaking outdoor exercise or by responsible parents/caretakers supervising the use of playground equipment by their children); and
- fostering a greater attachment to the local community and an enhanced sense of place.

The key features of the draft Policy are described in the ‘Details’ section above.

Submission from Restaurant and Caterers Association

The recommendations requested in the submission from R&CA are listed and responded to below.

<b>Recommendation from R&amp;CA</b>	<b>Council Officers Comments</b>
1. That no mobile food vendors are permitted to operate within a 100-metre radius of an existing café or restaurant business. This rule would only apply during the normal operating hours of these existing food business.	Supported in part – A major objective of the policy is to provide greater choice and diversity of food options in locations where currently little exists. However, subject to the consultation and having regard to the types of food offers available, there may be instances where existing business can comfortably (and even benefit) from the nearby trading of mobile food vendors, through the additional attraction of potential customers to their vicinity.
2. The Town impose a limit on the overall number of mobile food vendors permitted to operate within its boundaries at any one time.	Supported in part – The draft policy proposes a maximum number of mobile food vendors that can trade at any one location at one time. The total number of vendors able to trade across all locations at any one time is 94, however many of the proposed locations will have one or no mobile food vendors operating on them for much of the available trading times, as sufficient numbers of potential customers/park users to make trading financially

Recommendation from R&CA	Council Officers Comments
	viable will occur only infrequently if at all – e.g. on weekends, Friday nights, public holidays or celebrations, etc.. Accordingly, the potential competition that mobile food vendors could have with the approximately 250+ bricks and mortar businesses operating within the Town is considered minimal.
3. That there should be only incremental increases in the number of operators permitted to trade each year to allow the Town of Victoria Park a sufficient opportunity to monitor the impact of mobile food vendors on existing businesses.	Supported in part – The draft policy is proposed to be subjected to rigorous community consultation and implementation on a trial basis, followed by a review following the trial. It is not anticipated that the trial will identify a substantial demand for mobile food vendor trading higher than that proposed, and the trading of mobile food vendors is likely to be self-limiting due to limited exposure and numbers of potential customers at the designated trading areas.
4. That the operation of mobile food businesses be subject to all applicable regulations that existing food businesses are required to comply with.	Supported – As food businesses, mobile food vendors are subject to the same or similar Environmental Health food and safety regulations/legislation that is applicable to bricks and mortar food businesses.
5. That the same standards of enforcement must also apply to mobile food vendors as existing food businesses.	Supported – As above. Additionally, provision under the Thoroughfares Local Law provides Council the ability to infringe non-compliant food vendors or to suspend or cancel a Vic Park Vendor’s Permit where a breach of the permit conditions (and by extension the draft Policy), or Local Law occurs.
6. That the maximum permit cost paid by mobile food vendors reflects the commercial value of trading in certain precincts, and is comparable to the Council rates applied to the operation of bricks and mortar food businesses.	To be considered at later stage. Refer to comments below in relation to Permit Fees.
7. The Town explicitly outline its support for existing bricks and mortar food businesses in all relevant Council collateral and communication material regarding the regulation of mobile food vendors.	Supported in part – The Town actively supports and promotes bricks and mortar food businesses in a number of its strategies and projects, including the Albany Highway Activation Project, various economic development projects and the recently implemented ‘Eat, Ride n Enjoy’ campaign. The draft Policy objectives include reference to existing bricks and mortar businesses and the consideration of proximity/competition to these as a contributing factor in the selection of the proposed designated trading areas.

### Selection and Evaluation of Proposed Designated Trading Areas

The initial draft of the Policy considered both the public open spaces identified by the community as potential locations they would like to see mobile food vendors trading within the Town during the preliminary consultation, as well as the following additional factors:

- Public car parking bays (including disabled access bay(s)) and their proximity to suitable mobile food vendor trading locations;
- Flood lighting (so as to permit night time (dinner) trading);
- Availability of public toilets;
- Amenities and other infrastructure associated with prolonged use/enjoyment of the public open space (and therefore higher propensity for purchase of food/beverages) – i.e. benches/seating, children’s playgrounds, shaded grassed areas/picnic spots, etc.
- Site conditions and topography – public open space
- Vehicular access onto the public open spaces
- Size of the public open space - Capacity of proposed locations to accommodate mobile food vendor vehicles;
- Location/proximity to existing bricks and mortar food premises; and
- Potential benefits that may be gained through increased activation (e.g. reduced crime/antisocial behaviour, increased use of under-utilised public open space, increased awareness/enjoyment of the Town’s heritage, etc.)

A number of the locations do not achieve all of the above criteria, notably Edward Millen Park, John Macmillan Park and Rayment Park, which are located in close proximity to existing bricks and mortar food businesses. It is considered that on balance and subject to community consultation that these locations represent important and unique opportunities for increased activation and utilisation of these public open spaces by the community. The additional competition brought by mobile food vendors at these select locations is not considered significant and may even increase patronage of local businesses by attracting more people to the area.

Following further review (including site inspections and internal staff liaison) the initial draft was revised resulting in the following changes:

- Carlisle Reserve –. Designated trading area originally located near playground/oval scoreboard which is narrow and at risk of conflicting with playground users, oval users/players and spectators. Relocated to larger grassed area adjacent to car park vehicle entry gate. Location also replaces removed Fletcher Park trading location.
- Fletcher Park – Removed as a trading location as responsibility for maintenance and management of the public open spaces rests with the WA Cricket Association.
- G O Edwards Reserve – Reduction in maximum vendor numbers at Designated Trading Area B due to limited size of the grassed area adjacent to the recently installed nature playground;
- Higgins Park - the removal of a second designated trading area at Higgins Park (at corner of Hill View Terrace and Creaton Street) due to steep slope of this location and significant distance away from other park amenities and facilities.

### Permit Fees

Determination of the appropriate fee to charge Vic Park Vendor's Permit holders is yet to be conducted. Whilst there have been calls by the R&CA and some established food businesses that the charges imposed should equate to those applicable to bricks and mortar food businesses, a number of factors will need to be considered by the Council. These include the costs to Council in administering the Policy, ensuring balance/equity between the various fees charged for the various permit types issued by the Town for food businesses, as well as the high seasonality of trade of mobile food vendors.

Notwithstanding, it is recommended that for the duration of any trial implementation of the Policy, that fees for the assessment and granting of Vic Park Vendor's Permits to approved mobile food vendors not be charged, so as to maximise the attraction and take-up of mobile food vendors to trade as part of the trial. This will encourage greater numbers of traders to the Town and provide the community and the Town with increased opportunity to experience and evaluate the impacts of their trade (negative and positive). It should also be noted that the waiving of fees would be consistent with the Town's approach alfresco dining for brick and mortar food businesses.

Payment of a \$100 bond for keys to access the secured gates to the reserves will continue to be charged as for all other park users/normal reserve hire processes, to cover the Town's costs for replacement of lost or stolen keys that are issued to mobile food vendors. This will then be refunded upon the return of the key to the Town (i.e. at the conclusion of the recommended trial).

### **CONCLUSION:**

It is recommended that the Future Planning Committee recommend to Council that the draft HLTH6 'Mobile Food Vendors Policy' (see Appendices), be advertised for public comment and consultation with key external stakeholders. A further report will be presented to Council in the future following the conclusion of the advertising period, reporting on any submissions received, and seeking a final decision from Council as to whether or not to adopt the draft Policy (in its current form or in a modified form informed by the results of the community consultation and further review/refinement).

If adopted, and subject to the proposed locations being supported by the community and ultimately Council, there may be a number of implementation measures (subject to further detailed site evaluations) required to facilitate trading at each of the sites (e.g. access, facilities maintenance, trading area boundaries at each location, etc.).

There will also be additional regulatory approvals required to be obtained from the Department of Biodiversity, Conservation and Attractions, and the Department of Planning, Lands and Heritage to facilitate trading at McCallum Park and Edward Millen Park, as proposed under the Policy. It is recommended that these be pursued during the public consultation process as they may take approximately two months to obtain or may need to be removed from the draft Policy if the required approvals/consents are not forthcoming.

**RECOMMENDATION/S FROM THE FUTURE PLANNING COMMITTEE:**

**That Council authorises public advertising of the draft policy 'HLTH6 Mobile Food Vendors (Vic Park Vendor's) Policy' as contained in the Appendices, including consultation with key stakeholders and relevant organisations, for a period of 21 days, and that the outcomes of the public advertising and consultation be summarised in a further report to the Council prior to adoption of a final Policy for implementation on a trial basis.**

**14.6 Recommendation from the Future Planning Committee - Draft Local Planning Strategy – Victoria Park Towards 2050**

<b>File Reference:</b>	PLA/6/25
<b>Appendices:</b>	1. Draft Local Planning Strategy (complete document) 2. Summary of Draft Local Planning Strategy Strategies and Actions
<b>Attachments</b>	No
<b>Date:</b>	12 June 2018
<b>Reporting Officer:</b>	S.O’Sullivan
<b>Responsible Officer:</b>	N.Martin Goode
<b>Voting Requirement:</b>	Simple Majority
<b>Executive Summary:</b>	
<b>Recommendation – Forward the draft Local Planning Strategy (LPS) to the Western Australian Planning Commission to obtain approval for it to be advertised for public comment.</b>	
<ul style="list-style-type: none"> <li>• The draft LPS sets out a long-term planning direction for the Town.</li> <li>• It has been informed by an analysis of the Town’s context in the State, regional and local planning framework and the strategic direction provided by the Town’s Strategic Community Plan.</li> <li>• The draft LPS sets a vision, in addition to objectives, strategies and actions aimed at enabling future growth and transformation of the Town to become a dynamic place for at least 75,000 residents and 99,000 workers by 2050.</li> <li>• Approval by Council and the Western Australian Planning Commission (WAPC) to consult on the draft LPS will enable the Town to continue the dialogue it commenced with the community through the Evolve project and allow further engagement on its future planning direction.</li> </ul>	

**TABLED ITEMS:**

Nil

**BACKGROUND:**

Western Australian planning legislation requires that each local government prepare a LPS for their municipality. A LPS sets out the long-term land use planning direction for the local government, providing an interface between regional and local plans and forming a critical guide to the content of a new local planning scheme and its approach to the zoning and classification of land and regulation of development.

The Town’s current Town Planning Scheme No.1 (TPS 1) came into effect in September 1998. A review of TPS 1 was completed in July 2017 and coincided with the finalisation of the Town’s 2017-2032 Strategic Community Plan.

The TPS 1 review concluded that a new scheme needs to be prepared to reflect contemporary strategic and legislative requirements and enable achievement of the Strategic Community Plan’s vision for the Town’s future evolution as a dynamic place with activated and well-connected centres for commerce, education and entertainment and homes for more than 75,000 residents.

A draft LPS has been prepared, as contained in Appendices, as the critical guiding document for a new planning scheme. While it has a 15-year planning horizon, it infers a long-term planning agenda towards and beyond 2050 by:

- Outlining the framework of regional and local planning strategies and policies that are applicable to the Town;
- Setting out the context and characteristics of the Town; and
- Providing high-level strategic direction for future population and employment, shopping and business activities, transport, parks, open space and other public uses and a basis for the zones, reservations and statutory provisions to be contained in a new scheme, policies and plans.

#### **DETAILS:**

The draft LPS is arranged into two parts:

Part 1, which comprises:

- The overall strategy vision, principles and objectives;
- Specific strategies and actions to deliver various desired planning outcomes; and
- Details relating to the implementation and review of the LPS.

Part 2, which comprises background information and analysis, including:

- The purpose of the LPS and the steps involved in its development;
- The State, regional and local planning context; and
- A profile of the Town and its key planning issues and the factors that have influenced the direction of the LPS.

This approach follows the recommended structural format for planning strategies set out in the WAPC's Planning Manual. Despite the Manual's guidance, there is considerable room for varying approaches to be adopted in respect to the style and content of planning strategies. Planning strategies prepared by other local governments in recent times vary significantly in their approach, particularly in respect to the manner in which recommendations for land use zoning and density codes are detailed.

For example, planning strategies for the Cities of Belmont, Canning and Joondalup contain recommendations that identify specific areas for recoding for higher density, whereas the strategy for the City of Melville has a wider focus on broad planning principles and initiatives.

The Town's draft LPS is more aligned to the Melville approach than to the style of the Belmont, Canning and Joondalup strategies. It is anticipated that detailed provisions for land use, built form and residential density changes will be addressed in the drafting of the new local planning scheme and future precinct-specific master plans, place plans and policies.

Consistent with Town's Strategic Community Plan 2017-2032, the vision of the draft LPS is for the Town to be a dynamic place for everyone that is:

- Home to Perth's most empowered and engaged community;
- Perth's premier place for entertainment and entrepreneurship;
- A leader in sustainability;

- Somewhere that people come first in urban design and safety; and
- Inclusive and connected, with a thriving community.

Various strategies and actions to achieve the vision are arranged under the following headings:

- Economy, Employment and Activity Centres;
- Population and Housing;
- Urban Design and Heritage;
- Recreation and Open Space;
- Community Facilities;
- Tourism and Visitors;
- Environment;
- Transport; and
- Infrastructure Services.

**Legal Compliance:**

The draft LPS has been prepared and will need to be progressed and considered in accordance with the provisions of Part 3 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Should Council adopt the draft LPS, it will need to be forwarded to the WAPC for approval to be advertised for public comment. Following consultation, Council will have the opportunity to address any feedback received before resolving whether to finalise the LPS and seek final WAPC approval.

**Policy Implications:**

The Town’s Local Planning Policies and other operational policies may require review to ensure alignment with the finalised LPS.

**Risk Management Considerations:**

<b>Risk &amp; Consequence</b>	<b>Consequence + Rating</b>	<b>Likelihood = Rating</b>	<b>Overall Risk Analysis</b>	<b>Mitigation / Actions</b>
<b>Reputational.</b> Negative public perception towards the Town may result from some elements of the draft LPS.	Moderate	Likely	High	Community consultation about the project.

**Strategic Plan Implications:**

The content of the draft LPS has been informed by the values, vision, mission and strategic outcomes detailed the Strategic Community Plan.



**Financial Implications:**Internal Budget:

Sufficient funds are set aside in the Strategic Planning service unit budget to progress the draft LPS to finalisation, including the required community consultation phase and ultimate publication.

Total Asset Management:

Nil

**Sustainability Assessment:**External Economic Implications:

Promotion of economic growth opportunities for the Town is a key component of the draft LPS.

Social Issues:

Providing for the social needs of the community is a key component of the draft LPS.

Cultural Issues:

The draft LPS recognises the cultural diversity of the Town.

Environmental Issues:

Protection and enhancement of the environment is a key component of the draft LPS.

**COMMENT:**

The strategies and actions of the draft LPS align with the Town's ambition for transformation over time as dynamic inner city destination, in line with the State Government's land use planning and transport agenda, the objectives of *Perth and Peel @ 3.5 Million* and the Strategic Community Plan, by providing for:

- Significant population and employment growth by 2050 (and beyond);
- The Town to be a regional employment destination facilitated by significant commercial opportunity (existing and proposed) with improved connectivity; and
- The planned development of four station precincts linking to Albany Highway.

More specifically, the Town is planning for an ultimate population in the order of 110,000 persons (currently 39,024) with an employment potential of up to 99,000 jobs (currently 34,732) that can be accommodated in predominantly medium and high density urban environment (up to 60% of the Town) with commercial floor space over 556,000m<sup>2</sup> (and growing), rivalling other metropolitan employment destinations. Combined with the 'specialised' activity generated by the new Perth Stadium and Burswood Peninsula developments at Belmont Park and Crown, as well as the Curtin University precinct and activation of four station precincts and their linkage to the iconic 3.4 km Albany Highway strip, the potential exists for the Town to create a high functioning (live/work/play), inner city urban environment that meets the expectation of its vision, is unique in the Perth metropolitan context and appropriately responds to the challenges of a growing capital city and state.

From a regional perspective, the achievement of this planning ambition will necessitate an alignment of State policy enabling planned growth to occur. In particular, the *State Planning Policy 4.2 – Activity Centres for Perth and Peel* is currently under review by the Department of Planning. The review is long awaited and provides an opportunity to appropriately designate centres of activation across the metropolitan region, provide flexible parameters that encourage intensification of the central sub region, promotes dense living in well planned environments and reduce car usage through connections to accessible public transport. The Town has these attributes and the draft LPS and supporting Activity Centres Strategy (ACS) provide analysis and rationale for seeking strategic variations to SPP 4.2, which in brief:

- Designate the Burswood Peninsula as a *Specialised Activity Centre* given its regional significance as an area of employment, tourism and recreation;
- Designate the Albany Highway (entire length though the Town) as a *Secondary Centre* incorporating six nodes each with its own identity and character, three of which will link directly to the proposed station precincts. The Albany Highway main street has many virtues in support of its designation as a Secondary Centre including a total floor space of 206,561m<sup>2</sup> (2015) of which 56,129m<sup>2</sup> is retail/shop (larger than the designated Secondary Centre at Belmont), 42,126m<sup>2</sup> of office/business, 51,125m<sup>2</sup> is other retail (balance floor space is made up of entertainment, health, service industry uses). The land use mix of Albany Highway provides an impressive ‘diversity’ performance target of 58% well above the 40% recommended in the policy for secondary centres. Outside of policy and in support of the tourism potential of the Town, the Albany Highway is known to be the longest main street in the southern hemisphere;
- Identify the Causeway Precinct as a *District Centre* in the policy hierarchy. The Causeway Precinct currently supports 86,775m<sup>2</sup> of commercial activity and has enviable assets, notably its location on the city’s doorstep and sweeping river and parkland aspect. Such advantage will be capitalised upon for more intensive residential and office/commercial development in time; and
- Work with the State government in support of the progressive Metronet program part of which involves upgrades to Oats Street station, which will be the first of the four town stations to be subject of a planning investigation to create a transit orientated development (TOD) with linkage to the Albany Highway employment, entertainment and tourism node. At this stage broad scoping suggests the precinct could accommodate (in time) 3,600 dwellings, commercial floor space of 135,000m<sup>2</sup> employing 4,335 persons based on TOD principles. Whilst considerable planning work in urban design, economic analysis, infrastructure provision, public realm upgrades is yet to be undertaken and the commensurate statutory provisions put in place, ensuring the awareness of the Town’s planning intentions and of its preparedness to work together with all stakeholders to achieve mutually beneficial outcomes is also critical.

#### Community and Other Stakeholder Engagement and Consultation

Many of the key themes contained in the draft LPS had their origins in the Evolve community engagement process and were encapsulated in the Town’s Strategic Community Plan. Since then, in formulating the content of the draft LPS, Town staff have liaised with staff of the Department of Planning, Lands and Heritage to engender broad support for the intended approach. Similarly, there have been briefings of Elected Members to ensure general acceptance of the planned direction, as well as Town staff briefings and workshops.

In the event that the WAPC certify that the draft LPS is suitable to be advertised for public comment, the following consultation approach is planned:

*Advertising methods prescribed by the Planning and Development (Local Planning Schemes) Regulations 2015:*

- Notice provided in local newspaper advertisements;
- Notice and static display of the draft LPS in the Town's Administration Centre;
- Notices provided to various public authorities;
- Notice and display of the draft LPS on the Town's website; and
- Static display at the office of the WAPC;

The Regulations require the period for making submissions to be not less than 21 days, however it is considered more appropriate than at least 42 days be provided.

*Additional consultation methods*

- Social media presence;
- Digital online engagement through the *Your Thoughts* website;
- Community information sessions; and
- Referral of the draft LPS to neighbouring local governments;

#### **CONCLUSION:**

The draft LPS sets out a high-level, long-term planning direction for the Town and has been informed by an analysis of the Town's context in the State, regional and local planning framework and the strategic direction provided by the Town's Strategic Community Plan. It sets a vision, in addition to objectives, strategies and actions, aimed at enabling future growth and transformation of the Town to become a dynamic place for at least 75,000 residents and 99,000 workers by 2050.

Approval by Council and the Western Australian Planning Commission (WAPC) to consult on the draft LPS will enable the Town to continue the dialogue it commenced with the community through the Evolve project and allow further engagement on its future planning direction.

#### **ADDITIONAL COMMENTS:**

The draft LPS content was based on the extensive community engagement that occurred via the Evolve process that informed the Town's Strategic Community Plan. This involved a pre-engagement process beginning in November 2015 finishing in November 2016 that included:

1. 4 surveys (with 500 responses);
2. 100 workshops (with 350 people and 2,700 participant hours);
3. Pop up engagement activities (with 160 people contributing); and
4. Digital online engagement (with 300 engaged participants).

Land use planning related themes focussed on during the Evolve engagement included:

1. Where to best accommodate higher density residential development;
2. Retention of Town heritage and character;
3. Building design;
4. Public open space;
5. Integration of development and public transport;
6. Activation of Town centres;
7. Community facilities and safety;
8. Access and parking; and
9. Sustainability initiatives.

The population forecasts of approx. 75,000 by 2050 are based on the requirement for 19,400 additional dwellings as prescribed by the state planning document *Central Sub-regional Planning Framework*. The WAPC are not likely to support a LPS that does not meet this target.

Given the current Local Planning Scheme and the areas subject to approved structure plans and master plans, the Town has the capacity reach over 35,321 total dwellings by 2050.

Scope exists for the Town's population to further increase to around 110,000 once all development that is currently anticipated is complete, though this is not expected to occur until sometime after 2050.

#### **RECOMMENDATION/S FROM THE FUTURE PLANNING COMMITTEE:**

1. **That Council, pursuant to section 12 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forwards the draft Local Planning Strategy, as contained within the appendices, to the Western Australian Planning Commission to certify its suitability to be advertised for public comment.**
2. **That Council, upon the Western Australian Planning Commission certifying that the draft Local Planning Strategy is suitable for public comment, undertakes consultation pursuant to section 13 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the additional methods outlined in this report.**

## 14.7 Recommendation from the Future Planning Committee - Adoption of the City of South Perth and Town of Victoria Park Joint Bike Plan

<b>File Reference:</b>	TAT/4/5
<b>Appendices:</b>	Yes
<b>Attachments:</b>	No

<b>Date:</b>	7 June 2018
<b>Reporting Officer:</b>	H. Boyd
<b>Responsible Officer:</b>	B. Killigrew
<b>Voting Requirement:</b>	Simple Majority

### **Executive Summary:**

**Recommendation – The Future Planning Committee recommends Council adopts the City of South Perth and Town of Victoria Park Joint Bike Plan, as contained within the Appendices.**

- The Joint Bike Plan aims to set out the long term vision for the strategic cycling network covering the City of South Perth and Town of Victoria Park area, in line with the State Government's Perth and Peel Transport Plan for 3.5 million People and Beyond;
- The City of South Perth and Town of Victoria Park Joint Bike Plan outlines a five-year action plan for specific improvements to the cycle network and environment for each local government to further investigate and implement;
- This is the first Joint Bike Plan in Western Australia and will be an example of Local Government Authorities working collaboratively to produce positive outcomes;
- An extensive communication and stakeholder engagement strategy was undertaken by the City of South Perth and Town of Victoria Park.

### **TABLED ITEMS:**

Nil

### **BACKGROUND:**

At the Ordinary Council Meeting on the 11 April 2017, Council accepted the Perth Bicycle Network Local Government Grant funding for the 2016/2017 and 2017/2018 financial year totalling \$25,000, as approved by the Department of Transport, for the development of City of South Perth and Town of Victoria Park Joint Bike Plan.

A Request for Quote (RFQ) was administered by City of South Perth with assistance by the Town of Victoria Park to appoint a qualified, competent and experienced consultant to assist in the delivery of the Bike Plan. Integral to the Town of Victoria Park's selection criteria was the requirement for a detailed Stakeholder Engagement Plan. Aurecon consultant was the successful proponent in the RFQ process.

As part of the development of the Joint Bike Plan, extensive consultation was undertaken with the local community, cycling groups and other key agencies. The marketing and promotion of the community engagement activities were carried out jointly by the City of South Perth and Town of Victoria Park.

The local community were invited to provide feedback on their cycling journey via an online questionnaire, online mapping tools and community workshops. This provided the opportunity to identify common routes, existing issues, barriers to cycling, and desired locations to improve or provide additional facilities and infrastructure.

Throughout the development of the Plan, several stakeholders were consulted, including state government agencies, adjacent local government authorities, Curtin University and local cycling groups.

Technical Officers at the City of South Perth and Town of Victoria Park were also consulted to ensure the Joint Bike Plan aligns with local strategies and future projects.

The draft Joint Bike Plan was available for public comment from 19 February until 12 March 2018. Key stakeholders, bicycle user groups, over 3,000 residents, workers and regular bicycle commuters who had registered their interest in the development of the draft Joint Bike Plan were invited to provide their feedback for Council's consideration.

The release of the draft Joint Bike Plan was also reported through various media outlets including The Southern Gazette, Council newsletters, Council websites, Council online engagement portals, social media and bicycle user group websites.

A total of eight submissions were received. All submissions were analysed by the network consultant to determine what changes were needed to be made to the draft Joint Bike Plan. All submissions received were in support of the draft Joint Bike Plan.

#### **DETAILS:**

The City of South Perth and Town of Victoria Park's draft Joint Bike Plan has been developed as part of the two Local Government Authorities commitment to improving cycling infrastructure in the two areas by linking peripheral connections and recognising that these improvements will offer a more sustainable and active transport alternative.

The first key component of the Plan is the establishment of the long term aspirational cycle network, i.e. what the cycle network within the City of South Perth and Town of Victoria Park endeavours to look like by the time Perth's population grows to 3.5 million (towards the year 2050).

The second key component of the Plan is the establishment of a five year action plan for each Local Government Authority. The action plan identifies key cycle infrastructure projects to be further investigated and delivered by each Local Government Authority. A total of 13 key infrastructure projects are proposed for delivery.

#### **Legal Compliance:**

All works undertaken will comply with Austroads Guidelines and relevant Australian Standards relating to bicycle infrastructure.

#### **Policy Implications:**

##### **Asset Management – Infrastructure**

Development and implementation of the Joint City of South Perth and Town of Victoria Park Bike Plan is aligned with the objectives set out in the Asset Management – Infrastructure Policy ENG14.

**Public Participation Policy**

Development and implementation of the Joint City of South Perth and Town of Victoria Park Bike Plan is aligned with the framework set out in the Public Participation Policy GEN6.

**Risk Management Considerations:**

<b>Risk &amp; Consequence</b>	<b>Consequence + Rating</b>	<b>Likelihood = Rating</b>	<b>Overall Risk Analysis</b>	<b>Mitigation/Actions</b>
<p><b>Reputational.</b> Co-ordination of projects across municipal boundaries – E.g infrastructure not linking on strategic routes as a result of timing or poor communication between major stakeholders</p>	Moderate	Likely	High	Send copy of the endorsed Joint City of South Perth/Victoria Park Bike Plan to major stakeholders including program of upcoming works that may impact co-ordination.
<p>Currently, there is limited funding allocated towards Bike Plan Projects.</p>	Minor	Likely	Moderate	Consider minor budget in 2018-19 financial for detailed design and scoping – Commence preparing business cases for high impact projects.
<p>Adverse effects – Mainly loss of on-street parking.</p>	Moderate	Likely	High	Commence preparing business cases for high impact projects.
<p>Not all residents participated in the engagement of the Bike Plan and may oppose any future treatments proposed.</p>	Moderate	Likely	High	Its very difficult to obtain feedback from all ratepayers/stakeholders. As projects develop and more detailed information becomes available, Council staff to undertake focussed engagement rather than area wide to target implementation programs.

**Strategic Plan Implications:**

The Town's vision is a dynamic place for everyone.

**Strategic Plan Outcomes:**

Social – to promote sustainable, connected, safe and diverse places for everyone.

- S1: A healthy community.
- S3: An empowered community with a sense of pride, safety and belonging.

Economic – to promote sustainable, diverse, resilient and prosperous places for everyone.

- EC2: A clean, safe and accessible place to visit.

Environment – to promote sustainable, connected, safe and diverse places for everyone

- 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.

Civic Leadership – To show leadership by communicating with, empowering and supporting people in the community.

- CL1: Everyone received appropriate information in the most efficient and effective way for them.
- CL2: A community that is authentically engaged and informed in a timely manner.
- CL3: Well thought out and managed projects that are delivered successfully.
- CL4: Appropriate information management that is easily accessible, accurate and reliable.
- CL7: People have positive exchanges with the Town that inspires confidence in the information and the timely service provided.
- CL10: Legislative responsibilities are resourced and managed appropriately, diligently and equitably.

**Integrated Movement Network Strategy**

The Town of Victoria Park's Integrated Movement Network Strategy (IMNS) promotes improved cycling infrastructure in order to encourage greater uptake of cycling to complement community wellbeing and safe, attractive streetscapes which are key result areas of the Town of Victoria Park's Strategic Community Plan.

**Financial Implications:**Internal Budget:

Funding will be proposed and considered in future budgeting as per the Joint Bike Plan recommendations.

Total Asset Management:

The Joint Bike Plan projects implemented over the next five years will form part of the Town of Victoria Park's road assets new and renewal to be included in the maintenance regime in the operational area. Total asset management assessment will take place during budget consideration.

**Sustainability Assessment:**External Economic Implications:

Improved cycling infrastructure is likely to yield results in terms of positive outcomes for cyclists and a corresponding increased use of bicycles for transport. It is hoped this will have



a positive effect on the businesses and services within the Town as more people view the Town of Victoria Park as a Local Government Authority committed to infrastructure supporting alternative modes of transport.

Social Issues:

An increase in cycling within the Town will improve the health and wellbeing of community members and assist in developing more people-friendly neighbourhoods. With fewer cars and more people on the streets, a greater sense of community is developed. People on bicycles tend to engage with other cyclists and pedestrians in a different way to those in cars. Cycling also provides a cost efficient and sustainable form of transport.

Cultural Issues:

The close proximity of the Town to Perth City and good connectivity to public transport mean that a mode shift is possible from single car occupants to cyclists for many trips. Improved cycling infrastructure is critical to this mode shift. Travel behaviour change to increase cycling within the Town relies on good cycling infrastructure.

Environmental Issues:

Continuing to provide safe and efficient cycling facilities will encourage and facilitate more use of bicycles, rather than vehicles, for commuting, transport or recreational journeys. Reducing vehicle dependency will help reduce vehicle emissions and vehicle noise.

**COMMENT:**

The adoption and implementation of the Joint Bike Plan will provide positive impacts for the community in terms of health, social, economic and environmental benefits for those who live, work and visit the Town of Victoria Park.

**CONCLUSION:**

The Joint Bike Plan aims to set out the long term vision for the strategic cycling network over the City of South Perth and Town of Victoria Park area, in line with State Government's Perth and Peel Transport Plan for 3.5 million People and Beyond.

This is the first time two local governments have worked together to deliver a Joint Bike Plan in Western Australia, providing an excellent opportunity for consistent outcome's and benefits for the wider community.

**RECOMMENDATION/S FROM THE FUTURE PLANNING COMMITTEE:**

**That Council adopts the City of South Perth and Town of Victoria Park Joint Bike Plan as contained within the Appendices.**

## 14.8 Recommendation from the Future Planning Committee - Proposed Amendment to St James – East Victoria Park Suburb Boundary

<b>File Reference:</b>	GOV/3/0001~02
<b>Appendices:</b>	No.
<b>Attachments:</b>	No

<b>Date:</b>	18 May 2018
<b>Reporting Officer:</b>	T. McCarthy
<b>Responsible Officer:</b>	B. Killigrew
<b>Voting Requirement:</b>	Simple Majority

### Executive Summary:

**Recommendation – The Future Planning Committee recommends that Council endorses the proposal to amend the suburb boundary between St James and East Victoria Park, between Berwick Street and Jarrah Road such that the amended boundary will be realigned to the centre of Hill View Terrace.**

- Geographic Names Landgate be requested to approve amendment to the suburb boundary between St James and East Victoria Park.

### TABLED ITEMS:

Nil

### BACKGROUND:

A resident of Jarrah Road, East Victoria Park, has contacted the Town and Elected Members to request that the suburb boundary between St James and East Victoria Park, between Berwick Street and Jarrah Road, be adjusted such that the amended boundary will be realigned to the centre of Hill View Terrace. The proponent has suggested that Hill View Terrace is the natural boundary between St James and east Victoria Park.

### DETAILS:

The boundary separating the suburbs of St James and East Victoria Park, between Berwick Street and Jarrah Road, currently meanders around the rear of the residential properties on the north side of Hill View Terrace between Berwick Street and Devenish Street, then along Playfield Street, then around the rear of properties on the north side of Pallitt Street, and then along Jarrah Road to Hill View Terrace. It is not known how the current boundary alignment was determined, and the suggested re-alignment does appear to have logic.

### Legal Compliance:

Suburb boundaries are administered by Geographic Names Landgate and any changes to the boundary of a suburb must be approved by Geographic Names Landgate.

### Policy Implications:

Nil

**Risk Management Considerations:**

<b>Risk &amp; Consequence</b>	<b>Consequence + Rating</b>	<b>Likelihood = Rating</b>	<b>Overall Risk Analysis</b>	<b>Mitigation/Actions</b>
There may be some minor inconvenience to mail deliverers, taxi services and delivery services.	Low	Low	low	Affected property owners have all been consulted. If the proposed boundary amendment is approved by Council and by Geographic Names Landgate, the amendment will be publicised and affected property owners and residents will be notified.

**Strategic Plan Implications:**

Nil

**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 owners of properties who would be affected by the proposed boundary change were consulted and invited to submit comment on the proposal. Of the 50 owners contacted, 25 responses were received. 23 of the responses received indicated support for the proposed boundary change.

Responses in support of the proposed boundary change:

ADDRESS	OWNER'S COMMENT
43 Creaton Street	It just makes sense to have the boundary on a major road rather than on a tiny side street (Pallitt Street). We are also tired of utilities etc. who cannot concur which suburb we are in – EVP or St James! Cheers.
45 Creaton Street	We the owners of 45 Creaton Street St James agree with the proposal to change the boundary as outlined in the letter we received from the Town of Victoria Park. We fully support the proposal.
51 Creaton Street	Agree
55 Creaton Street	Good idea
57 Creaton Street	Agree
1 Fred Bell Parade	RSL. Happy for this to occur.
45 Hill View Terrace	Agree
47 Hill View Terrace	I think this is a fantastic idea. We experience confusion on a regular basis over our current address. This proposed change would simplify the boundary delineation.
53 Hill View Terrace	I wish to inform you that I, the owner of 53 Hill View Terrace, AGREE with the proposal to amend the suburb boundary between East Vic Park and St James, between Berwick Street and Jarrah Road such that the amended boundary for that section will be realigned to the centre of Hill View Terrace.
65 Hill View Terrace	We, the owners of 65 Hillview Terrace agree with the proposal to amend the suburb boundary between East Victoria Park and St. James, between Berwick St. and Jarrah Rd. such that the amended boundary for that section will be realigned to the centre of Hill View Terrace. YES. Please take all steps necessary to expedite this Process.
121 Hill View Terrace	We agree that the proposal is logical and makes sense.
123 Hill View Terrace	Seems like an excellent idea!
110 Jarrah Road	We the owners of 110 Jarrah Rd are in favour with the proposal to amend the suburb boundary from St James to East Vic Park.
112 Jarrah Road	We are in favour of the boundary realignment due to the following reasons: <ul style="list-style-type: none"> <li>• This is a more simple way to break up the suburbs.</li> <li>• This is the Council boundary and as such they will match. we are already part of Town of Victoria Park.</li> <li>• It may have a positive affect on the property value.</li> </ul>
116 Jarrah Road	This will be fantastic news
118 Jarrah Road	I the owner of 118 Jarrah Road St James WA 6102 are in favour of the proposed amendment to change the suburb boundary between EVP and St James.
120 Jarrah Road	I think it is a great idea

122 Jarrah Road	I would love the boundary changed to the middle of Hill View Terrace. It makes sense in so many ways. It looks so much more sensible down Hill View Terrace rather than zigzagging behind houses. Also the large flow of traffic down Hill View is a natural border between the two suburbs.
124 Jarrah Road	Agree
126 Jarrah Road	I've always thought that that is where the suburban boundary should be.
3 Pallitt Street	It makes sense to amend the boundary of East Vic Park to Hill View Tce. Current arrangement creates confusion and difficulty in giving address details to people.
4 Pallitt Street	As co-owners of 4 Pallitt St, we vote in favour of the proposed change, effectively changing our property's address to East Vic Park.
5 Pallitt Street	We agree to this! Very logical! Thank you.

Responses not in support of the proposed boundary change:

ADDRESS	OWNER'S COMMENT
49 Creaton Street	<p>Re proposed boundary change.</p> <p>My wife and I purchased block No. 151 Creaton Street and built our current residence almost 60 years ago. At that time we were advised that our address would be in East Victoria Park PC 6101. Some years later we were advised that our area would be known as St. James PC 6102.</p> <p>Each time these changes have been made we have suffered the stress of having to change all our legal documents, plus drivers licence etc.</p> <p>In view of above matters we cannot see any logical or necessary reason to change present boundary back to East Victoria Park. We are definitely against further change.</p>
114 Jarrah Road	<p>We have lived at this address for 24 years and to change the suburb boundary would mean a total change of all our contact details. Who will pay for all our legal document changes? (passport, drivers licence insurance etc.)</p> <p>And what is the real reason to change the boundary/suburb name change?</p> <p>We would like to remain residents of St. James.</p>

In respect to the objections raised by the owners of 49 Creaton Street and 114 Jarrah Road, it is recognised that there may be some inconvenience in amending address details. However amendments need not all be done immediately as there will be no amendment to house numbers or street names, and utility authorities will be notified of the change if it is approved.

**CONCLUSION:**

The proposed amendment to the suburb boundary between St. James and East Victoria Park between Berwick Street and Jarrah Road by shifting the boundary to the centre of Hill View Terrace is recommended as the proposed alignment is a logical location for the suburb boundary and is in accordance with the principles outlined in the Geographic Names Landgate *"Policies and Standards for Geographical Naming in Western Australia."* Additionally, the proposed amendment is supported by the majority of affected property owners who provided feedback on the proposed amendment.

**RECOMMENDATION/S FROM THE FUTURE PLANNING COMMITTEE:**

That:

1. **Council approves the proposal to amend the suburb boundary between St James and East Victoria Park, between Berwick Street and Jarrah Road such that the amended boundary will be realigned to the centre of Hill View Terrace.**
2. **The proposal to amend the suburb boundary between St James and East Victoria Park, between Berwick Street and Jarrah Road such that the amended boundary will be realigned to the centre of Hill View Terrace, be submitted to Geographic Names Landgate for approval.**



## 14.9 Recommendation from the Future Planning Committee - Proposed Closure of Right of Way Bounded by Grantham Place, Harris Street, Mercury Street and Star Street (ROW17)

<b>File Reference:</b>	ROA/28/0017
<b>Appendices:</b>	No.
<b>Attachments:</b>	No.

<b>Date:</b>	12 June 2018
<b>Reporting Officer:</b>	T. McCarthy
<b>Responsible Officer:</b>	B. Killigrew
<b>Voting Requirement:</b>	Simple Majority

<b>Executive Summary:</b>	
<b>Recommendation – That the Future Planning Committee recommends Council refuse the request to consider closure and disposal of the Right of Way bounded by Grantham Place, Harris Street , Mercury Street and Star Street (ROW17).</b>	
<ul style="list-style-type: none"> <li>• Portion of the Right of Way (not the subject of this report) has been previously been closed.</li> <li>• The owner of 42A Mercury Street has requested closure of the Right of Way.</li> <li>• The owner of 1 Harris Street has submitted an objection to the proposed closure of the Right of Way.</li> </ul>	

### TABLED ITEMS:

Nil

### BACKGROUND:

The owner of 42A Mercury Street, Carlisle, has made a request to the Town that the Right of way bounded by Grantham Place, Harris Street, Mercury Street and Star Street (ROW17) be considered for closure and disposal of the closed land.

Portion of ROW17, between Grantham Place and the western boundary of 7 Harris Street, was closed in 1994. It is understood that the remaining portion, the subject of this report, remained open due to an objection to closure lodged at the time by the then owner of 5 Harris Street. In considering a request for closure of a Right of Way, the Minister for Lands will generally not remove the rights of carriageway of those owners of adjoining properties who have the benefit of rights of carriageway under Section 167A of the *Transfer of Land act 1893*. This would have been the case when the previous request for closure was considered by the City of Perth in 1994 and resulted in closure of portion of the Right of way, rather than closure of the whole length of the Right of Way.

### DETAILS:

The subject ROW is 5.03 metres wide. It is owned by Cyril Ernest Peet, Mabel Peet and the Perpetual Trustees and Agency Co WA Ltd on Certificate of Title Volume 2209 Folio 943. It is unconstructed but is trafficable and is used occasionally with access via a sealed crossover from Mercury Street.



The subject ROW and affected adjoining properties are zoned Residential R30 in the Town of Victoria Park Town Planning Scheme No. 1.

**Legal Compliance:**

Any closure of a ROW needs to comply with the process detailed in Section 52 of the *Land Administration Act 1997*. Prior to any request for closure of a Right of Way being presented to the Minister for Lands for consideration, the local government is required to consult with owners of adjoining properties, providing details of the proposed closure and inviting comment on the proposal.

**Policy Implications:**

The subject ROW is currently classified as *“Portion to remain open and ultimately be constructed”* under the R.O.W. Strategy Plan previously endorsed by Council.

**Risk Management Considerations:**

<b>Risk &amp; Consequence</b>	<b>Consequence + Rating</b>	<b>Likelihood = Rating</b>	<b>Overall Risk Analysis</b>	<b>Mitigation/Actions</b>
If the Right of Way were to be closed and disposed of, some adjoining owners would lose the right of carriageway they currently have, and their occasional use of the Right of Way for access would no longer be available.	Low	Low	Low	Affected property owners have all been consulted and are aware of the right of carriageway implications if the Right of Way were to be closed and disposed of.

**Strategic Plan Implications:**

Nil

**Financial Implications:**

Internal Budget:

Nil

Total Asset Management:

If the subject Right of were to be closed and disposed of, the Town would not be liable for any future construction or maintenance costs for the Right of Way.

**Sustainability Assessment:**

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

All owners of properties who would be affected by the potential closure and disposal of the Right of Way were consulted and invited to submit comment on the proposal. Of the eight property owners contacted, six responses were received. Five of the responses received indicated support for the proposed closure and disposal of the Right of Way. One of the responses received indicated objection to the proposed closure and disposal of the Right of Way.

Responses in support of the proposed closure and disposal of the Right of Way:

ADDRESS	OWNER'S COMMENT
7 Harris Street	No comment submitted.
1/3 Harris Street	No comment submitted.
2/3 Harris Street	No comment submitted.
10A Grantham Place	No comment submitted.
42A Mercury Street	No comment submitted.

Response not in support of the proposed closure and disposal of the Right of Way:

ADDRESS	OWNER'S COMMENT
1 Harris Street	No comment submitted.

The objection lodged by the owner of 1 Harris Street effectively prevents closure of the whole length of the Right of Way from proceeding. Owners of properties adjoining a Right of Way created on the same plan of survey have a right of access and carriageway over the Right of Way under section 167A of the *Transfer of Land Act 1893*. Closure of the whole length of the Right of Way would remove the right of access of the owner of 1 Harris Street. The cMinister for Lands would be highly unlikely to remove section 167A rights and would therefore not approve the closure of the whole length of the Right of Way.

It is therefore recommended that Council not proceed with the request for closure of portion of the subject Right of Way.

**CONCLUSION:**

It is recommended that Council not proceed with the request for closure of portion of the subject Right of Way because the owner of 1 Harris Street rights of access and carriageway over the portion proposed to be closed would be removed. It is possible to consider closure of the portion of Right of Way adjoining 1/3, 2/3 and 3/3 Harris Street, with the portion adjoining 1 Harris Street remaining open. This option is not considered practicable as it is anticipated that the adjoining property owners may not be in favour of closing a smaller portion. The option can, however, be put to the owners of adjoining properties for consideration.

**RECOMMENDATION/S FROM THE FUTURE PLANNING COMMITTEE:**

1. The request by the owner of 42A Mercury Street for Council to consider closure and disposal of the Right of Way bounded by Grantham Place, Harris Street , Mercury Street and Star Street, Carlisle (ROW17) as shown on the sketch Proposed Closure ROW17, be refused.
  
2. The owners of properties adjoining the Right of Way bounded by Grantham Place, Harris Street , Mercury Street and Star Street, Carlisle (ROW17) be consulted to determine their views on whether portion of that Right of Way could be considered by Council for partial closure as shown on the sketch Proposed Partial Closure ROW17.





**14.10 Recommendation from the Future Planning Committee - Review of Local Planning Policies 3, 4 and 5**

<b>File Reference:</b>	PLA/9/0001
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Current version of Local Planning Policy 3 ‘Non-Residential Uses in or Adjacent to Residential Areas’</li> <li>2. Current version of Local Planning Policy 4 ‘Residential Uses in Non-Residential Areas’</li> <li>3. Current version of Local Planning Policy 5 ‘Mixed Residential/Commercial Development’</li> </ol>
<b>Attachments</b>	No

<b>Date:</b>	12 June 2018
<b>Reporting Officer:</b>	R. Cruickshank
<b>Responsible Officer:</b>	R. Cruickshank
<b>Voting Requirement:</b>	Simple Majority

**Executive Summary:**

**Draft Local Planning Policies 3 and 4 as contained in the Appendices, be advertised for public comment for a minimum period of 21 days in accordance with deemed clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

- Council’s Urban Planning Business Unit have undertaken a review of all 37 Local Planning Policies (LPPs). It is intended to progressively amend and advertise a number of LPPs.
- This report deals with a review of the following LPPs :
  - LPP3 ‘Non-Residential Uses in or Adjacent to Residential Areas’;
  - LPP4 ‘Residential Uses in Non-Residential Areas’; and
  - LPP5 ‘Mixed Residential/Commercial Development’.
- In reviewing the LPPs, consideration has been given to a number of matters including: the effectiveness of the current Policies including any issues of interpretation, application and gaps or deficiencies; like Policies of other Local Governments; alignment with relevant State legislation, policy and/or guidelines (where applicable); greater clarity in the objectives of the Policies; improving the presentation of the Policies.
- It is recommended that all three (3) Policies be amended as detailed within the Officer’s Report and the Attachments, with Policies 4 and 5 to be amalgamated into a single Policy (a new LPP 4).
- It is recommended that the draft LPPs be advertised for public comments.

**TABLED ITEMS:**

Nil

**BACKGROUND:**

The subject Policies were previously Policies forming part of the Town Planning Scheme No. 1 (TPS 1) Policy Manual.

Amendment 69 to TPS 1, which was gazetted on 2 December 2016, removed the Policies as forming part of the Town Planning Scheme.

At the Ordinary Council Meeting on 9 February 2016, Council resolved to adopt a number of planning policies as Local Planning Policies, including the Policies the subject of this review.

#### **DETAILS:**

A review of all three (3) LPPs has been undertaken by Council Officers including considering:

- the effectiveness of the current Policies including any issues of interpretation, application and gaps or deficiencies;
- like Policies of other Local Governments;
- alignment with relevant State legislation, policy and/or guidelines (where applicable);
- greater clarity in the objectives of the Policies; and
- improving the presentation of the Policies.

The review of each of the Policies is summarised as follows:

#### LPP3 'Non-Residential Uses in or Adjacent to Residential Areas

Policy is presently lacking in terms of the number, and clear articulation, of its provisions, but can be amended to provide clearer, more specific requirements for non-residential uses in or adjacent to residential areas, which will contribute to the improved location and quality of non-residential development and promote reasonable streetscape and amenity outcomes.

1. Incorporate standardised formatting changes consistent with all other reviewed policies.
2. Incorporate minor grammatical and formatting changes.
3. Expand the policy Introduction and Aim to more comprehensively explain and justify the basis of the Policy.
4. Separately title/list the Policy Clauses according to the aspects/matters they are dealing with (i.e. 'Landscaping', 'Privacy', 'Fencing' etc.)
5. Include expanded traffic impact provision having regard to the WAPC's Traffic Impact Assessment Guidelines.
6. Insert new provision relating to the preferred location.
7. Insert new provision relating to front setback requirements on residential zoned land to be as for residential development under adopted Council Policy (rather than R-Codes as is stated presently).
8. Alter provision relating to side setbacks, such that a R-Codes setback applies to any neighbouring residential zoned property (not only if the non-residential development is located on Residential zoned land as is stated presently).
9. Policy to refer to Council's Boundary Walls policy in relation to side setback requirements.
10. Insert new provision relating to the ability for Council to apply conditions of approval related to scale or operations, operating hours, deliveries, etc.
11. Include new provision explicitly relating to visual privacy and protection of residential amenity from overlooking from adjoining non-residential development.

12. Expand landscaping requirement, to reference the landscaping requirements of the car parking policy and specify a minimum landscape buffer between car parking areas and the front boundary, as well as provision of landscaping down the length of any vehicular access leg abutting a residential property boundary
13. Insert provision relating to signage requirements (design to minimise amenity impacts in surrounding residences) and provision of a signage strategy where final details are unknown.
14. Include new general provision relating to CPTED principles. It is also recommended that the Council adopt a new stand-alone LPP relating to CPTED.

#### LPP4 'Residential Uses in Non-Residential Areas'

1. Incorporate standardised formatting changes consistent with all other reviewed policies.
2. Consolidate policy with Local Planning Policy 5 'Mixed Residential/Commercial Development' to form new combined Local Planning Policy 4 'Mixed-Use Development and Residential Uses in Non-Residential Areas'.
3. Incorporate minor grammatical and formatting changes as identified in the Tracked Changes version of the Policy.
4. Expand the policy Introduction and Aim to more comprehensively explain and justify the basis of the Policy.
5. Other changes as identified under Local Planning Policy 5 review, relating to mixed use (residential/commercial) development.

#### LPP5 'Mixed Residential/Commercial Development'

Changes as per LPP4 above.

A copy of the proposed draft revised Policies are contained as an Attachment to this report. For comparison, the current and operative versions of the Policies are contained as Appendices.

#### **Legal Compliance:**

##### Local Planning Policies

The amendment of a Local Planning Policy is to be undertaken in accordance with deemed clauses 4 and 5 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 proposed draft revised Policies provide greater clarity in the objectives, application and applicable requirements, and form part of a review of all of the Town's LPPs.



**Risk Management Considerations:**

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Application of Policies which could be clearer in their intent, and in some instances could have been more effective if clearer and containing additional requirements	Moderate	Likely	Low	Support the proposed draft revised Policies for the purposes of community consultation.

**Strategic Plan Implications:**

Environment

EN1 – Land use planning that puts people first in urban design, allows for different housing options for people with different housing needs and enhances the Town’s character.

Economic

EC1 – A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.

**Financial Implications:**

There will be a cost for advertising of the proposal in the Southern Gazette newspaper, with their being funds available to cover this cost.

**Sustainability Assessment:**

External Economic Implications:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

The relevant LPPs have been reasonably effective in dealing with the forms of development that they relate to. However it is considered that revisions should be made to further improve their effectiveness and ease of use and understanding by members of the public.

It is recommended that the Future Planning Committee recommend to Council that draft revised Policies 3 and 4 as attached to this report, be advertised for public comment. A further report will be presented to Council in the future following the conclusion of the advertising period, reporting on any submissions received, and seeking a final decision from Council as to whether or not to adopt the draft Policies (in their current revised form or in a further modified form). It will be necessary at this time to also formally revoke the current Local Planning Policy 5 ‘Mixed Residential/Commercial Development’.

**RECOMMENDATION/S FROM THE FUTURE PLANNING COMMITTEE:**

**That draft revised Local Planning Policies 3 ‘Non-Residential Uses in or Adjacent to Residential Areas’ and 4 ‘Mixed Use Development and Residential Uses in Non-Residential Areas’ as contained in the Appendices, be advertised for public comment for a minimum period of 21 days in accordance with deemed clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

## 14.11 Recommendation from Future Planning Committee – Endorsement of Kensington Bushland Management Plan

<b>File Reference:</b>	ENV/10/0001
<b>Appendices:</b>	Yes
<b>Attachment:</b>	No

<b>Date:</b>	June 2018
<b>Reporting Officer:</b>	B. Nock
<b>Responsible Officer:</b>	B. Killigrew
<b>Voting Requirement:</b>	Simple Majority

### **Executive Summary:**

#### **Recommendation – That Council endorses the Kensington Bushland Management Plan.**

- Kensington Bushland is nine hectares of remnant bushland in the Town of Victoria Park. The reserve is the best preserved remnant urban bushland between the Swan and Canning Rivers, and is recognised by the State Government as a Bush Forever site.
- The Town of Victoria Park, in partnership with EcoLogical Australia, has developed a new draft management plan for the site. This is a review of the 2005 document.
- The Kensington Bushland Management Plan provides guidance to the Town on how to best protect and enhance Kensington Bushland that achieve the best possible environmental outcomes, while being cognisant of the surrounding land use.
- Recommend that Future Planning Committee recommend that Council endorse the Kensington Bushland Management Plan.

### **TABLED ITEMS:**

Nil

### **BACKGROUND:**

Kensington Bushland is nine hectares of remnant bushland in the Town of Victoria Park ('the Town'). The reserve is the best preserved remnant urban bushland between the Swan and Canning Rivers, and is recognised by the State Government as a Bush Forever site.

The Town, in partnership with EcoLogical Australia, has developed a new draft management plan for the site. This is a review of the outdated 2005 version.

The Kensington Bushland Management Plan provides a framework for the environmental management of Kensington Bushland for the next five years. It provides guidance to the Town on how to best protect and enhance Kensington Bushland to achieve the best possible environmental outcomes, while being cognisant of the surrounding land use.

Special consideration is made for the Jirdarup Bushland Precinct as a whole (which encompasses George St Reserve and Kent St Sand Pit), strategic revegetation, wildlife corridors and the creation of buffers to protect the bushland where possible, as well as fire management.

**DETAILS:**

This Management Plan has been prepared as a functional document, to allow adaptability and flexibility in management of the Kensington Bushland depending on the circumstances at the time.

Following an initial introductory section (Section 1), the context of the Reserve (Section 2) is described and the threatening processes to those identified values (Section 3) are summarised.

The last section (Section 4) outlines the Reserve management, providing a summary of previous actions that have occurred as well as outlining future management objectives and actions.

In regards to future management actions for the Reserve, some actions are specific and others are higher level. The higher level actions primarily relate to revegetation and weed control, as the Town and its contractors manage this specifically each year determining a plan based on the resources, circumstances and objectives for different areas across the municipality.

Some example recommended actions include:

- Where seedlings are to be planted, ensure seedlings are produced from a nursery accredited by the Nursery Industry Accreditation Scheme Australia (NIASA), specifically to reduce the risk of dieback introductions and weeds;
- Use accredited dieback free mulch (Australian Standard AS4454) from authorised suppliers;
- Investigate the potential impacts of groundwater draw down on mature Banksia species;
- Engage the local community (including Friends of Kensington Bushland) to assist in undertaking the planting for any revegetation projects;
- Engage with surrounding landholders to promote an integrated weed management approach to reduce weed encroachment into the Reserve;
- All potential breeding habitat trees for Black Cockatoos should be retained and prohibited from clearing. Leave dead trees standing; and
- Install a minimum of six artificial nest boxes in the large mature eucalypt trees surrounding the Reserve to encourage use by native fauna.

To assist in decision making and in prioritising recommendations to address key issues, a priority ranking system has been developed, as shown below:

Priority ranking	Definition and justification	Recommended timing
High	High priority recommendations are an essential requirement and should be implemented immediately or as soon as practical. These recommendations will enable effective management decisions to be made and guide future management.	Effective immediately (i.e. within the next year) and/or applicable throughout life of plan on an annual basis

Medium	Medium priority recommendations are important and could also be implemented when additional funding and opportunities exist.	Within the next two to three years
Low	If suitable funding and opportunities exist, these recommendations should be investigated and implemented as additional value adding components and/or to gain additional knowledge and understanding of biodiversity values.	Within the next four to five years

This Management Plan is intended to be reviewed and updated after five years in 2022.

**Consultation**

In 2017 the Town engaged community, State Government agencies, Bushcare organisations and community groups such as the Friends of Kensington Bushland, Victoria Park Urban Tree Network and Harold Rossiter Community Action Group, to help inform the Kensington Bushland Management Plan.

**Legal Compliance:**

Nil

**Policy Implications:**

Nil

**Risk management considerations:**

<b>Risk &amp; Consequence</b>	<b>Consequence + Rating</b>	<b>Likelihood = Rating</b>	<b>Overall Risk Analysis</b>	<b>Mitigation/Actions</b>
Community may become disengaged with the Plan and lose ownership.	High	Low	Medium	Community will be kept informed of action progress.  Meetings will be held with Friends of Kensington Bushland each month.
Inadequate progress	High	Low	Medium	The actions within the Kensington Bushland Management Plan will be reviewed annually to check progress. Actions will also be integrated into officer work plans.

**Strategic Plan Implications:**

In 2017, under the Town's Strategic Community Plan 2017 – 2032, the subsequent McCallum Park Foreshore Design project aligns with the following Mission statements:

- Social: To promote sustainable, connected, safe and diverse places for everyone.
  - Strategic Outcomes S1 (A Healthy Community); S3 (An empowered community with a sense of pride, safety and belonging).
- Economic: To promote sustainable, diverse, resilient and prosperous places for everyone.
  - Strategic Outcomes EC1 (A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship); EC 2 (A clean, safe and accessible place to visit).
- Environment: To promote sustainable, connected, safe and diverse places for everyone.
  - Strategic Outcomes EN6 (Appropriate, inviting and sustainable green spaces for everyone that are well maintained and managed); EN7 (Increased vegetation and tree canopy).

**Financial Implications:**Internal Budget:

Whilst many of the actions within the Kensington Bushland Management Plan do not require a budget, primarily officer time, there are a combination of low, medium and high priority actions that will require budget to implement.

However, this is not immediate, with the Kensington Bushland Management Plan implemented over the next five years.

**Sustainability Assessment:**External Economic Implications:

Nil.

Social Issues:

Through the development of the Kensington Bushland Management Plan, the Town recognises its responsibility to maintain and protect the quality of our precious bushland for the benefit of current and future generations.

Cultural Issues:

Nil

Environmental Issues:

The Kensington Bushland Management Plan will provides a framework to deliver best practice environmental management of Kensington Bushland for the next five years. Special consideration is made for the Jirdarup Bushland Precinct as a whole, strategic revegetation, wildlife corridors and the creation of buffers to protect the bushland where possible, as well as fire management.

The Plan means that management of the Kensington Bushland will not be undertaken in an ad hoc fashion, but instead as part of a broader, holistic approach.

**COMMENT:**

Once the Kensington Bushland Management Plan is endorsed by Council it will be operational and integrated into Parks work plans.

**CONCLUSION:**

By endorsing and committing to implementing the Kensington Bushland Management Plan, the Town will continue to demonstrate its commitment to protect and enhance the Kensington Bushland.

**RECOMMENDATION/S FROM THE FUTURE PLANNING COMMITTEE:**

**That Council endorses the Kensington Bushland Management Plan as contained within the Appendices.**

**15 APPLICATIONS FOR LEAVE OF ABSENCE**

Mayor Trevor Vaughan – 26 July 2018 to 2 August 2018 inclusive.

**16 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**17 QUESTIONS FROM MEMBERS WITHOUT NOTICE**

**18 NEW BUSINESS OF AN URGENT NATURE**

**19 PUBLIC QUESTION TIME**

**20 PUBLIC STATEMENT TIME**

**21 MEETING CLOSED TO PUBLIC**

**21.1 Matters for Which the Meeting May be Closed**

**21.2 Public Reading of Resolutions That May be Made Public**

**22 CLOSURE**





**DECLARATION OF  
FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT MAY AFFECT  
IMPARTIALITY**

**TO: CHIEF EXECUTIVE OFFICER  
TOWN OF VICTORIA PARK**

<b>Name &amp; Position</b>	
<b>Meeting Date</b>	
<b>Item No/Subject</b>	
<b>Nature of Interest</b>	Financial Interest* <span style="float: right;"><i>(*Delete where</i></span> Proximity Interest* <span style="float: right;"><i>not applicable)</i></span> Interest that may affect impartiality*
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

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.