

minutes

Ordinary Meeting of Council



To: His Worship the Mayor and Councillors

Please be advised that an Ordinary Council Meeting commenced at **6.30pm** on **Tuesday 9 October 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

17 October 2018

(To be confirmed 13 November 2018)

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1 OPENING

Deputy Mayor, Cr Vicki Potter opened the meeting. The Chief Executive Officer, Mr Anthony Vuleta, read the prayer.

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 the Deputy Mayor)

I acknowledge the traditional custodians of this land on which we are meeting, the Wadjuk people of the Noongar Nation and pay my respects to their past, present and emerging elders and thank them for their continued sharing of knowledge and leadership.

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

(To be confirmed 13 November 2018)**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

Presiding Member: Cr V (Vicki) Potter (Deputy Mayor)

Banksia Ward: Cr C (Claire) Anderson
Cr J (Julian) Jacobs
Cr R (Ronhhda) Potter
Cr K (Karen) Vernon

Jarrah Ward: Cr J (Jennifer) Ammons Noble
Cr B (Bronwyn) Ife
Cr B (Brian) Oliver

Chief Executive Officer: Mr A (Anthony) Vuleta

Chief Operations Officer: Mr B (Ben) Killigrew

Chief Financial Officer: Mr N (Nathan) Cain

Chief Community Planner: Ms N (Natalie) Martin Goode

Manager Development Services Mr R (Robert) Cruickshank

Senior Governance Advisor: Ms D (Danielle) Uniza

Secretary: Mrs A (Alison) Podmore

Public: 10

3.1 Apologies

3.2 Approved Leave of Absence

Mayor: Mr T (Trevor) Vaughan

4 DECLARATIONS OF INTEREST**Declaration of Financial Interests**

Nil.

(To be confirmed 13 November 2018)

Declaration of Proximity Interest

Nil.

Declaration of Interest affecting impartiality

Name/Position	Anthony Vuleta – Chief Executive Officer
Item No/Subject	10.1 - Proposed Retention of Current Ward and Representation Structure 2018
Nature of Interest	Impartiality
Extent of Interest	I am a member of the Local Government Advisory Board.

Name/Position	Ronhhda Potter - Councillor
Item No/Subject	21.1.1 – Victoria Park Youth Accommodation Inc. – outstanding lease matters – <i>confidential item</i>
Nature of Interest	Impartiality
Extent of Interest	I was on the board of the Vic Park Youth Accommodation

Name/Position	Vicki Potter – Deputy Mayor
Item No/Subject	Item 11.5 - Lot 900 Bow River Crescent, Burswood - Proposed Unlisted Use (Temporary Sales Office)
Nature of Interest	Impartiality
Extent of Interest	I am a member of the Metro Central JDAP Panel that will be determining the application for the proposed Tower on the site.

Name/Position	Claire Anderson - Councillor
Item No/Subject	Item 11.5 - Lot 900 Bow River Crescent, Burswood - Proposed Unlisted Use (Temporary Sales Office)
Nature of Interest	Impartiality
Extent of Interest	I am a member of the Metro Central JDAP Panel that will be determining the application for the proposed Tower on the site.

5 PUBLIC QUESTION TIME

5.1 Responses to Questions Raised and Taken on Notice at the Ordinary Council Meeting held on Tuesday 11 September 2018

Stuart Paull

1. With regards to Council Policy HLTH 6 Mobile Food Vendors. We have just taken on the leases for the cafes and one of those items in the new policy, where you can have up to six (6) food vendors, operating up to seven (7) days a week, 12 hours a day, is right outside of one of the cafes that we're about to sign a lease for. Could that be removed for at least the first 12 months?
- R. John McMillan Park has been removed as one of the trading areas under the draft Mobile Food Vendor policy.
2. There are three (3) sites down on McCallum Park, are you aware of the super committee that has been formed with four (4) government departments and the four (4) local councils, that has banned all trading on the foreshore, until such time, after January when they can work out exactly what they're going to do? It's the cities of Belmont, Perth, South Perth and the Town, basically cutting out all temporary trading down there. Are you acting alone, or are you part of this eight (8) group super committee with the Department of Parks and Wildlife, and the Swan River Trust?
- R. The super committee in question is Perth Water Vision Group, which comprises:
 - City of Perth
 - City of South Perth
 - Department of Biodiversity, Conservation and Attractions
 - Department of Planning, Lands and Heritage
 - Department of Transport
 - Metropolitan Redevelopment Authority
 - Tourism of Western Australia
 - Town of Victoria Park

The Perth Water Vision Group will oversee the development of a Perth Water Precinct Plan and aims to guide future improvement of the precinct, its foreshores and abutting private development interface in a more strategic and proactive manner for the wider benefit of all visitors to the area.

5.2 Responses to Questions Raised at the Ordinary Council Meeting held on Tuesday 9 October 2018

Sam Zammit

1. With regards to the laying of the new pipes along Albany Highway, has the Council made Water Corporation phone number available for these people to be possibly compensated for and loss of business; Is Council aware that the Water Corp is willing to help these people with the loss of earnings? Mr Zammit gave the number - 9420 3529.
- R. Deputy Mayor Vicki Potter said, no she wasn't personally aware of that, but thanked Mr Zammit for the information.

(To be confirmed 13 November 2018)

2. Two or three meetings ago, there was a guest here talking about a third bin for recycling green waste; considering the flats around Victoria Park, to see two (2) bins out on the verge, is quite a lot, to have three (3) is going to cause a lot of problems; can you spend more time and money educating people? Have you made a decision on that yet?
R Deputy Mayor Vicki Potter said there has been no decision made on that yet, at this point. There has been some discussion about three (3) bins, but no decision has been made.
3. Do you think we'll end up with three (3) bins and will you be consulting with the community?
R Deputy Mayor Vicki Potter said that she couldn't say but the Town will certainly consult with the community and do so for most things.
4. I used to get pleasure in mingling with the Elected Members and staff after these meetings but we have been shut off; is that purposely? Is it a change in standard?
R. Deputy Mayor Vicki Potter said no it hasn't been done purposely. The Elected Members have had a lot of other meetings, following this one. It is not an intention to keep the members of the gallery out, it is just that Elected Members aren't out there either. There has been no change in standard.

Christina Harding

1. Will the pipes be finished in time for the Christmas Pageant?
R. Deputy Mayor Vicki Potter said it was her understanding from the Elected Members Briefing Session that the pipes would be finished in November.
2. What happens if they are not? What will we do about that because normally it is at the end of November? Will we have the pageant or not?
R. The Chief Community Planner, Ms Natalie Martin Goode advised that Community Development event staff have been liaising extremely close with Water Corp. There have been many meetings and it has been impressed upon Water Corp, the importance of getting it finished by November. Through all the meetings, they have assured the Town that they will be finished by November and in the unlikely event that it is not finished in November, Ms Martin Goode said she understood there may be a contingency plan.
3. Has there been any more on the food truck situation? Have we done anything about that?
R. Deputy Mayor Vicki Potter advised that she believes there will be an Alternate Motion put later in the meeting. Deputy Mayor said that she would be moving a Procedural Motion to move that to the first item of business, so that will be handled quite quickly in the meeting.
4. Why is it necessary to have three (3) parking inspectors going at the one (1) time; down the strip there is usually three (3) parking inspectors working at the same time, which I feel is too much and they hide?
R. Deputy Mayor Vicki Potter said the Administration will look at the staffing levels.

(To be confirmed 13 November 2018)

John Gleeson

1. Can I have a list of the top 10 highest paid persons in this Council and if there are several the same with the same value, I would like them all on one list?

As this question was asking for information to be provided, it was not addressed at the meeting.

Graham Ferstat

1. Last year the Town donated \$50,000 to the Telstra Perth Fashion Festival (TPFF). The company that the Town entered into the agreement with, the FCWA, were in breach of that agreement and have admitted it was not possible to measure the local economic impact to the Town; do you think that donating \$57,000, that now has a value of \$20,000 to TPFF falls within the realms of acceptable standards with regards to community expectations and how do you intend to explain the missing \$37,000?
R. Deputy Mayor Vicki Potter said that there was some benefit in the first instance, so the \$20,000 was the balance of what it was believed that TPFF owed the Town in what they hadn't provided to the Town in the first contract. And so that was the basis in which they were providing further benefits this year at no additional cost to the Town. There certainly was things done in the first year, but it wasn't to the extent that they had promised, or what the Town expected.
2. The Town's Administration issued an order to an owner builder within the Town, to demolish a two (2) storey building, recently completed or alternatively appeal against that order to the SAT court; to what point will the Town accept responsibility for such these issues., given that the Town failed to act on this matter when it was first brought to its attention in October 2017?
R. The Chief Community Planner, Ms Natalie Martin Goode said the she and Mr Ferstat had corresponded on this matter quite a few times over the last six (6) months and I have acknowledged that the response time, in terms of building compliance, was not acceptable. Ms Martin Goode said that she absolutely agrees with Mr Ferstat. There were building compliance resource issues at the time and have now been corrected. That said, the long response time was not acceptable and she has accepted responsibility for that.

Mike Lanternier

1. Regards to Lathlain calming, I wonder how emergency vehicles are going to deal with the mass calming in the area?
R. The Chief Operations Officer, Mr Ben Killigrew said it was his recollection that many of the traffic treatments were designed at greater widths in terms of the chicanes than the minimum specified and also the number of speed humps were reduced in liaison with the community engagement that was performed to satisfy the community of the treatments. The emergency vehicles access are taken into account in the approval of these treatments by Main Roads WA on residential streets. That is taken into account at Main Roads.
2. Why did the Council put on two (2) community feedback events regarding the Lathlain calming at Lathlain Park football grounds?
R. The Chief Operations Officer, Mr Ben Killigrew advised that the Community Engagement sessions were generally held in locations near to where activities are proposed, and the Lathlain area was suitable for that.

(To be confirmed 13 November 2018)

3. Are the Councillors aware that this consultation is done with the calming at Lathlain street by street? So depending on what street you live in, you're getting the plan for that street, but we don't live in streets, we live in neighbourhoods?
- R. The Deputy Mayor, Vicki Potter reiterated that there will be an Alternate Motion coming forward when this item comes up, which might address some of the concerns.

Vince Maxwell

1. Given that the food truck policy provides a free permit period for five (5) months, would the Council consider providing a pro-rata decrease rates for businesses in the Town – a reduction to rates for restaurant businesses in the Town?
- R. Deputy Mayor Vicki Potter again reiterated that she believed there would be an Alternate Motion on this item when it comes up and that will probably answer your question at that point.
2. This food truck policy was developed by the Future Planning Committee of which you Deputy Mayor are a member. It has become quite apparent that there are a number of issues that the committee were unaware of or did not consider when developing this policy; do you agree that had these committees been opened to the public, as they were originally designed to be, the Committee would have had a much better chance of having been made aware of the issues expressed by business owners and will you now reconsider your decision and open up these policy making committees to the public?
- R. Deputy Mayor Vicki Potter said she thought Mr Maxwell would find, particularly as you have used the food truck policy as an example, there were two (2) opportunities for feedback, one (1) around January and the second one in September. After the first round, changes were made to the policy; after the second round, changes were made to the policy. From feedback received recently, more changes have been made. Cr Potter believes that if the committees had been opened to the public, there wouldn't have been the same amount of interest as there is when it comes to a Council meeting and that is from my years of experience of sitting on Council meetings.
3. Last week, I asked a question on Item 12.7 where the officer's report discounted the number of people that signed the petition based on his opinion that only one (1) person per household, could you have a say on the matter. I note that the report is unchanged in the agenda; was the answer given to me last week merely lip service "it will be looked into" meaning we will ignore your concern and do nothing about it?
- R. The Deputy Mayor, Vicki Potter advised Mr Maxwell that the report has changed since the last meeting and you'll note on page 115, there is Further Comment that discusses that point.
4. Can you tell me when that change was made, because it wasn't on the agenda that I downloaded?
- R. The Deputy Mayor, Vicki Potter said that it was changed prior to Friday morning when the OCM agenda was put up online. Further, if there is changes from the EMBS to the OCM, those changes are made quite clearly under the Further Comments heading right before the recommendation. Additional information is added before the OCM agenda is put up on the website to allow consistency between the EMBS and the OCM.

(To be confirmed 13 November 2018)

6 PUBLIC STATEMENT TIME

Christina Harding

Ms Harding made a statement reconfirming her statement from the EMBS that the road closures is causing a lot of damage to a lot of business along Albany Highway. Ms Harding also appealed to the Town to do something for the kids, like a sporting centre. We don't have anything like that for the kids and they have to go to Warwick or Belmont if they want to play in any tournaments.

Sam Zammit

Made a statement regarding zero weed killer and referred to a segment on Four Corners on Monday night and said we do have alternatives. This is banned in many countries, it has killed people, but not in Australia. We should take our own initiatives and use alternatives.

John Gleeson

I'm not sure if you realise, but most of the people in Vic Park are getting to my age and said that the future isn't going to be here for us. I would really like you to consider bringing back the future funds into the council as revenue and lower the rates.

Made a statement regarding the members of the community that attended the EMBS meeting to discuss and complain about people wanting to operate food trucks and not pay rates. This has got to be stopped.

Vince Maxwell

Made a statement regarding a comment that was mentioned, but it still ignoring four (4) people, in affect it is translating people into houses and read parts of the Further Comments section of that report.

7 CONFIRMATION OF MINUTES

RESOLVED:

Moved: Cr Anderson

Seconded: Cr Jacobs

That the minutes of the Ordinary Council Meeting held on Tuesday, 11 September 2018 be confirmed.

The Motion was Put and

CARRIED (8-0)

In favour of the Motion: Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon

8 PRESENTATIONS

8.1 Petitions

Nil.

8.2 Presentations (Awards to be given to the Town)

Nil.

8.3 Deputations (Planning / External Organisations)

Nil.

9 METHOD OF DEALING WITH AGENDA BUSINESS

RESOLVED:

Moved: Cr V Potter

Seconded: Cr Vernon

That Item 14.3 Recommendation from the Future Planning Committee: Trial of Draft HLTH6 Mobile Food Vendors (Vic Park Vendor's Policy) be dealt with as the next item of business.

The Motion was Put and

CARRIED (8-0)

In favour of the Motion: Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon

Agenda Item 14.3 is on page 188

10 CHIEF EXECUTIVE OFFICER REPORTS

10.1 Proposed Retention of Current Ward and Representation Structure 2018

File Reference:	COR/10/0008
Appendices:	1. Results of Survey 2. Community discussion paper – Review of Wards and Representation
Attachments:	No

Date:	20 September 2018
Reporting Officer:	D. Uniza
Responsible Officer:	A. Vuleta
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council retains its current ward and representation structure as a result of its 2018 review.

- In line with Schedule 2.2 of the *Local Government Act 1995* ('the Act'), the Town has recently conducted a review of its current ward boundaries and representation.
- To assist with this review, a [community discussion paper](#) was made available for public comment. The paper presented factors considered in the review, as well as potential options should the Town decide to change its current ward and representation structure.
- The requisite public consultation was held for a period of approximately seven (7) weeks from 17 July to 7 September. A total of fourteen (14) submissions were received.
- Taking into account submissions received and options as presented in the discussion paper, it is recommended that the Town's current ward boundaries be retained.

TABLED ITEMS:

Nil.

BACKGROUND:

Schedule 2.2 of the Act requires local governments with wards to conduct a periodic review of its ward boundaries and representation. The review is to be conducted in consultation with its community at least once every eight years. As part of the review, each local government is to provide local public notice advising of its intent to conduct the review, and that submissions may be made for a period no less than six (6) weeks. It is further required that the local government advises the Local Government Advisory Board ('the Advisory Board'), in writing, both its intent to review and its subsequent proposal.

A report regarding this review was presented to Council at its Ordinary Council Meeting held on 7 July 2018, where Council made the following resolution:

(To be confirmed 13 November 2018)

That Council, in accordance with clause 7 of Schedule 2.2 of the Local Government Act 1995, 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 which has been amended as a result of advice.

In line with Council's resolution and requirements of the Act, the Town has provided local public notice of its intent to review its ward boundaries and their subsequent representation for a period of 52 days. The consultation period rendered a total of fourteen submissions which were received through the Town's online community engagement tool, *YourThoughts*, in-person and via email. A submissions have been included in this report as [Appendix 1](#).

DETAILS:

The Town's current ward and representation structure is comprised of eight (8) Councillors from two (2) wards, there being four (4) Councillors representing each ward. The current Councillor to Elector ratio is as follows:

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%
Total	21,577	8	1:2697	

*Source: Western Australia Electoral Commission – October 2017

While the above ratios present some deviation, it is the posited by the Advisory Board that only deviations of +/- 10% are considered significant, and would warrant a further recommendation to the Minister to change a local government's existing wards and boundaries.

In conducting its review, the Town has considered factors of community interest, physical and topographical features, demographic trends, economic factors, and Councillor to elector ratios. The findings of this review were presented through its discussion paper which has since been submitted to Council at its 7 July Ordinary Council Meeting.

Following Council's resolution to initiate the review, the discussion paper was made available for public comment and submitted to the Advisory Board. The paper provided the following six (6) options for consideration:

Option	Description
Option 1 Maintain the current (2) ward system	Proposes retention of the Town's current ward boundaries
Option 2A Change the two (2) ward boundary	Proposes a new boundary whereby the section east of Oats Street is transferred from Banksia Ward to Jarrah Ward

(To be confirmed 13 November 2018)

Option 2B Change the two (2) ward boundary	Proposes new boundaries through a North and South split where (1) the suburb boundaries between Carlisle and Lathlain off Roberts Road and the boundary between Victoria Park and East Victoria Park of Kent Street and Miller Street will comprise of the South Ward; and (2) the remaining suburbs of Lathlain, Burswood and Victoria Park would comprise the North Ward
Option 2C Change the two (2) ward boundary	Proposes new boundaries through a North and South split with the section bounded by Shepperton Road, Miller Street, Roberts Roads, Orrong Road, Archer Street and Mint Street to comprise the proposed North Ward
Option 3 No wards	Proposes that the current ward boundaries be removed completely
Option 4 Changing the ward names	Proposes that while the ward boundaries remain the same, the names be changed to geographical locations (i.e. North and South), or that of pioneering families in the district

At the end of its consultation period, a total of fourteen submissions regarding the proposed options above were received, as follows:

- Six (6) of the fourteen submissions preferred to retain the current ward boundaries
- Four (4) preferred the 'No wards' option,
- One (1) submission supported the changing of wards to 'North' and 'South'
- One (1) submission suggested changing the boundaries
- One (1) submission supported either retention of the wards or no wards.

Additionally, five (5) of those submissions also made mention of reducing the number of Councillors. The submissions have been included in this report as [Appendix 1](#).

Legal Compliance:

Local Government Act 1995 – [Schedule 2.2, clause 6 Local government with wards to review periodically](#)

Policy Implications:

Nil

(To be confirmed 13 November 2018)

Risk Management Considerations:

The risks have been identified as outlined below:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Compliance: No noticeable regulatory or statutory impact.	Insignificant	Unlikely	Low	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%.

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:

This is the third review of the Town's ward boundaries and number of Councillors to date. The first review was conducted in 1994 which resulted in the decision of the State Government to split the City of Perth. The second review, conducted in 2010, resulted in a change to the boundary from Albany Highway to Shepperton Road between the two wards, and a change to the ward names from Carlisle to Banskia, and Victoria Park to Jarrah.

(To be confirmed 13 November 2018)

In this third round, the Town conducted an analysis of its current Councillor to elector ('Cr:Elector') ratio, alongside consideration of factors, such as community interest, physical and topographic features, demographic trends, and economic factors, to develop options for community consideration, as presented in the [discussion paper](#). A total of six options were presented for the Town's ward boundaries which ranged from retaining the current ward structure, to changing ward boundaries/ names, to abolishing the ward structure all together.

Whilst not presented as part of the six options, further information was provided regarding the possibility of reducing the number of Councillors from six (6) to eight (8). Statistically, the Town's current Cr:Elector ratio is at 1:2539 (Banksia) and 1:2586 (Jarrah). A reduction in Councillors would result in a representation ratio of 1:385 (Banksia) and 1:3808 (Jarrah).

To seek community feedback regarding information presented in the discussion paper, the Town advertised for a seven (7) week public submission period. Residents were notified regarding this review through an advert on the Southern Gazette circulated 17 July 2018, on the Town's website, the Town's FaceBook page and through the Town's online engagement tool, *YourThoughts*.

Despite using several communication platforms, the community response received was minimal and only amounted to a total of 14 submissions. Of the submissions received, 58% advocated for varying changes to the ward boundaries and 35% of the respondents advocated for the reduction in the number of Councillors. While all responses have been considered by the Town, the lack of submissions fail to produce a clear, or resounding, community desire to warrant any change to the Town's current ward and representation structure. The number of submissions received amounted to less than 0.001% of the Town's 21,577 electors, with there being even less support for change to either the Town's ward boundaries or the number of its Councillors.

As defined in Schedule 2.2, clause 2(1) of the Act, the criteria for submissions regarding ward changes to be considered by the local government should either be at least 250 in number or at least 10% of the total number of affected electors. The public consultation period has rendered only 14 responses. Apart from the low community response, it is worth reiterating that the Town's current Cr:Elector deviation of +/- 5.88% is well below the Advisory Board's 'significant deviation' threshold of 10%.

In the absence of both significant community interest and statutory requirement, there is no identified need to change the Town's existing ward and representation structure at this time. That said, with impending population growth within the Town, it is prudent to conduct a further review in the next 5-6 years to ensure that the Cr:Elector deviation does not surpass the 10% threshold, and that community representation is adequate.

CONCLUSION:

There being very little evidence to support any major changes, both from the community perspective and statutory requirement, it is recommended that the Town choose Option A which is to retain its current ward and representation structure, with a plan to review within the next 5-6 years as its population increases.

(To be confirmed 13 November 2018)

RESOLVED:

Moved: Cr Ammons Noble

Seconded: Cr Jacobs

That Council:

- 1. Supports Option A, as presented in the community discussion paper, to retain its current ward and representation structure which is comprised of two (2) wards, Jarrah and Banksia, represented by eight (8) Councillors; and**
- 2. Forwards the results of the Town's review into its wards and representation to the Local Government Advisory Board.**

The Motion was Put and

CARRIED (8-0)

In favour of the Motion: Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon

11 CHIEF COMMUNITY PLANNER REPORTS

11.1 No. 366 (Lot 2000) Albany Highway, Victoria Park – Roof Sign

File Reference:	PR18248
Appendices:	1. Site photos 2. Submitted plans 3. Supporting report 4. Main Roads Western Australia referral response.
Attachments:	No
Landowner:	Mr Richard Terhorst Vicinity Custodian Pty Ltd
Applicant:	Urbis Pty Ltd
Application Date:	19 July 2018
DA/BA or WAPC Ref:	5.2018.552.1
MRS Zoning:	Urban
TPS Zoning:	District Centre
TPS Precinct:	Precinct P11 'Albany Highway'
Use Class:	N/A
Use Permissibility:	N/A

Date:	3 October 2018
Reporting Officer:	M. Hancock
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – Refusal

- Application proposes the erection of a roof sign on the roof of the Victoria Park Central shopping centre.
- The proposed sign is directed to the north-west and would be visible to vehicles travelling in a south-east direction toward the Duncan Street and Shepperton Road controlled intersection.
- The proposed sign will incorporate third party advertising.
- The proposed sign is a digital sign, with images intended to change every 30 seconds.
- The proposed roof sign measures 4.0m in height and 12.0m in length, with a total surface area of 48m².
- The proposed roof sign will be attached to the existing plant equipment enclosure.
- Under Council's Local Planning Policy 13 'Roof Signs', such signs are generally not supported. In addition, having regard to Council's *Signs Local Law 2006*, third party advertising is also generally not supported.
- The Draft Local Planning Policy 'Signs' as advertised for public comment, identifies that both roof signs and third party advertising are non-preferred sign types.
- Council Officers have concluded that the proposed roof sign does not positively contribute to the amenity, streetscape or vehicle safety and should be refused for the reasons outlined in the report.

(To be confirmed 13 November 2018)**TABLED ITEMS:**

Nil.

BACKGROUND:

On 12 November 2002 Council approved the redevelopment of the shopping centre on the subject site. The redevelopment involved the expansion and refurbishment of the shopping centre.

On 12 July 2018 Town Officers met with a planning consultant representing the proponent to discuss a possible application for a large format digital sign being installed at the subject site. The Officers indicated that due to the nature of the development, being the first of its kind in the Town, the application would be determined by Council.

DETAILS:

A development application has been submitted to the Town for a large format digital sign located on the roof of the Victoria Park Central shopping centre at 366 Albany Highway, Victoria Park. The sign is proposed to be attached to an existing plant equipment enclosure.

Site Context

The total land area of the subject site is 1.315ha. The site is bounded by the following:

- Shepperton Road to the northeast;
- Duncan Street and commercial tenancies to the southeast;
- Albany Highway and commercial tenancies to the southwest; and
- Single storey commercial buildings and associated car parking.

The site is located within that part of the Albany Highway Precinct District Centre Zone, identified as the Victoria Park Shopping Area.

Proposed Development

The development can be summarised as follows:

- A large format digital sign located on the roof of the shopping centre, attached to the plant equipment screening.
- The proposed sign is 12.0m long, 4.0m tall and 1.1m wide.
- The plant equipment box that the sign is attached to is 2.0m in height.
- The total area of the sign is 48m² in surface area.
- The sign is single sided only, facing to the northwest along the Shepperton Road frontage of the site.
- Illumination levels of 300cd/m² at night and 6,000 cd/m² during day.
- The contents of the proposed sign is proposed to have a dwell time of 30 seconds.
- The sign will advertise products and services not available from the subject site.

The application is accompanied by a report from the applicant dated 18 July 2018 (see [Appendix 3](#)), inclusive of the following justification:

- *The location of the proposed sign is on the façade of the existing rooftop plant room which will transform a blank, unattractive structure on the existing building into a vibrant digital sign increasing the element of interest and activation to the area.*

(To be confirmed 13 November 2018)

- *Whilst the billboard will provide for third party advertising, this is within the expectations of the local context and is considered compatible within a shopping precinct and a busy urban environment.*
- *The Road Safety Assessment demonstrates that the proposal is low risk. A minor portion of the sign encroaches on the 'Device Restriction Area – Outside Road Reserve', however it is considered that the proposed sign is 'low-risk' in nature. Further, the proposed 30 second dwell time is unlikely to have any noticeable impact on road safety in comparison to the 40 second requirement.*
- *The Lighting Assessment demonstrates that the proposed level of illumination is compliant with the relevant Australia Standards, Main Roads WA guidelines and local planning policy requirements.*
- *The content of the sign can be readily changed electronically and remotely in response to a request to display emergency information or in the event of a complaint due to content. This is considered highly beneficial and an advantage over traditional static advertising signs.*
- *The refresh rate (the duration of transition between the full display of one message and the full display of the next message) will not exceed 0.1 seconds which is compliant with MRWA guidelines.*
- *All advertising standards will be adhered to including compliance with the national standards and codes of content by Advertising Standards Bureau, Australian Association of National Advertisers and the Outdoor Media Association which will manage content.*
- *The sign will provide vibrancy in an area that has limited to no night time amenity.*

Legal Compliance:

Legislation

- *Planning and Development Act 2005, s162;*
- *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 :*
 - (m) *the compatibility 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.*

In relation to the TPS 1 Precinct Plan, the following statements are relevant to the proposed development:

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

(To be confirmed 13 November 2018)

State Government Policies, Bulletins or Guidelines

- Western Australian Main Roads 'Policy and Application Guidelines for Advertising Signs'.
- Australian Standards 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Local Planning Policies and Local Laws:

- Signs Local Law 2006 (Local Law)
- Local Planning Policy 13 – Roof Signs
- Draft Local Planning Policy - Signs

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:

Relevant Provision	Requirement	Proposed	Assessment
TPS No 1 Clause 30A (2) (b)	Council may refuse to approve an application, where- The sign unreasonably distract persons driving or riding vehicles.	The sign is located along Shepperton Road on the eastern approach to the Duncan Street and Albany Highway Intersection.	Requires Council discretion – refer to Comments section below.
TPS No 1 Clause 30A (2) (c)	Council may refuse to approve an application, where- The sign may detract from the quality of the streetscape or area where it is displayed.	The sign protrudes above the roof of the existing building and has a signage surface area of 48m ² .	Requires Council discretion – refer to Comments section below.
TPS No 1 Clause 30A (2) (d)	Council may refuse to approve an application, where- The size of the sign does not appropriately relate to the architectural style, design and size of a building on which the sign is to be displayed.	The proposed sign is 12.0m long and 4.0m high and protrudes above the roof of the building.	Requires Council discretion – refer to Comments section below.

(To be confirmed 13 November 2018)

Relevant Provision	Requirement	Proposed	Assessment
Signs Local Law 2006 Part 6 Clause 33 (2) (a)	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. Clause 35 relates to roof signs.	The subject sign is located on the roof of the existing shopping centre and is attached to the plant equipment enclosure. The sign protrudes 2.0m above the enclosure.	Requires Council discretion – refer to Comments section below.
Signs Local Law 2006 Part 3 Clause 11 (3) (d)	The sign may unreasonably distract persons driving or riding vehicles.	The sign is located along Shepperton Road facing a north-western direction targeting vehicles approaching the controlled intersection of Duncan Street and Shepperton Road.	Requires Council discretion – refer to Comments section below.
Signs Local Law 2006 Part 3 Clause 11 (3) (e)	The sign may detract from the quality of the streetscape or area where it is to be displayed.	The roof sign protrudes above the roof line of the existing building and above the extent of the plant screening.	Requires Council discretion – refer to Comments section below.
Signs Local Law 2006 Part 3 Clause 11 (3) (l)	The sign advertises goods or services which are not displayed or offered for sale or otherwise available to the public upon or from the land where the sign is erected.	The subject sign is proposed to advertise goods and services not available from the subject site.	Requires Council discretion – refer to Comments section below.

(To be confirmed 13 November 2018)

LPP13 Clause 2 (a) (i)	No roof signs should be permitted to be erected on buildings except where such signs may be seen to be designed as an integral part of the design of the building and are for the purpose of identification of the building, its ownership or the major activities carried on within it.	Sign is proposed subsequent to the refurbishment of the existing building and is to be installed to plant equipment screening.	Requires Council discretion – refer to Comments section below.
LPP13 Clause 2 (a) (iii)	In accordance with the Street Frontage Design Guidelines – District Centres and Commercial Areas along Albany Highway roof signs are generally not acceptable along Albany Highway.	The subject site is within the Albany Highway Precinct and therefore the Policy provisions apply.	Requires Council discretion – refer to Comments section below.
Draft Local Planning Policy Signs Part 3 – Non-preferred signs type	Roof Signs	The proposed sign is a roof sign.	Requires Council discretion – refer to Comments section below.
Draft Local Planning Policy Signs Part 3 – Non-preferred signs type	Third party signage for any sign type.	The proposed sign will display third party signage.	Requires Council discretion – refer to Comments section below.

Community Consultation:

In accordance with Council's Local Planning Policy 37 'Community Consultation on Planning Proposals' (LPP 37), advertising was undertaken to three (3) nearby commercial properties. Advertising was for a period of 14 days and included letters to the owners and occupiers of the affected properties. No submissions were received.

Internal Referrals

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

Service Area	Comments
Building	No objections. Standard Advice Notes requested.
Street Improvement	No objections.

(To be confirmed 13 November 2018)

External Referrals

Comments in relation to the subject development proposal were sought from the following external agencies:

Main Roads Western Australia

Main Roads Western Australia (MRWA) correspondence forms an Appendix to this report ([Appendix 4](#)). MRWA advise that they do not support the application for the following reasons:

- The proposed dwell time of 30 seconds does not comply with the MRWA “Physical characteristics” criteria.

Subsequent to this, further advice was received from MRWA that they would support the proposal if the dwell time were a minimum of 40 seconds.

Western Australian Planning Commission (WAPC)

The proposed roof sign is a large format digital sign which is located on a lot which is affected by a Primary Regional Road reserve under the Metropolitan Region Scheme. As such, Council is not delegated the authority to determine the application under the Metropolitan Region Scheme (MRS) on behalf of the WAPC. In this regard, the application has been referred to the WAPC for determination under the MRS in accordance with DEL 2017/02.

As such, this application will require a dual determination being:

1. A decision from the Town pursuant to the Town of Victoria Park Town Planning Scheme No. 1; and
2. A decision from the WAPC under the Metropolitan Region Scheme.

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 sound decision based upon relevant planning considerations including the Scheme and applicable Local Planning Policies.

(To be confirmed 13 November 2018)

The proposed sign may result in the distraction of riders or drivers of vehicles causing potential safety concerns.	Very High	Low	Moderate	The proposed location of the sign is incompatible with the safe operation of vehicles.
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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.

EN2 – A safe, interconnected and well maintained transport network that makes it easy for everyone to get around it.

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:

The proposed roof sign could potentially advertise goods and services outside of the Town.

Social Issues:

The signage is proposed to be in accordance with the AANA Code of Ethics.

Cultural Issues:

Nil.

Environmental Issues:

Nil.

COMMENT:Vehicle Safety

The proposed roof sign is located on the roof of the Victoria Park Central shopping centre. The proposed roof sign is proposed to be affixed to an existing plant equipment enclosure and faces a north-westerly direction. Vehicles travelling south-east along Shepperton Road will be able to view the sign on their approach to the controlled intersection of Duncan Street and Shepperton Road. The Duncan Street and Shepperton Road intersection is a major pedestrian intersection for commuters travelling to and from the Victoria Park train station and for students attending the Ursula Frayne Catholic College. In accordance with the provisions of TPS 1 and Council's *Signs Local Law 2006*, signs should not be located where they have the potential to distract people driving or riding vehicles. The proposed roof sign is designed to be viewed by motorists on Shepperton Road that are approaching the intersection of Duncan Street and Shepperton Road.

(To be confirmed 13 November 2018)

As part of the application, a Road Safety Assessment has been provided by the applicant, which reads:

“The road environment approaching the sign is considered to be low risk and low complexity for the following reasons:

- *The road is four lanes (two lanes each direction), separated by a raised median island;*
- *Parking is prohibited;*
- *There are no crossovers to/from private property;*
- *A pedestrian underpass is provided for school students to safely cross the road without interacting with traffic;*
- *The closest bus stop is located approximately 120m north of the proposed sign and has an indented bus bay.”*

Notwithstanding this, the Town’s Officers consider the location of this sign to be an unacceptable potential distraction to drivers and contrary to the intention of TPS 1 and the Signs Local Law.

Streetscape and Built Form

The proposed roof sign is located along Shepperton Road on the roof of the Victoria Park Central Shopping Centre. This portion of Shepperton Road is characterised by a variety of different land uses. Generally, to the north of Shepperton Road are single, grouped and multiple dwellings and Ursula Frayne Catholic College. The southern side of Shepperton Road supports a range of commercial activities, including the subject site. The subject site falls within the Albany Highway Precinct. As discussed above, the Statement of Intent for the Albany Highway Precinct includes the following provision:

“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.”

As part of the application, the applicant has provided the following justification in support of the application:

- *“Whilst the sign is for third party advertising the location and design does not detract from the built form or streetscape.*
- *The location of the proposed sign is on the façade of the existing rooftop plant room which will transform a blank, unattractive structure on the existing building into a vibrant digital sign increasing the element of interest and activation to the area.*
- *The sign does not protrude above the building as a standalone signage element but will conceal the unsightly plant equipment.”*

The scale of the proposed roof sign is incongruent with the existing established streetscape on Shepperton Road, nor is there an example of such a sign of this scale and type located elsewhere within the Town. The erection of the proposed sign will negatively impact on the existing streetscape.

Furthermore, TPS 1, the Signs Local Law and LPP 13 each outline the importance of signage being compatible with the existing building and the prevailing streetscape. Town Officers are not satisfied that the proposed roof sign is designed to be an integral part of the existing building, nor positively contributes to the existing streetscape of Shepperton Road.

(To be confirmed 13 November 2018)

Roof Sign

As part of the application, the applicant has provided the following justification in support of the application:

“Whilst the sign is technically a ‘roof sign’, the sign does not protrude above the building as a standalone signage element. The location of the proposed sign is on the façade of the existing rooftop plant room which will transform a blank, unattractive structure on the existing building into a vibrant digital sign increasing the element of interest and activation to the area”

The Town has a specific policy relating to roof signs (Local Planning Policy 13 – Roof Signs), which provides a framework for the consideration of a roof sign proposal. Generally, roof signs are not supported in the Town due to the impact on amenity and the negative streetscape outcomes as discussed above. The proposed roof sign is attached to an existing plant equipment enclosure on the roof of the Victoria Park Central shopping centre. The proposed roof sign is large in scale, measuring 4.0m high and 12.0m in length, with a 2.0m portion of the sign protruding above the plant enclosure for the entire length of the sign. The proposed roof sign fails to meet the provisions of LPP 13 as the proposal is not adequately integrated into the existing building.

Third Party Advertising

As part of the application, the applicant has provided the following justification in support of the application:

“Whilst the sign will be used for third party advertising, the content of the sign can be readily changed electronically and remotely in response to a request to display emergency information or in the event of a complaint due to content. This is considered highly beneficial and an advantage over traditional static advertising signs.”

The proposed roof sign will advertise goods and services including some which will not be available from the Victoria Park Central shopping centre ie. third party signage. The existing Local Law states that in considering an application for signage, consideration should be given to whether the signage is third party signage, and that the Council may refuse an application in such a case.

The Town has consistently not supported applications for third party advertising.

Draft Local Planning Policy ‘Signs’

A draft Local Planning Policy ‘Signs’ has been prepared and advertised for public comments. Notably, the draft Local Planning Policy (as advertised) identifies:

- Roof signs as a non-preferred sign type; and
- Third party signs as a non-preferred sign type.

Although the draft policy has not been adopted, the draft policy has been advertised and is therefore a seriously entertained planning document. As such Council is to give due regard to the draft Policy when considering development applications.

(To be confirmed 13 November 2018)

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 development application is considered to be inconsistent with the intent of the relevant Precinct Plan and with the orderly and proper planning of the area.

While Council has the discretion to approve roof signs and third party advertising within the Town, in this instance it is considered that the location and scale of the proposed sign is inappropriate and would set an undesirable precedent.

RESOLVED:

Moved: Cr R Potter

Seconded: Cr Ammons Noble

- 1. In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1, the application submitted by Urbis Pty Ltd (DA Ref: 5.2018.552.1) for a Roof Sign at 366 (Lot 2000) Albany Highway, Victoria Park as indicated on the plans dated received 19 July 2018 be Refused for the following reasons:**
 - 1.1 Having regard to Clause 30A of Town Planning Scheme No. 1 and Council's *Signs Local Law 2006*, the proposed roof sign represents an unreasonable distraction to persons riding or driving vehicles.**
 - 1.2 Having regard to Clause 30A of Town Planning Scheme No. 1 and Council's *Signs Local Law 2006*, the proposed roof sign does not positively contribute to the existing streetscape.**
 - 1.3 The proposed sign being inconsistent with Council's *Signs Local Law 2006*, *Local Planning Policy 13 – Roof Signs* and draft *Local Planning Policy 'Signs'*.**
 - 1.4 The proposed sign will involve the display of third party advertising.**
 - 1.5 The proposed roof sign will set an undesirable precedent within the Town for future applications.**

Advice to Applicant

- 1.6 Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning 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.**

(To be confirmed 13 November 2018)

2. That with respect to determination of the application under the Metropolitan Region Scheme, the Western Australian Planning Commission be advised of Council's decision in part 1 above.

The Motion was Put and

CARRIED (8-0)

In favour of the Motion: Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs;
Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon

(To be confirmed 13 November 2018)



(To be confirmed 13 November 2018)

11.2 63A (Lot 1, Strata Plan 29985) Devenish Street, East Victoria Park - Application for Residential Building (Short Term Accommodation)

File Reference:	PR14924
Appendices:	1. Development application plans 2. Revised Management Plan dated 18 September 2018
Landowner:	H He
Applicant:	H He
Application Date:	07/08/2018
DA/BA or WAPC Ref:	5.2018.600.1
MRS Zoning:	Urban
TPS Zoning:	Residential R20
TPS Precinct:	Precinct P12 'East Victoria Park'
Use Class:	Residential Building (Short Term Accommodation)
Use Permissibility:	'AA' (Discretionary) use

Date:	11 September 2018
Reporting Officer:	J. Arnott
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority
Executive Summary: Recommendation – Approval subject to conditions - The application seeks to change the use of an existing dwelling, currently approved as a 'Single Dwelling' to a 'Residential Building (Short Stay Accommodation)'. - The intent is for the dwelling to be used for short-term accommodation catering for groups up to a maximum of six (6) people. - The proposed 'Residential Building (Short Term Accommodation)' is an 'AA' (Discretionary) use. - No submissions were received in relation to the development proposal during the community consultation period. - Council Officers are satisfied that the property will be appropriately managed and that any amenity impacts associated with the use can be managed through conditions of approval. - The proposal is recommended for Approval subject to conditions and advice notes, including the approval being for an initial 12 month period.	

TABLED ITEMS:

Nil.

BACKGROUND:

The dwelling at 63A Devenish Street, East Victoria Park was constructed in circa 1997.

While Council Officers have delegated authority to determine the application, in view of previous decisions of Council relating to other short term accommodation proposals, and an impending review of the relevant Council Policy, Council Officers have elected to not exercise the delegation and instead the matter is referred to Council for determination.

(To be confirmed 13 November 2018)

DETAILS:

The development application proposes a change of use from a 'Single Dwelling' to a 'Residential Building (Short Term Accommodation)', catering for groups of up to six (6) people.

Under the TPS1, a 'Residential Building' is defined as follows:

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

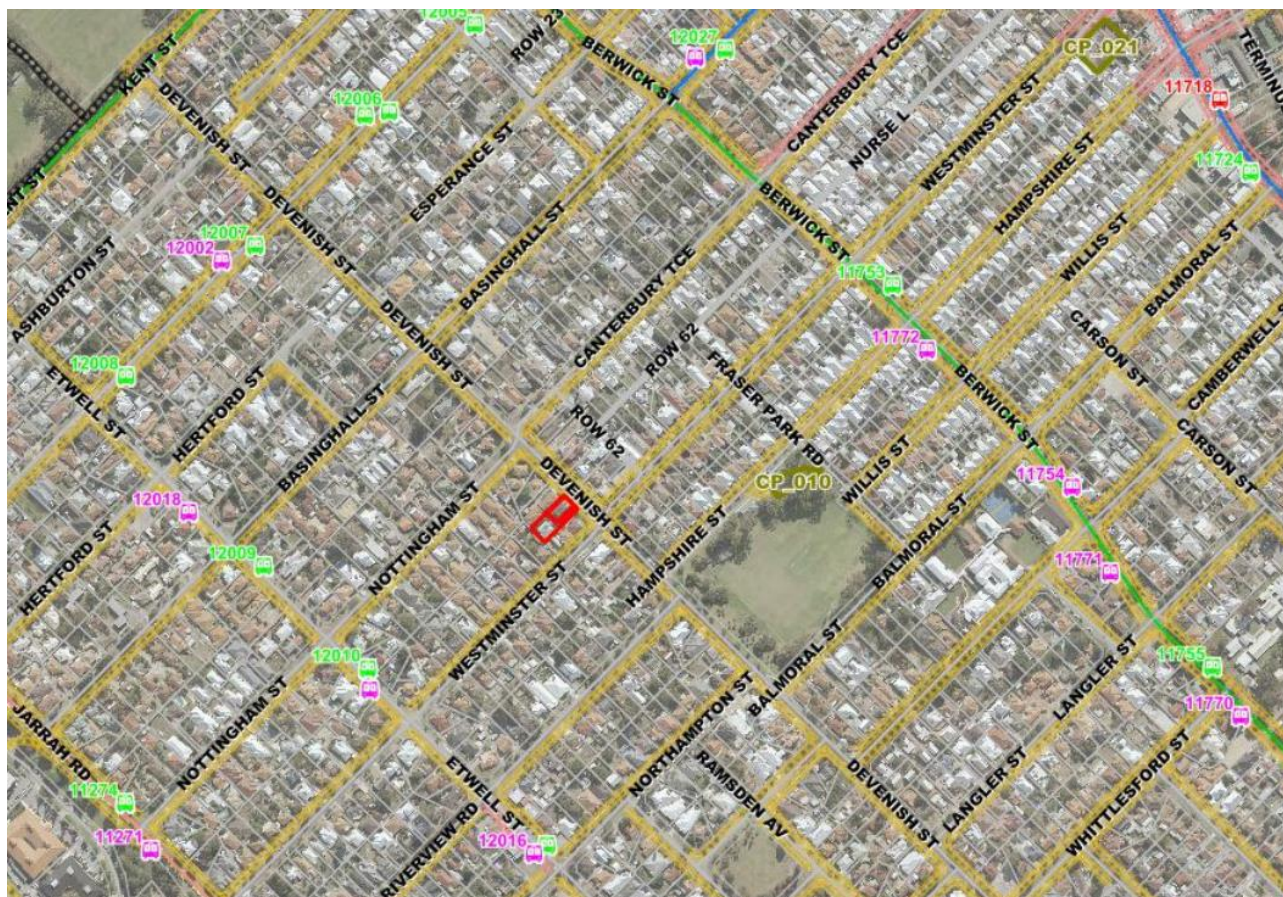
- temporarily by two or more persons; or*
- permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a person, a hotel, a motel or a residential school."*

Site Context

The existing two storey building on the subject site is approved as a 'Single Dwelling' and has vehicle parking for two (2) cars within the double garage and space for tandem parking within the driveway in front of the garage.

The surrounding sites are largely residential in nature and comprise of single and double storey dwellings in grouped dwelling and single dwelling arrangements. The subject site is located approximately 380 metres from Berwick Street, which is a District Distributor Road.

Figure 1 below shows the subject site (highlighted in red) and the surrounding locality:



(To be confirmed 13 November 2018)

Proposed Development

The proposed use of the building, as per the submitted drawing, details the following:

- Floor Plan – Four (4) Bedrooms (one of which will be used for storage), a Family Room, a Lounge and Dining Room, a Kitchen, a Meals Room, a Study, Two (2) Bathrooms, an additional Toilet, a Laundry, a Storeroom, and a Double Garage that can accommodate two (2) vehicles; and
- Site Plan – One (1) vehicular crossover accessed from Devenish Street.

The information submitted by the applicant in support of the proposal includes the following (see [Appendix 2](#)):

- The proposal is to cater for groups of a maximum six (6) people;
- With a minimum of two (2) days stay, the proposed use encourages longer stay bookings;
- The dwelling will be booked as a whole and not by room, restricting the dwelling to being booked by one group at a time;
- All advertising and bookings are made online;
- House rules and a code of conduct is provided to the guests upon arrival. These include: Noise restrictions before 8am and after 10pm; no visitors; no parties; no pets; no smoking; a request to respect the neighbours and the house.
- The property is managed by James Chong, a property manager who lives in Mt Claremont, being an approximate 20 minute drive from the property. Their contact details will be provided to both the guests and the neighbours to ensure any issue can be addressed immediately. The applicant has noted that the property manager is contactable between 8.30am and 10pm every day or if the matter is urgent at any hour;
- Parking arrangements for two (2) car bays within the double garage and one (1) available bay on the driveway in front of the garage;
- Health and safety details, including security, hygiene and compliance requirements; and
- Community members can contact the property manager or the owner 24/7 should any issues arise. The property manager will investigate the complaint and respond as soon as possible or within 36 hours.

Legal Compliance:

Relevant General Provisions of Town Planning Scheme No. 1

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

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

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;*
- (m) *The compatibility of the development with its setting;*
- (n) *The amenity of the locality; and*
- (y) *Any submissions received on the application,*

(To be confirmed 13 November 2018)

Compliance with Development Requirements

- TPS 1 Scheme Text and Precinct Plan P12;
- Local Planning Policy 3 'Non-Residential Uses in or Adjacent to Residential Areas' (LPP3);
- Local Planning Policy 23 'Parking' (LPP23); and
- Local Planning Policy 31 'Specialised Forms of Accommodation other than Dwellings' (LPP31).

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

Relevant Provision	Requirement	Proposed	Compliance
Precinct Plan P12 'East Victoria Park Precinct': Statement of Intent	<i>"Specialised forms of accommodation and a limited number of non-residential uses, to serve the needs of the local population, may be permitted in these areas."</i>	The proposed short term accommodation, being a specialised form of accommodation, is capable of being approved subject to the exercise of discretion by the Council, and noting that the proposal complies with provisions contained in relevant policies, discussed in this report.	At Council's discretion
Precinct Plan P12 'East Victoria Park Precinct': Land Use Permissibility	Residential Building, an AA (Discretionary) Use	The scale of the proposed Residential Building, with three (3) bedrooms is considered to be of a scale that is comparable to other dwellings in the neighbourhood.	Complies
LPP3 Clause 3(a)	The proposed non-residential use will not cause undue conflict through the generation of traffic and parking or the emission of noise or any other form of pollution which may be undesirable in residential areas	The three (3) on-site existing parking bays and the traffic generated is considered to be in keeping with that of a residential area. Noise generated at the proposed accommodation is intended to be controlled by a Management Plan that guests and visitors will be required to abide by.	Complies

(To be confirmed 13 November 2018)

LPP31 Clause 2.2.1 Location	The Policy lists the preferred locations for the land use based upon a number of criteria. One of the criteria is being within 400 metres of a train station or high frequency bus route stop	Located approximately 400 metres of a high frequency bus route stop on Berwick Street.	Complies
LPP31 Clause 2.2.4 Car Parking	One (1) car bay for every bedroom or one (1) for every three (3) beds provided whichever is the greater ie. 3 bays required; All resident, guest, staff or visitor car parking to be contained on site. No consideration is given to parking of vehicles on-street or on Council verge areas.	Three (3) on-site car bays provided.	Complies
LPP31 Clause 2.2.5 Signage on Residential Zoned Land	A maximum of only one sign on the site not exceeding 0.2m ² in area, and incorporated into a front fence, wall, structure or building identifying the name and address of the accommodation	No signage is proposed to be displayed on site.	Complies
LPP31 Part 3 – Management and Operation	Management Plan to include proposed measures to control noise and other disturbances, complaints, use and ongoing maintenance, security and antisocial behaviour	The Management Plan submitted by the Applicant provides adequate information regarding measures to control noise and other disturbances, complaints, use and ongoing maintenance, security and antisocial behaviour.	Complies

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

Submissions:

Community Consultation:

In accordance with Council's Local Planning Policy 37 'Community Consultation on Planning Proposals' (LPP37), the proposal was the subject of community consultation for a period of 14 days, which occurred from 22 August 2018 to 5 September 2018, with letters being sent to owners and occupiers of surrounding properties.

(To be confirmed 13 November 2018)

During the advertising period, no submissions were received by the Council.

Internal Referrals

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

Service Area	Comments
Environmental Health	No objections. Standard Advice Notes requested.

Policy Implications:

Nil

Risk Management Considerations:

Risk & Consequence	Consequence Rating	Likelihood Rating	Overall Risk Analysis	Mitigation / Actions
Non-compliance with the Management Plan and conditions of approval may result in complaints from adjoining property owners	Moderate	Possible	Moderate	The recommendation that the development approval be granted for a period of 12 months will allow for reconsideration of a possible extension in light of any potential complaints that may be received by the Council along with supporting evidence.
The applicant / owner has a right of review to the State Administrative Tribunal (SAT) in relation to any conditions of approval, or if the application was refused by the Council.	Moderate	Likely	High	Ensure that Council is provided with information to make a sound recommendation based upon relevant planning considerations including the Scheme and applicable Local Planning Policies.

(To be confirmed 13 November 2018)

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:

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

COMMENT:

Town Planning Scheme No. 1 requires the exercise of discretion when considering the appropriateness of the proposed 'Residential Building (Short Term Accommodation)' use on a 'Residential' zoned lot, taking into consideration the amenity impact on the neighbouring properties.

As outlined above, the proposal is also generally consistent with Local Planning Policy 31 with respect to most provisions. This includes satisfying one of the criteria for preferred locations, that being located within 400m of a high frequency bus route on Berwick Street.

In terms of the appropriateness of the use and potential amenity impacts, the applicant in their correspondence dated received 7 August 2018, includes various information including a Management Plan, a code of conduct and procedures regarding complaints by both guests and/or neighbouring residents. A revised copy of the management plan was provided to the Town on 22 August 2018, which provided updated sections on hygiene and comfort and health and safety. The code of conduct and house rules, which would be provided to guests at the time of booking outlines information regarding the expected behaviour of guests.

It is acknowledged that the dwelling could otherwise be occupied by up to six (6) unrelated people on a permanent basis (ie. for periods of six (6) months or more), and that this would constitute a 'dwelling' and be permitted. However in this case the use is for temporary accommodation, and therefore the amenity and social impacts can be relatively different.

(To be confirmed 13 November 2018)

Having regard to the above, it is recommended that the application be conditionally approved. Consistent with previous approvals for short-term accommodation, it is recommended that the initial approval be for a 12 month period. This will allow for a review of the use and any resulting amenity impacts to be reviewed after 12 months, in order to determine whether or not to grant a further approval.

CONCLUSION:

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

RESOLVED:

Moved: Cr Oliver

Seconded: Cr Ife

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 Hui He (DA Ref: 5.2018.600.1) for Change of Use from 'Single House' to 'Residential Building (Short Term Accommodation)' at No. 63A (Lot 1, Strata Plan 29985) Devenish Street, East Victoria Park as indicated on the plans dated received 1 August 2018, be Approved subject to the following conditions:
 - 1.1 This approval is valid for a period of 12 months from the date of this approval, after which time the permitted use of the premises shall revert to a dwelling unless further development approval is obtained. Prior to or upon the expiry of this temporary approval, the owner/applicant must cease the development or submit a fresh application for development approval to continue the use.
 - 1.2 A maximum of three (3) rooms in the building are to be available for use as bedrooms at any one time, with no more than six (6) occupants at any one time, and no more than one (1) booking for the property at a time.
 - 1.3 A minimum of three (3) on-site car parking bays being available for use by guests and visitors at all times.
 - 1.4 All resident, guest, staff or visitor car parking associated with the Residential Building (Short Term Accommodation) shall be contained on site. No consideration will be given to the parking of vehicles on-street or on Council verge areas.
 - 1.5 A maximum of only one (1) sign on the site not exceeding 0.2m² in area, and incorporated into a front fence, wall, structure or building that identifies the name and address of the Short Term Accommodation is permitted.

(To be confirmed 13 November 2018)

- 1.6 The property, including the building surrounds and all garden areas, are to be kept in a clean, tidy and well-maintained state of repair at all times to the satisfaction of the Town.**

Advice to Applicant

- 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 review of the determination of Council by the State Administration Tribunal within 28 days of the date of this decision.**
- 1.8 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.**
- 1.9 This approval is for the use of the building as a Residential Building (Short Stay Accommodation) only. Any alternative use of the premises will require the submission of an application to Council for a change of use.**
- 1.10 Any amendments or modifications to the approved drawings or documents forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.**
- 1.11 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.**
- 1.12 Sound levels created are not to exceed the provisions of the *Environmental Protection (Noise) Regulations 1997*.**

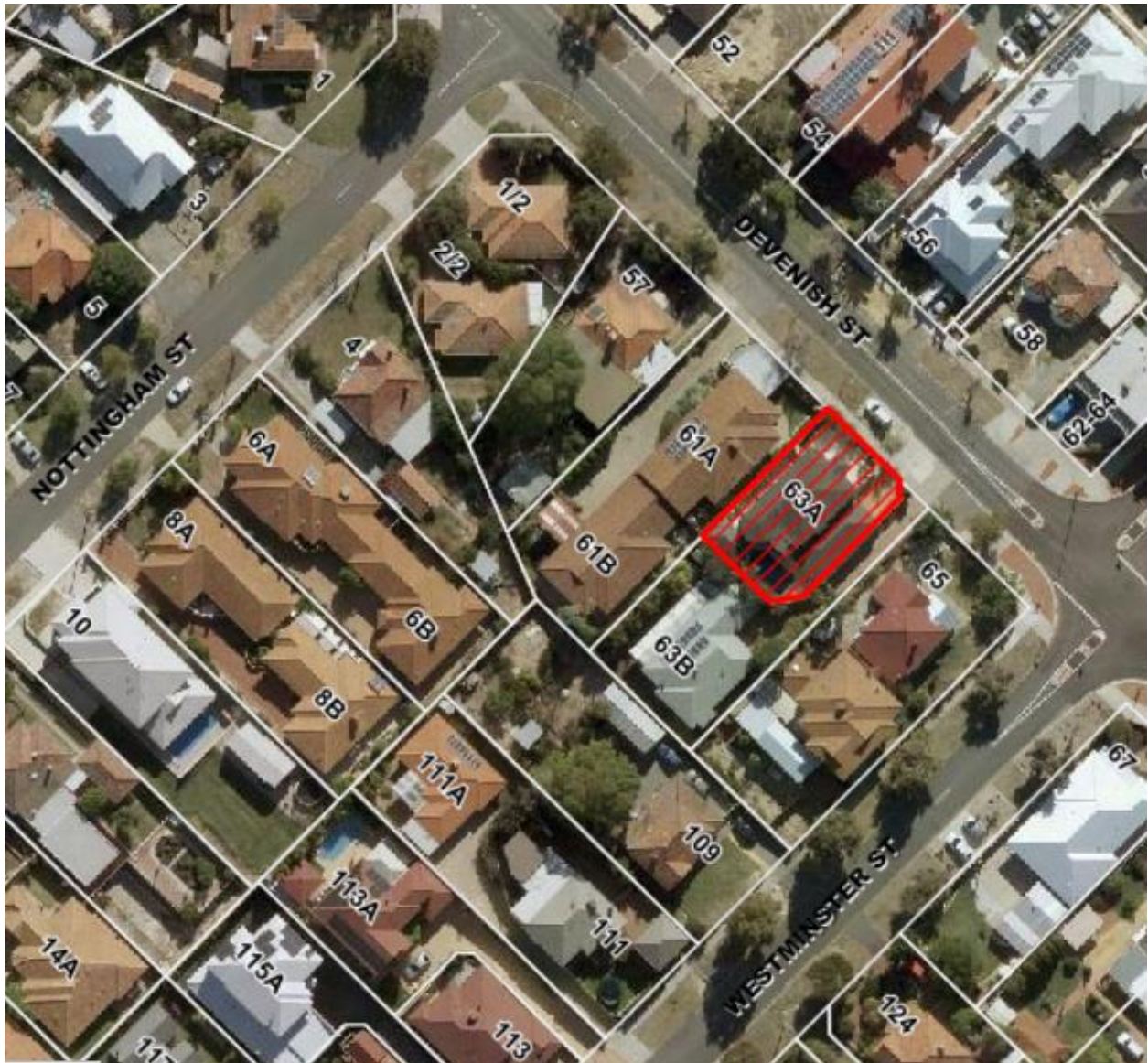
The Motion was Put and

CARRIED (7-1)

In favour of the Motion: Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; and Cr V Potter.

Against the Motion: Cr Vernon

(To be confirmed 13 November 2018)



(To be confirmed 13 November 2018)

11.3 3/12 (Lot 3, Strata Plan 51935) Forster Avenue, Lathlain – Application for Residential Building (Short Term Accommodation)

File Reference:	PR20178
Appendices:	1. Development application plans 2. Revised Management Plan dated 27 August 2018 3. Consent letter from strata management
Landowner:	M Nielsen
Applicant:	M Nielsen
Application Date:	01/08/2018
DA/BA or WAPC Ref:	5.2018.586.1
MRS Zoning:	Urban
TPS Zoning:	Residential R40/60
TPS Precinct:	Precinct P7 'Lathlain'
Use Class:	Residential Building (Short Term Accommodation)
Use Permissibility:	'AA' (Discretionary) use

Date:	3 October 2018
Reporting Officer:	J. Arnott
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

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

- The application seeks to change the use of an existing dwelling, currently approved as a 'Grouped Dwelling' to a 'Residential Building (Short Stay Accommodation)'.
- The intent is for the dwelling to be used for short-term accommodation catering for groups of up to a maximum of four (4) people.
- The proposed 'Residential Building (Short Term Accommodation)' is an 'AA' (Discretionary) use.
- Four (4) submissions of objection were received in relation to the development proposal during the community consultation period.
- Council Officers are satisfied that the property will be appropriately managed and that any amenity impacts associated with the use can be managed through conditions of approval.
- The proposal is recommended for Approval subject to conditions and advice notes, including the approval being for an initial 12 month period.

TABLED ITEMS:

Nil.

BACKGROUND:

The dwelling at 3/12 Forster Avenue, Lathlain was constructed in circa 2009.

While Council Officers have delegated authority to determine the application, in view of previous decisions of Council relating to other short term accommodation proposals, and an impending review of the relevant Council Policy, Council Officers have elected to not exercise the delegation and instead the matter is referred to Council for determination.

(To be confirmed 13 November 2018)

DETAILS:

The development application proposes a change of use from a 'Grouped Dwelling' to a 'Residential Building (Short Term Accommodation)', catering for groups of up to four (4) people.

Under the TPS1, a 'Residential Building' is defined as follows:

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

- temporarily by two or more persons; or*
- permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a person, a hotel, a motel or a residential school."*

Site Context

The existing two storey building on the subject site is approved as a 'Grouped Dwelling', and is one of 10 Grouped Dwellings on the subject site. Two (2) on-site car parking bays are provided for the unit, located within the double garage, which are accessible from the common driveway receiving access from Forster Avenue.

The surrounding sites are largely residential in nature and comprise of single and double storey dwellings in grouped dwelling and single dwelling arrangements. The subject site is located approximately 190 metres from Miller Street, which is a District Distributor Road.

Figure 1 below shows the subject site (highlighted in red) and the surrounding locality:



(To be confirmed 13 November 2018)

Proposed Development

The proposed use of the building, as per the submitted drawing, details the following:

- Floor Plan – Three (3) Bedrooms, a Living Room, a Dining Room, a Kitchen, two (2) Bathrooms, an additional Toilet, a Laundry, a Storeroom, and a Double Garage that can accommodate two (2) vehicles; and
- Site Plan – One (1) vehicular crossover accessed from Forster Avenue via the common driveway to the site.

The Management Plan submitted by the applicant in support of the proposal includes the following information (see [Appendix 2](#)):

- The applicant seeks approval to have the dwelling occupied for short term leases when it is not being used by herself and/or family and friends.
- The property will still be occupied by the owner when she is in Perth.
- The proposal is to cater for groups of a maximum of four (4) people;
- With a minimum of two (2) days stay, the proposed use encourages longer stay bookings;
- The dwelling will be booked as a whole and not by room, restricting the dwelling to being booked by one group at a time;
- All advertising and bookings are made online;
- House rules and a code of conduct is provided to the guests upon arrival. These include: The number of the persons residing not exceeding the number at the time of the booking; no visitors or loud noise at any time; no parties; a maximum of two cars are permitted; no parking on the communal driveway; no pets.
- The property is managed by the owner, who mostly resides in Cowaramup, or at times of vacation by her son who lives in Rivervale. The owner's contact details will be provided to both the guests and the neighbours to ensure any issue can be addressed immediately by either the owner or her son.
- Parking arrangements for two (2) car bays on site;
- Health and safety details, including security, hygiene and compliance requirements; and
- Community members can contact the owners 24/7 should any issues arise. The owners will investigate the complaint and respond as soon as possible or within 24 hours.

Legal Compliance:

Relevant General Provisions of Town Planning Scheme No. 1

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

- Statement of Intent contained in Precinct Plan P7 'Lathlain'.
- Clause 67 'Matters to be considered by Local Government' of the *Planning and Development (Local Planning Schemes) Regulations 2015* (referred to as LPS Regulations);

In this instance it is considered that the following items are relevant matters that the Council must have regard to:

- (h) Any local planning policy for the Scheme area;
- (o) The compatibility of the development with its setting;
- (p) The amenity of the locality; and
- (z) Any submissions received on the application,

(To be confirmed 13 November 2018)

Compliance with Development Requirements

- TPS 1 Scheme Text and Precinct Plan P7;
- Local Planning Policy 3 'Non-Residential Uses in or Adjacent to Residential Areas' (LPP3);
- Local Planning Policy 23 'Parking' (LPP23); and
- Local Planning Policy 31 'Specialised Forms of Accommodation other than Dwellings' (LPP31).

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

Relevant Provision	Requirement	Proposed	Compliance
Precinct Plan P7 'Lathlain Precinct': Land Use Permissibility	Residential Building, an AA (Discretionary) Use	The scale of the proposed Residential Building, with three (3) bedrooms is considered to be of a scale that is comparable to other dwellings in the neighbourhood.	At Council's discretion
LPP3 Clause 3(a)	The proposed non-residential use will not cause undue conflict through the generation of traffic and parking or the emission of noise or any other form of pollution which may be undesirable in residential areas	The two (2) on-site existing parking bays and the traffic generated is considered to be in keeping with that of a residential area. Noise generated at the proposed accommodation is intended to be controlled by a registration form and Management Plan that guests and visitors will be required to abide by.	Complies
LPP31 Clause 2.2.1 Location	The Policy lists the preferred locations for the land use based upon a number of criteria. One of the criteria is being within 400 metres of a train station or high frequency bus route stop	The application does not meet any of the preferred locational criteria. The subject site is located approximately 430 metres from a high frequency bus route stop on Howick Street and 550 metres from Victoria Park Train Station.	Non-compliant

(To be confirmed 13 November 2018)

LPP31 Clause 2.2.4 Car Parking	One (1) car bay for every bedroom or one (1) for every three (3) beds provided whichever is the greater ie. 3 bays required; All resident, guest, staff or visitor car parking to be contained on site. No consideration is given to parking of vehicles on-street or on Council verge areas.	Two (2) on-site car bays provided.	Non-compliant
LPP31 Clause 2.2.5 Signage on Residential Zoned Land	A maximum of only one sign on the site not exceeding 0.2m ² in area, and incorporated into a front fence, wall, structure or building identifying the name and address of the accommodation	No signage is proposed to be displayed on site.	Complies
LPP31 Part 3 – Management and Operation	Management Plan to include proposed measures to control noise and other disturbances, complaints, use and ongoing maintenance, security and antisocial behaviour	The Management Plan submitted by the Applicant provides adequate information regarding measures to control noise and other disturbances, complaints, use and ongoing maintenance, security and antisocial behaviour.	Complies

Based on the above assessment, the proposed use does not comply with the preferred location and parking requirements under LPP31. Notwithstanding this, the subject site is considered to be an acceptable location and the applicant has demonstrated within the management plan that a maximum of two (2) vehicles only will be permitted to park at the property.

Submissions:

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 14 days, which occurred from 22 August 2018 to 5 September 2018, with letters being sent to owners and occupiers of surrounding properties.

During the advertising period, four (4) submissions expressing concerns in relation to the proposed development were received by the Council as outlined below. It should be noted that the development application was accompanied by a letter from the strata management company advising that the Council of Owners have no objections to the proposal, yet three (3) of the four (4) submissions outlined below came from owners within the strata complex.

(To be confirmed 13 November 2018)

CONSULTATION SUBMISSIONS	
Comments Received	Officer's Comments
<i>Submission 1 – Submission from owner/occupier of property in Forster Avenue</i>	
Objection: - Comments regarding previous tenant that leased the property and issues regarding parking on, and rubbish left within, the common property. Concerns that the use of the property for short term accommodation will result in the same issues. - Concerns regarding the potential amenity impacts the short term accommodation will have on the immediate neighbours, specifically regarding noise.	- The management plan provides guidance to guests with regards to parking availability and the expectations with respect to the treatment of the property, common property and neighbouring residents. - Noise generated by people in a social gathering and discussing issues is not uncommon with general residential living. However it is accepted that ongoing and regular noise disturbance could adversely affect the amenity of a property. The applicant proposes restrictions to minimise any noise disturbance. Any noise resulting from the use is required to comply with the relevant Noise Regulations.
<i>Submission 2 – Submission from occupier of property in Forster Avenue</i>	
Objection: Strongly object.	Noted.
<i>Submission 3 – Submission from owner/occupier of property in Forster Avenue</i>	
Objection: - Comments regarding previous tenant that leased the property and issues regarding parking on, and rubbish left within, the common property. Concerns that the use of the property for short term accommodation will result in the same issues. - Concerns regarding safety with transient residents using the property on a short-term basis.	- The management plan provides guidance to guests with regards to parking availability and the expectations with respect to the treatment of the property, common property and neighbouring residents. - The applicant has provided their direct contact details as well as their son's to the immediate neighbours in the event there are any concerns or issues with guests.
<i>Submission 4 – Submission from occupier of property in Forster Avenue</i>	
Objection: Concerns regarding safety with transient residents using the property on a short-term basis.	The applicant has provided their direct contact details as well as their son's to the immediate neighbours in the event there are any concerns or issues with guests.

(To be confirmed 13 November 2018)

SUBMISSIONS RECEIVED OUTSIDE CONSULTATION PERIOD	
Comments Received	Officer's Comments
<i>Submission 1 – Submission from owner/occupier of property in Forster Avenue</i>	
Objection: Further objection to a letter that was circulated throughout the strata complex by the applicant.	Noted

Internal Referrals

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

Service Area	Comments
Environmental Health	No objections. Standard Advice Notes requested.

Policy Implications:

Nil

Risk Management Considerations:

Risk & Consequence	Consequence Rating	Likelihood Rating	Overall Risk Analysis	Mitigation / Actions
Non-compliance with the Management Plan and conditions of approval may result in complaints from adjoining property owners	Moderate	Possible	Moderate	The recommendation that the development approval be granted for a period of 12 months will allow for reconsideration of a possible extension in light of any potential complaints that may be received by the Council along with supporting evidence.

(To be confirmed 13 November 2018)

The applicant / owner has a right of review to the State Administrative Tribunal (SAT) in relation to any conditions of approval, or if the application was refused by the Council.	Moderate	Likely	High	Ensure that Council is provided with information to make a sound recommendation based upon relevant planning considerations including the Scheme and applicable Local Planning Policies.
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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:

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

COMMENT:

Town Planning Scheme No. 1 requires the exercise of discretion when considering the appropriateness of the proposed 'Residential Building (Short Term Accommodation)' use on a 'Residential' zoned lot, taking into consideration the amenity impact on the neighbouring properties.

As outlined above, the proposal is also generally consistent with Local Planning Policy 31 (LPP 31) with respect to most provisions, however, it is noted that the site is outside of the preferred locational criteria and does not provide the required on-site parking.

(To be confirmed 13 November 2018)

In terms of the criteria for preferred locations, LPP 31 states:

“2.2.1 Location

Short Term Accommodation will be more favourably considered by the Council, where it is located in the following preferred locations:

- i) *On a Primary, District or Local Distributor road;*
- ii) *Within 400 metres of a train station or high frequency bus route stop;*
- iii) *Within 400 metres of an area of tourist potential, such as adjacent to the Swan River foreshore, an entertainment centre or other attraction;*
- iv) *In or within 400 metres of a District Centre zone, Commercial zone or other location providing convenience shopping and access to everyday goods and services; and*
- v) *Within 800 metres of a higher education provider, where the Short Term Accommodation is proposed to house students.”*

As outlined above, the subject site does not satisfy the location criteria, with the site being only marginally in excess of 400m from a high frequency bus route (430m proposed). It should be noted that the Policy criteria relates to preferred locations, and that it is not mandatory that short-term accommodation uses have to be located within these locations.

In terms of there being two (2) on-site car bays being available in lieu of a minimum of the three (3) bays as per the Policy, the applicant's management plan does identify that there will be a maximum occupancy of four (4) people and that there will be a maximum of two (2) cars allowed at the property.

In terms of the appropriateness of the use and potential amenity impacts, the applicant in their correspondence dated received 1 August 2018, includes various information including a Management Plan, a code of conduct and procedures regarding complaints by both guests and/or neighbouring residents. A revised copy of the management plan was provided to the Town on 28 August 2018, which provided updated sections on hygiene and comfort and health and safety. The code of conduct and house rules, which would be provided to guests at the time of booking outlines information regarding the expected behaviour of guests.

While the property owners intentions to manage any amenity impacts are understood, and Council Officers are of the view that the issues can be appropriately managed, a number of concerns have been raised by adjoining neighbours in relation to the intended use and the amenity impacts it may have. Council Officers agree that the management plan seeks to address these concerns, however, it is considered that these matters can be addressed further through recommended conditions of approval.

It is acknowledged that the dwelling could otherwise be occupied by up to six (6) unrelated people on a permanent basis (ie. for periods of six (6) months or more), and that this would constitute a 'dwelling' and be permitted. However in this case the use is for temporary accommodation, and therefore the amenity and social impacts can be relatively different.

(To be confirmed 13 November 2018)

CONCLUSION:

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

RESOLVED:

Moved: Cr Oliver

Seconded: Cr Ife

1. In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by Ms M D Nielsen (DA Ref: 5.2018.586.1) for Change of Use from 'Grouped Dwelling' to 'Residential Building (Short Term Accommodation)' at Unit 3, No. 12 (Lot 3, Strata Plan 51935) Forster Avenue, Lathlain as indicated on the plans dated received 1 August 2018, be Approved subject to the following conditions:
 - 1.1 This approval is valid for a period of 12 months from the date of this approval, after which time the permitted use of the premises shall revert to a dwelling unless further development approval is obtained. Prior to or upon the expiry of this temporary approval, the owner/applicant must cease the development or submit a fresh application for development approval to continue the use.
 - 1.2 A maximum of three (3) rooms in the building are to be available for use as bedrooms at any one time, with no more than four (4) occupants at any one time, and no more than one (1) booking for the property at a time.
 - 1.3 The two (2) on-site car parking bays within the garage being available for use by guests and visitors at all times.
 - 1.4 All resident, guest, staff or visitor car parking associated with the Residential Building (Short Term Accommodation) shall be contained on site. No consideration will be given to the parking of vehicles on-street or on Council verge areas.
 - 1.5 A maximum of only one (1) sign on the site not exceeding 0.2m² in area, and incorporated into a front fence, wall, structure or building that identifies the name and address of the Short Term Accommodation is permitted.
 - 1.6 The property, including the building surrounds and all garden areas, are to be kept in a clean, tidy and well-maintained state of repair at all times to the satisfaction of the Town.

Advice to Applicant

- 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 review of the determination of Council by the State Administration Tribunal within 28 days of the date of this decision.
 - 1.8 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.
 - 1.9 This approval is for the use of the building as a Residential Building (Short Stay Accommodation) only. Any alternative use of the premises will require the submission of an application to Council for a change of use.
 - 1.10 Any amendments or modifications to the approved drawings or documents forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.
 - 1.11 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.
 - 1.12 Sound levels created are not to exceed the provisions of the Environmental Protection (Noise) Regulations 1997.
2. Those persons who lodged a submission regarding the application be advised of Council's decision.

The Motion was Put and

CARRIED (6-2)

In favour of the Motion: Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; and Cr R Potter.

Against the Motion: Cr V Potter; and Cr Vernon.



(To be confirmed 13 November 2018)

11.4 6 (Lot 125) The Circus, Burswood – Home Occupation (Beauty Salon)

File Reference:	PR18763
Appendices:	1. Home Occupation Plans 2. Applicant Covering Letter
Landowner:	H. Jiang
Applicant:	S J Young
Application Date:	24/08/2018
DA/BA or WAPC Ref:	5.2018.662.1
MRS Zoning:	Urban
TPS Zoning:	Special Use
TPS Precinct:	Precinct P2 'Burswood'
Use Class:	Home Occupation (Beauty Salon)
Use Permissibility:	'AA' use

Date:	13 September 2018
Reporting Officer:	J. Arnott
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority
Executive Summary: Recommendation – Approval subject to conditions - The application seeks approval of a 'Home Occupation' at the approved 'Single Dwelling' at No. 6 The Circus, Burswood. - The intent of the 'Home Occupation' is for a Beauty Salon that will specifically be providing professional eyebrow shaping, tinting and waxing by appointment only. - The proposed 'Home Occupation' is an 'AA' (discretionary) use within the 'Special Use' zone. - Two (2) submissions were received from the same person in relation to the development proposal during the community consultation period, with both submissions objecting to the proposal. - Council Officers are satisfied that any amenity impacts associated with the use can be managed through conditions of approval. - The proposal is recommended for Approval subject to conditions and advice notes, including the approval being for an initial 12 month period.	

TABLED ITEMS:

Nil.

BACKGROUND:

The dwelling at 6 The Circus, Burswood was constructed in circa 2004.

The business, Samantha J Eyebrows, is an existing business at 2/1 Hampden Road, Nedlands.

(To be confirmed 13 November 2018)

DETAILS:

The development application proposes a 'Home Occupation' at the approved 'Single Dwelling' at No. 6 The Circus, Burswood.

Under the TPS1, a 'Home Occupation' is defined as follows:

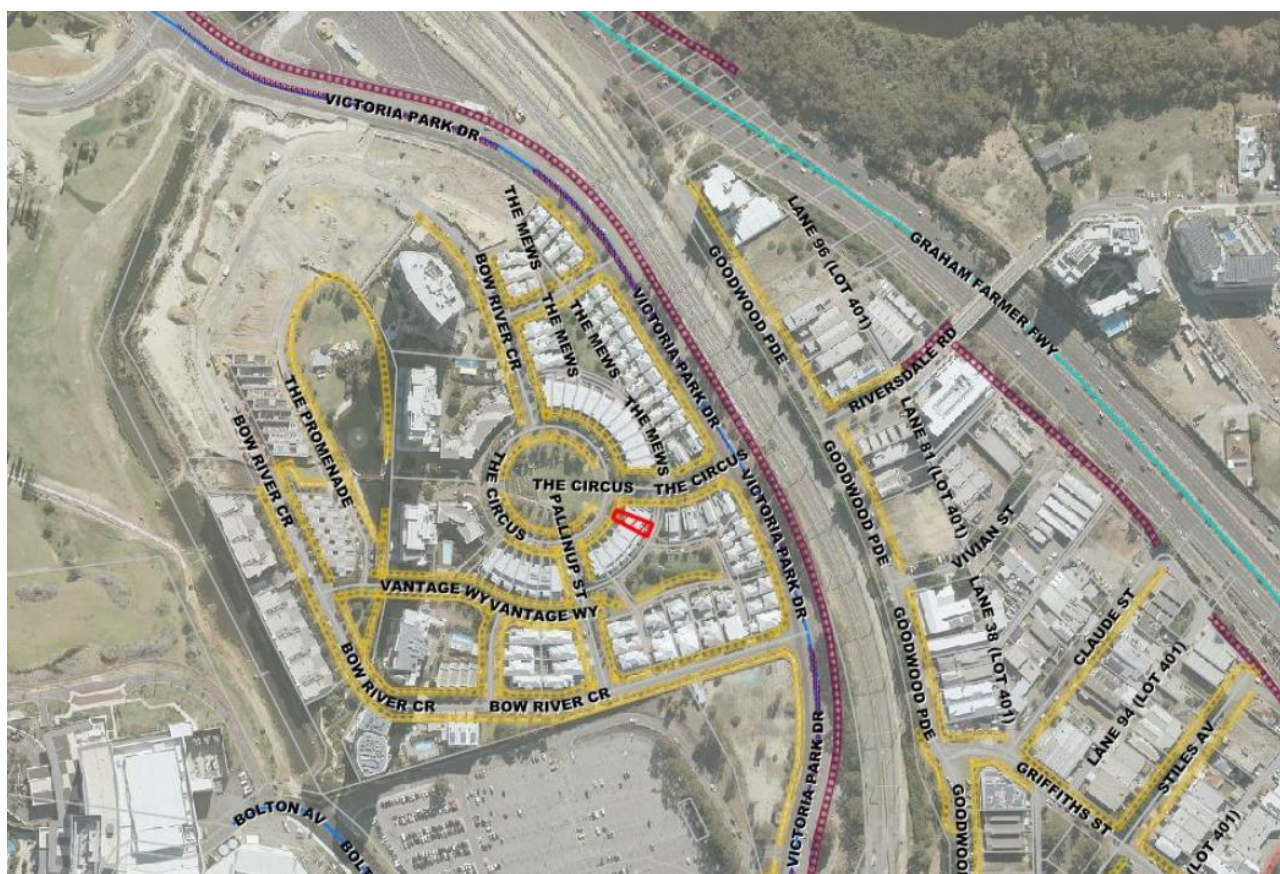
"means the carrying on or any business conducted in a dwelling or within the boundaries of the lot upon which a dwelling is constructed but does not include the sale or hire of any goods."

Site Context

The existing three (3) storey dwelling on the subject site is approved as a 'Single Dwelling' and has vehicle parking for two (2) cars within the double garage at the rear, accessible from Charnley Gardens.

The surrounding sites are largely residential in nature and comprise of two (2) storey and three (3) storey single dwellings and apartment buildings.

Figure 1 below shows the subject site (highlighted in red) and the surrounding locality:



(To be confirmed 13 November 2018)

Proposed Development

The proposed 'Home Occupation' location, as per the submitted drawing, details the following:

- Floor Plan – 17.26m² of the ground floor guest bedroom will be used for the Home Occupation.
- Site Plan – Identifies the visitor parking to be located within the driveway in front of the garage.

The information submitted by the applicant in support of the proposal includes the following (see [Appendix 2](#)):

- The services provided by the Home Occupation will include eyebrow shaping, tinting and waxing.
- The applicant will be the sole employee/operator of the business, no additional staff will be employed.
- Clients will visit by appointment only, with approximately five (5) 1 hour appointments per day from Tuesday – Saturday.
- The operating hours will be 9.30am to 6.30pm Tuesday to Friday and 9.00am to 1.00pm on Saturday.
- The applicant has advised that clients can park at the rear of the site on the driveway in front of the garage.

Legal Compliance:

Relevant General Provisions of Town Planning Scheme No. 1

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

- Statement of Intent contained in Precinct Plan P2 'Burswood Precinct'.
- Clause 67 'Matters to be considered by Local Government' of the *Planning and Development (Local Planning Schemes) Regulations 2015* (referred to as LPS Regulations);

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;
- (m) The compatibility of the development with its setting;
- (n) The amenity of the locality;
- (s) The adequacy of arrangements for parking of vehicles; and
- (y) Any submissions received on the application.

Compliance with Development Requirements

- TPS 1 Scheme Text and Precinct Plan P2;
- Local Planning Policy 2 – Home Occupation; and
- Local Planning Policy 3 – Non-Residential Uses in or Adjacent to Residential Areas

(To be confirmed 13 November 2018)

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

Relevant Provision	Requirement	Proposed	Compliance
Precinct Plan P2 'Burswood Precinct': Statement of Intent	<i>"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 uses west of the railway."</i>	The proposed Home Occupation, being a mixed use, is capable of being approved subject to the exercise of discretion by the Council, and noting that the proposal complies with provisions contained in relevant policies, discussed in this report.	Complies
Precinct Plan P2 'Burswood Precinct': Land Use Permissibility	Home Occupation, an AA (Discretionary) Use	The proposed Home Occupation is considered to be of a scale and nature that is compatible with the residential dwellings in the neighbourhood.	At Council's discretion
LPP2 Clause 3(b)(i)	No person conducting a Home Occupation shall: i. Employ more than one person other than an occupier of the dwelling	The applicant has advised that the Home Occupation is owned and operated by the applicant who will be the sole employee of the business. No additional staff will be employed.	Complies
LPP2 Clause 3(b)(ii)	ii. Permit any vehicle which is used in connection with the Home Occupation to be kept on the land unless: a) The vehicle is not more than 6 metres long, 2 metres wide and 2.3 metres high; and b) The vehicle cannot be seen from any street when parked	The applicant has advised that there will not be any vehicle that is associated with the Home Occupation.	Complies

(To be confirmed 13 November 2018)

LPP2 Clause 3(b)(iii)	iii. Place or permit to remain on the land any advertisements, advertising hoarding, illuminated sign or other advertising device or erection, with respect or in connection with the Home Occupation; and	No advertising has been proposed as part of the Home Occupation application.	Complies
LPP2 Clause 3(b)(iv)	iv. Use for the purposes of the Home Occupation an area of the lot greater than 20 square metres.	The application proposes that the Home Occupation will occupy 17.26m ² of the ground floor guest bedroom.	Complies
LPP2 Clause 3(c)	The proposed use will not cause injury or adversely affect the amenity of the neighbourhood.	Pursuant to the development standards of Precinct Plan P2 'Burswood Precinct', a minimum of two (2) residential bays are required for three (3) bedroom dwellings. However, the client parking cannot be contained within the existing garage and as there is not enough room on-site between the garage and property boundary to Charnley Gardens, the client parking will instead be located within the on-street parking of the locality.	Refer to Officer comments below.
LPP3 Clause 3(a)	The proposed non-residential use will not cause undue conflict through the generation of traffic and parking or the emission of noise or any other form of pollution which may be undesirable in residential areas	Pursuant to the development standards of Precinct Plan P2 'Burswood Precinct', a minimum of two (2) residential bays are required for three (3) bedroom dwellings. Accordingly, the client parking cannot be contained within the existing garage and as there is not enough room on-site between the garage and property boundary to Charnley Gardens, the client parking will instead be located within the on-street parking of the locality.	Refer to Officer comments below.

(To be confirmed 13 November 2018)

Submissions:Community Consultation:

CONSULTATION SUBMISSIONS	
Comments Received	Officer's Comments
<i>Submission 1 – Submission from owner of property on The Circus</i>	
• My Reason for the objection is that Parking is limited. If the owner books from hour to hour, clients will arrive 10 min before appointments which will be 2 bays occupied. Who will police the small breaks in between appointments and trade of hours? • I object to the proposal for a couple of points. Who is going to police the hours of trade and also the restriction of 1 parking bay? This will be a free of trade 7 days per week if it is not monitored. Parking is already a premium in the area. This is not suitable for a home business for clients to come.	• There is approximately 49 on-street car bays along The Circus. • The proposed Home Occupation will be operating between normal business hours Tuesday to Friday and for four (4) hours on a Saturday. These periods are not considered to be peak visitation periods for the residential dwellings within the locality. Accordingly, it is anticipated that there will be available on-street car bays along The Circus during these times to accommodate clients of the Home Occupation. • The applicant has advised that there will be a break between each appointment, during which time a client can leave the site and a new client can arrive in which case there will only be one (1) on-street car bay to be occupied by clients of the Home Occupation.

Internal Referrals

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

Service Area	Comments
Environmental Health	No objections. Standard Advice Notes requested.

Policy Implications:

Nil.

(To be confirmed 13 November 2018)

Risk Management Considerations:

Risk & Consequence	Consequence Rating	Likelihood Rating	Overall Risk Analysis	Mitigation / Actions
The applicant / owner has a right of review to the State Administrative Tribunal (SAT) in relation to any conditions of approval, or if the application was refused by the Council.	Moderate	Likely	High	Ensure that Council is provided with information to make a sound decision based upon relevant planning considerations including the Scheme and applicable Local Planning Policies.

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:

Town Planning Scheme No. 1 requires the exercise of discretion when considering the appropriateness of the proposed 'Home Occupation' use on a 'Special Use' zoned lot, taking into consideration the amenity impact on the neighbouring properties.

As outlined above, the proposal is consistent with Local Planning Policy 2 'Home Occupation' with respect to the size and nature of the business.

(To be confirmed 13 November 2018)

While the applicant has advised that clients can park at the rear of the site on the driveway in front of the garage, this is not possible as the available area behind the existing garage is not sufficient to accommodate the parking of a vehicle on the site (minimum 5.4 metres required). As a result the application will instead rely upon on-street parking.

There are approximately 49 on-street car bays along The Circus for use by the public and visitors to the residential dwellings within the locality. The proposed Home Occupation will be operating between normal business hours Tuesday to Friday and for four (4) hours on a Saturday. These periods are not considered to coincide with peak visitation periods for the residential dwellings within the locality.

Accordingly, it is anticipated that there will be available on-street car bays along The Circus during these times. Furthermore, as the Home Occupation will be operated by appointment only, with a break between appointments, it is anticipated that only one (1) on-street car bay will be occupied by clients of the Home Occupation at any given time. As such, due to the scale and nature of the Home Occupation, the visitor parking being included within the on-street parking on The Circus is not considered to have a significant detrimental impact on the amenity or the parking availability of the locality.

Having regard to the above, it is recommended that the application be conditionally approved for a 12 month period. This will allow for a review of the use and any resulting amenity impacts to be reviewed after 12 months, in order to determine whether or not to grant a further approval.

CONCLUSION:

In view of the above, the application for Home Occupation (Beauty Salon) is supported, and it is recommended that Council approve the application for a 12 month period, subject to conditions.

RESOLVED:

Moved: Cr Vernon

Seconded: Cr Ife

- 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 Miss S J Young (DA Ref: 5.2018.662.1) for a Home Occupation (Beauty Salon) at No. 6 (Lot 125) The Circus, Burswood as indicated on the plans dated received 24 August 2018, be Approved subject to the following conditions:**

- 1.1 This approval is valid for a period of 12 months from the date of this approval, after which time the Home Occupation will expire unless further development approval is obtained. Prior to or upon the expiry of this temporary approval, the owner/applicant must cease the development or submit a fresh application for development approval to continue the use.**

(To be confirmed 13 November 2018)

- 1.2 The Home Occupation, once commenced, is to be carried out in accordance with the approved plans at all times, unless otherwise authorised by the Town.
- 1.3 The Home Occupation operating in accordance with the written information dated received 24 August 2018 accompanying the development application.
- 1.4 Visitations are to be by appointment only with a minimum 15 minute interval between visits.
- 1.5 The Home Occupation is approved to be operated by the applicant, Miss Samantha J Young, at the subject premises, only. The operation of the Home Occupation by any other person, or its operation at any other premises is not permitted by this approval.

Advice to Applicant

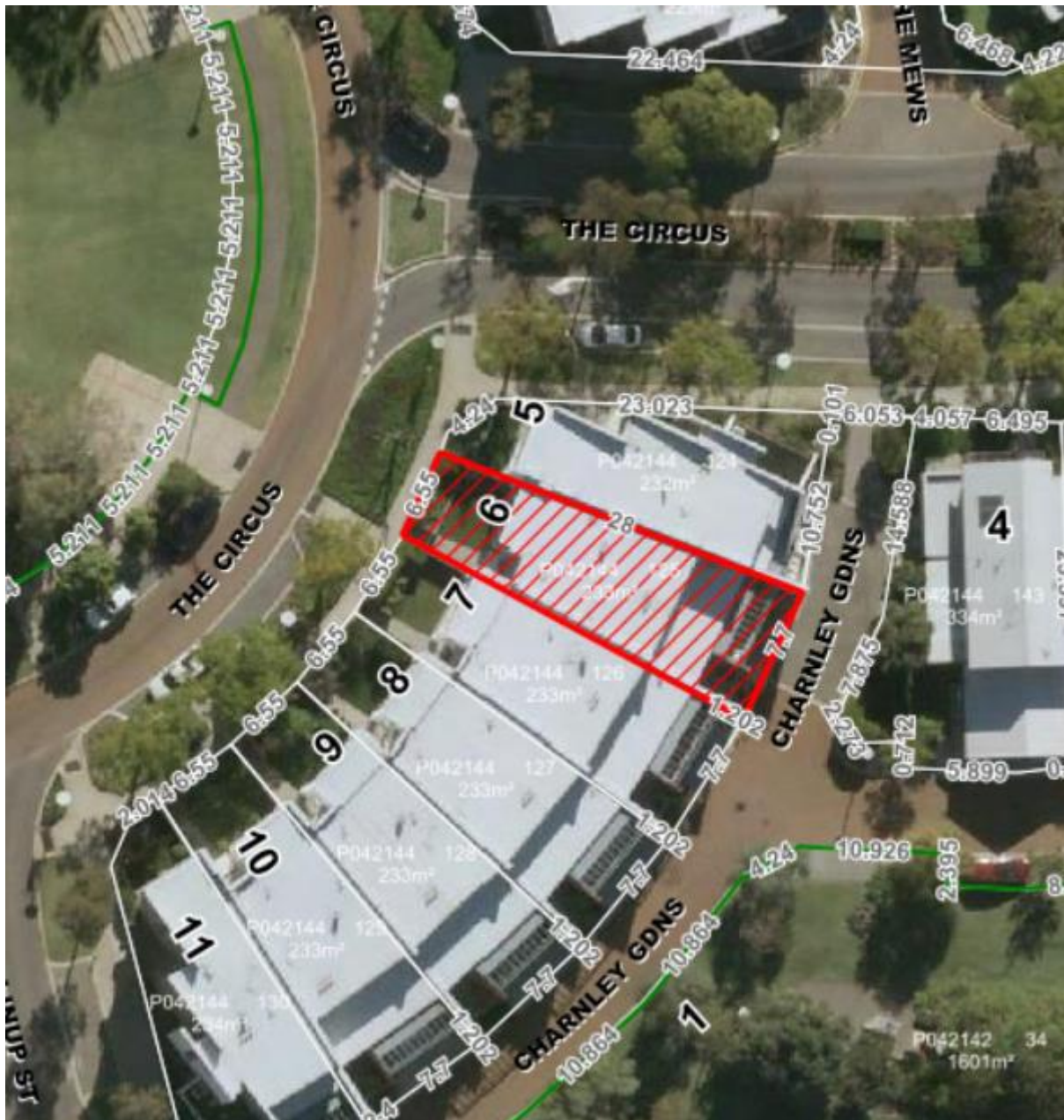
- 1.6 Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for review of the determination of Council by the State Administration Tribunal within 28 days of the date of this decision.
 - 1.7 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.
 - 1.8 This approval is for a Home Occupation (Beauty Salon) at the premises only. Any alternative use of the premises will require the submission of an application to Council for a change of use.
 - 1.9 Any amendments or modifications to the approved drawings or documents forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.
2. Those persons who lodged a submission regarding the application be advised of Council's decision.

The Motion was Put and

CARRIED (8-0)

In favour of the Motion: Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon

(To be confirmed 13 November 2018)



(To be confirmed 13 November 2018)

11.5 Lot 9000 Bow River Crescent, Burswood – Proposed Unlisted Use (Temporary Sales Office)

File Reference:	PR25543
Appendices:	1. Aerial Plan 2. Development plans 3. Applicant's covering letter
Attachments:	No
Landowner: Applicant:	BL Developments Pty Ltd Element
Application Date: DA/BA or WAPC Ref: MRS Zoning: TPS Zoning: TPS Precinct: Use Class: Use Permissibility:	10/09/2018 5.2018.711.1 Urban Special Use Precinct 'P2' – Burswood Unlisted Use (Temporary Sales Office) At Council's discretion

Date:	3 October 2018
Reporting Officer:	A. Thamm / L. Sabitzer
Responsible Officer:	R. Cruickshank
Voting Requirement:	Approval - Absolute Majority Refusal - Simple Majority
Executive Summary: Recommendation – Temporary two (2) year approval, subject to conditions - Approval is sought for a temporary sales office for the proposed Tower 6 (31 storey residential tower) within the Burswood Lakes structure plan area. - The use is an "Unlisted Use" under the provisions of the Scheme, in which case the application requires Council determination. - It is recommended that the application be approved subject to conditions, including the approval being for a two (2) year period.	

TABLED ITEMS:

Nil.

BACKGROUND:

The Town has received an application for development approval for a proposed 31 storey residential tower development at Lot 9000 Bow River Crescent. This application is scheduled to be determined by the Metropolitan Central Joint Development Assessment Panel on 19 October 2018.

Subsequently the same applicant has now submitted a separate application for development approval for a temporary sales office to provide displays and assist in the sale of apartments for the proposed Tower 6.

(To be confirmed 13 November 2018)

DETAILS:

The temporary sales office is proposed to be located on the vacant land to the north-west and opposite the proposed Tower 6 site. The development site is earmarked for the future development of Tower 7. Refer to the Aerial Plan at [Appendix 1](#) for further information.

The application proposes the construction of a temporary sales office for the proposed Tower 6 development. The application involves the construction of a temporary sales office, a 12 bay car parking area, including an accessible bay accessed from Bow River Crescent, and landscaping areas. The application also annotates proposed hoarding signage, however this will be subject to a separate application for development approval

The applicant advises that the purpose of the temporary sales office is to assist in the sale of apartments for Tower 6 and that the, opening hours for the sales office will be Monday to Friday 12pm-5pm and Saturday to Sunday 9am-4pm. A total of two (2) staff will work at a given time in the sales office and the development is intended to be on-site for 18 months, depending on sales.

The sale office building includes a display area showing the living amenities of a typical apartment proposed within Tower 6, no bedrooms are to be included. In addition to the residential components, other office amenities are also located within the building. A balcony is also proposed to be facing the western (side) boundary.

Refer to the development plans ([Appendix 2](#)) and applicant's covering letter ([Appendix 3](#)).

In an email dated 1 October 2018, the developer outlines that subject to obtaining development approval from the JDAP for Tower 6 this month that construction of the sales office would need to commence this month in order to meet their programme for a sales launch of the Tower 6 apartments in late February 2019.

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';
- TPS1 Precinct Plan P2 – Burswood 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;*

(To be confirmed 13 November 2018)

- 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;*

Structure Plan

- Burswood Lakes Structure Plan

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)

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 Council Discretion
Land Use		X
Car Parking		X
Landscaping		X

Detailed Assessment

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

Land Use	
Deemed-To-Comply Requirement	Proposed
Permitted 'P' Use	Unlisted Use (Temporary Sales Office)
Car Parking	
Deemed-To-Comply Requirement	Proposed
Council discretion as no parking standard listed under LPP 23 for a Sales Office.	12 bays
Landscaping	
Deemed-To-Comply Requirement	Proposed
Minimum 25% of site area (3,435m²) <i>Note: the subject lot is 13,740m² or 1.374 ha as it is the remaining vacant lot for the estate.</i>	Approximately 1% or 150m²

(To be confirmed 13 November 2018)

Community Consultation:

Council's Local Planning 37 'Community Consultation on Planning Proposals' identifies that applications for Unlisted Uses are to be the subject of community consultation for a period of 21 days. In this case, given the nature of the proposed use, being for a temporary sales office, with no immediate residential neighbours and there being no prospect of any adverse impact upon surrounding properties, it is considered that community consultation is not warranted. Accordingly Council Officers have not undertaken community consultation in relation to the application.

Internal Referrals

Service Area	Comments
Building	No objections. Applications for a building permit and a sign licence application are required.
Parks	No objections. Standard conditions regarding the submission of a landscaping plan for approval and the planting and maintenance of the landscaping in accordance with an approved landscaping plan, are recommended.
Engineering	No objections. Standard condition regarding the submission of a construction management plan for approval and a custom condition prohibiting vehicle access from the subject site to Victoria Park Drive. Application for a crossover permit is required and drainage to be as per the Town's Stormwater drainage requirements for residential and commercial developments.

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:

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.

(To be confirmed 13 November 2018)

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

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:

Nil.

Cultural Issues:

Nil.

Environmental Issues:

Nil.

COMMENT:

Land Use

The land use of a sales office is not listed in the zoning table of Town Planning Scheme No.1, therefore the land use is assessed as an Unlisted Use.

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 'Special Use' zone in which it is located.

Display and information/sales suites are commonly developed as part of large residential projects. As such it is considered that the proposed use, on a temporary basis, is consistent with the objectives and purpose of the zoning of the land and purpose for which the land is to be developed. The sales office building is of an appropriate design and appearance and is located within a currently vacant lot, which is earmarked for the future development of Tower 7.

The proposed Temporary Sales Office is considered acceptable on the basis that it is of a temporary nature, particularly as the approved Structure Plan for the site contemplates a different form of development with the ultimate development of the site.

Car Parking

There is no minimum car parking ratio listed for a temporary sales office under Local Planning Policy 23 – 'Parking Policy'. Therefore, the assessment of the adequacy of the car parking provision is at the discretion of Council.

(To be confirmed 13 November 2018)

The development plans propose 12 car bays, including an accessible bay. The applicant advises that a maximum of 2 staff will be working at the sales office at a given time. This means that a total of 10 car bays will be available for patrons of the sales office. This is considered to be suitable to accommodate the demand of the proposed use.

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"*. As the subject lot is the remaining development lot for the site (over 13,740m² or 1.374 ha in area) the minimum 25% landscaping provision equates to 3,435m² of landscaping.

The site plan shows approximately 150m² of landscaping areas which is located between the street and the sales office building, adjacent to the vehicle access way and car parking areas.

The provided landscaping areas are deemed to be acceptable when considered relative to the size of the development site rather than the entire vacant lot and with the temporary nature of the development.

It is recommended that a condition is imposed requiring a) a detailed landscaping plan indicating the size, location and type of planting to be submitted to the Town for approval, and b) that the planting and maintenance of the landscaping as per the approved landscaping plan is completed.

Signage

The proposed site plan contains annotations indicating indicative locations of hoarding signs. Further information has been requested from the applicant regarding the details and dimensioned graphics of the proposed hoarding signage, which is yet to be provided.

Therefore, a condition of approval is recommended stating that this approval does not include the approval of any hoarding signage. Prior to installing the proposed hoarding signage both development approval and a sign license is to be obtained from the Town (refer to recommended Condition 1.9 and Advice Note 1.16).

CONCLUSION:

The application proposes to construct a Temporary Sales Office to assist with the sale of future residential apartments of Tower 6.

A Temporary Sales Office is not defined under Town Planning Scheme No.1 and is therefore considered an Unlisted Use. The sales office building is of an appropriate design and appearance and is located within a currently vacant lot, which is earmarked for the future development of Tower 7.

The proposed Temporary Sales Office is considered acceptable on the basis that it is of a temporary nature, particularly as the approved Structure Plan for the site contemplates a different form of development with the ultimate development of the site.

(To be confirmed 13 November 2018)

Furthermore, there will be minimal impact to the amenity of existing residents in Burswood Lakes Estate as the proposed sales office is located away from existing residences and the conditioned operating hours are between 9am to 5pm daily.

Accordingly, this application for development approval is recommended for temporary approval, by Absolute Majority, subject to conditions.

RESOLVED:

Moved: Cr Vernon

Seconded: Cr R Potter

- 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 Element (DA Ref: 5.2018.711.1) for an 'Unlisted Use (Temporary Sales Office)' at Lot 9000 Bow River Crescent, Burswood 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 and the sales office building shall be removed from the site, 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 Except with the prior written consent from the Town, the development shall only operate between 9am to 5pm Monday to Sunday.**
 - 1.4 Prior to the submission of an application for a building permit, a detailed landscaping plan indicating the size, location and type of planting shall be submitted to and approved in writing by the Town.**
 - 1.5 Landscaping, in accordance with the approved landscaping plan, shall be provided on-site prior to the subject development being first occupied, and thereafter maintained to the satisfaction of the Town.**
 - 1.6 Prior to the occupation of the development, all car parking spaces together with their access aisles, are to be clearly paved, sealed, marked and drained and thereafter maintained to the satisfaction of the Town.**
 - 1.7 Vehicle access to the Temporary Sales Office is to be only taken from Bow River Crescent as shown on the approved site plan. No vehicle access is to be taken from Victoria Park Drive.**
 - 1.8 This approval does not include the approval of any signage.**

Advice to Applicant

- 1.9 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.**
- 1.10 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 the Council.**
- 1.11 A building permit is required to be obtained from the Town prior to commencement of any work in relation to this development approval.**
- 1.12 Crossover location and construction shall comply with the Town's Specifications for Crossover Construction. A separate application must be made to the Town's Street Improvement Unit for approval prior to construction of a new crossover.**
- 1.13 Stormwater drainage to comply with the Town's Stormwater drainage requirements for residential and commercial developments.**
- 1.14 In relation to Condition 1.4, 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**

(To be confirmed 13 November 2018)

- 1.15 In relation to Condition 1.9, a separate application for development approval is to be submitted and approved by the Town's Urban Planning business unit for the proposed hoarding signage. Following development approval for the proposed signage, a sign licence application is to be submitted to and approved by the Town's Building business unit.**

The Motion was Put and CARRIED BY AN ABSOLUTE MAJORITY (8-0)

In favour of the Motion: Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; and Cr R Potter Cr V Potter; and Cr Vernon.

12 CHIEF OPERATIONS OFFICER REPORTS

12.1 Proposed Lease of 874 Albany Highway to David Winchester and Tina Charles, trading as OnSite Psychology Pty Ltd ABN 78 607 105 635

File Reference:	PR9900 CMS/14/0005~09
Appendices:	No
Attachments:	No

Date:	21 September 2018
Reporting Officer:	T. McCarthy
Responsible Officer:	J. Wong
Voting Requirement:	Absolute Majority

Executive Summary:

Recommendation – That the property at 874 Albany Highway, East Victoria Park, be leased to David Winchester and Tina Charles, trading as OnSite Psychology Pty Ltd ABN 78 607 105 635, for a term of twelve (12) months with a further optional term of twelve (12) months.

- Proponent has made an offer to lease the Town owned property at 874 Albany Highway, East Victoria Park.
- A licensed valuer has provided a valuation report assessing the fair market rental of the property.
- The subject property has not been occupied since being vacated in October 2017 by the previous tenant, Enkel.
- The lease period is considered for a maximum of two (2) years due mainly to the potential of redevelopment works which could commence in the near future based on information provided in the Town's Land Asset Optimisation Strategy (LAOS).
- The draft leasing agreement has been sighted by the proponent.
- The Proponent is aware of the time required for the process to have the leasing arrangement endorsed by Council which will be subject to public notice process.

TABLED ITEMS:

Nil.

BACKGROUND:

The town-owned property at 874 Albany Highway ('the property') has not been occupied since being vacated by the previous tenant in October 2017, Enkel. It had previously been occupied by different tenants including Protective Behaviours, Community Policing, and an infant health service.

Since being vacated by Enkel, the property was considered for use as office space for some Town staff. This proposal was not proceeded with and the property has remained vacant since.

(To be confirmed 13 November 2018)

The property was purchased in 1938 by Dr Thomas Meagher, Mrs Meagher and Howard Raphael for the purpose of establishing an infant health clinic. In 1955, Sir Thomas Meagher, as the sole surviving owner and trustee, transferred the property to the State Chief Secretary to be held in trust. In 1955, the State Chief Secretary transferred the property to the City of Perth to be held in trust. The trust was removed by order of the Supreme Court in 1991 after the infant health centre ceased to operate. The property was transferred to the Town in 1995 under the *City of Perth Restructuring Act 1993* and is now held in fee simple by the Town, without any encumbrances on the Certificate of Title.

DETAILS:

The property at 874 Albany Highway is owned in fee simple by the Town on Certificate Volume 980 Folio 45 and is zoned "District Centre" under the Town of Victoria Park Town Planning Scheme No. 1, and "Urban" under the Metropolitan Region Scheme. It is 526m² in area, having a frontage of 10.1metres and side boundaries of 52.1metres. There is rear Right of Way access to the property from Iceworks Lane.

Legal Compliance:

Any disposition of Council owned land or property, either by lease or sale, must be carried out in accordance with Section 3.58 of the *Local Government Act 1995*.

The proposal to lease the property to the proposed Lessee for a term of twelve (12) months with a further optional term of twelve (12) months will be advertised in accordance with Section 3.58 of the *Local Government Act 1995*, which requires that a proposal to dispose of property by sale or lease must be advertised by the giving of local public notice for no less than two weeks. If, on giving local public notice of the proposed lease, any submissions are received by the specified closing date, the matter will be referred back to Council and the submissions received will be put before Council for consideration.

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.*

Policy Implications:

Policy ADM8 - Leasing Policy. The proposed lease will be in compliance with the aims and objectives of Policy - ADM8.

(To be confirmed 13 November 2018)

At its Ordinary Meeting held 8 October 2013, Council resolved:

1. *The Land Asset Optimisation Strategy dated September 2013 prepared on behalf of the Town of Victoria Park by Hester Property Solutions Pty Ltd be acknowledged; and*
2. *Any proposal in respect to Council owned or controlled property will be considered by Council on a case by case basis, with reference to the Land Asset Optimisation Strategy September 2013, Council's Strategic Community Plan and Long Term Financial Plan*

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Failure of Lessee to meet rent payment obligation.	Moderate	Low	Low	Action to recover outstanding rents.
Building will not meet minimum equitable access requirements under the Building Code of Australia requirements if recommended work is not carried out. The Town, as owner of the building, could be subject to legal action by a disaffected party if that party felt aggrieved by a lack of equitable access	Moderate	Moderate	Moderate	Carry out work to bring building up to minimum Building Code of Australia equitable access standard once funds have been identified during the mid-year budget review process.

Strategic Plan Implications:

The disposition by lease of the subject property will be in accordance with the asset management plans referred to in the *Strategic Community Plan 2017-2032*.

(To be confirmed 13 November 2018)

Financial Implications:Internal Budget:

Revenue of \$21,600.00 (exclusive of GST), less lease management expenses, per annum, is anticipated to be generated by the proposed lease.

Quotes have been obtained to carry out modification to the property to enable it to comply with disability access requirements, as recommended by a Disability Access Audit and determined by the Principal Building Surveyor, for the intended use as consulting rooms. The lowest quote obtained is \$15,760.00 (exclusive of GST) to carry out the work. Additional unknown expenses may be incurred during these works and so it may be prudent, and is recommended, to apply a suitable contingency component to this quote.

It is not compulsory to carry out the works prior to leasing the property, however if it is not done in the near future, there is risk that the Town may be sued by a disabled person who is unable to access the building. The Principal Building Surveyor has advised that the work proposed to be carried out is the minimum required under the Building Code of Australia to bring the building up to an acceptable level of equitable access. To make the building fully compliant would require more extensive works. Review of the access requirements has been brought about by the change of use from "Office" to "Consulting Rooms."

Total Asset Management:

The Lessee will be responsible for ongoing maintenance during the term of the lease. The Town, as Lessor, will remain responsible for any structural maintenance and replacement of fixed items due to fair wear and tear.

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

The presence of a psychology consulting service at the property will activate the site and indicate that the building is in use and assist in preventing the impression that it is vacant and a target for vandalism.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The property has been vacant since October 2017. Earlier this year the Town engaged a real estate agent specialising in commercial leases to market the property. The agent has received enquiries from many prospective tenants, the majority of whom wanted to establish a restaurant at the property. Because of the significant cost to establish a restaurant, those prospective tenants required a lease term in the order of ten years and did not make an offer to lease as the Town had stipulated a maximum lease term of two years. The proposed

(To be confirmed 13 November 2018)

Lessee is willing to accept a lease term of shorter duration, i.e. the recommended term of twelve (12) months with a further optional term of twelve (12) months. A maximum term of two (2) years has been determined by the Property Development Manager as there is a possibility that the property may be otherwise utilised under the Land Asset Optimisation Strategy.

A licensed valuer has assessed the rental value of the property as within the range \$20,000.00 to \$25,000.00 (exclusive of GST) per annum. The recommended amount of rent payable, \$21,600.00 (exclusive of GST) per annum, has been determined by the agent, on assessment of current market conditions, as being reasonable and within the valuer's assessed range. The proposed Lessee has indicated agreement to pay the recommended annual rent.

The Town will engage the commercial real estate agent to manage the lease of the property for the duration of the lease term. The lease will be a "Contract to Lease Commercial/Industrial Premises by Offer and Acceptance (Other than Retail Premises)" and will not come under the *Commercial Tenancy (Retail Shops) Agreements Act 1985*. The real estate agent to be engaged to manage the rental of the property is very experienced in commercial leasing and is confident the leasing arrangement will be of mutual benefit to Lessee and Lessor.

The proposed Lessee is a practising psychologist and has a current business registration for his company Onsite Psychology Pty Ltd ABN 78 607 105 635.

The proposed Lessee has been advised that this report is being presented to Council for consideration and is comfortable with the recommendation. The proposed Lessee has amended the offer to lease document to show the proposed lease commencement date 1 November 2018.

CONCLUSION:

The proposed Lessee is a practising psychologist and is prepared to lease the property for the recommended term. He has been assessed by the agent acting for the Town as a suitable tenant for the property. It is recommended that the proposed Lessee be offered a lease of the property for a term of twelve (12) months with a further optional term of twelve (12) months at a rental rate of \$21,600.00 (plus GST) per annum and that the Annual Budget be amended to carry out disability access works at the location utilising the initial twelve (12) months lease payments to fund these works.

(To be confirmed 13 November 2018)**RESOLVED:****Moved: Cr Anderson****Seconded: Cr R Potter****That Council:**

1. Approves the leasing of the property at 874 Albany Highway, East Victoria Park, to David Winchester and Tina Charles, trading as OnSite Psychology Pty Ltd ABN 78 607 105 635, for a term of twelve (12) months from 1 November 2018 with an option of a further term of twelve (12) months at a rental rate of \$21,600 (plus GST) per annum, subject to there being no submissions received during the period specified for the lodgement of submissions detailed in the giving of local public notice
2. Approves the inclusion in the lease of a redevelopment clause such that the lease can be terminated by the Lessor by the giving of six months' notice in the event that the property is to undergo substantial redevelopment.
3. In the event that any submissions are received in response to the local public notice of the proposed disposition of the subject site, in the manner prescribed and within the time specified for the making of any submission, require the matter to be referred back to Council for consideration of any submissions received, in accordance with Section 3.58(3) of the *Local Government Act 1995*.
4. In the event that no submissions are received in response to the local public notice of the proposed disposition of the subject site, authorise the Mayor and the Chief Executive Officer to execute on behalf of the Town the lease document for the lease of the property.
5. In accordance with Section 6.8 of the *Local Government Act 1995*, and by absolute majority, approves the following capital works;

874 Albany Highway – Disability Access	\$15,000
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and amends the 2018-2019 Annual Budget as follows;

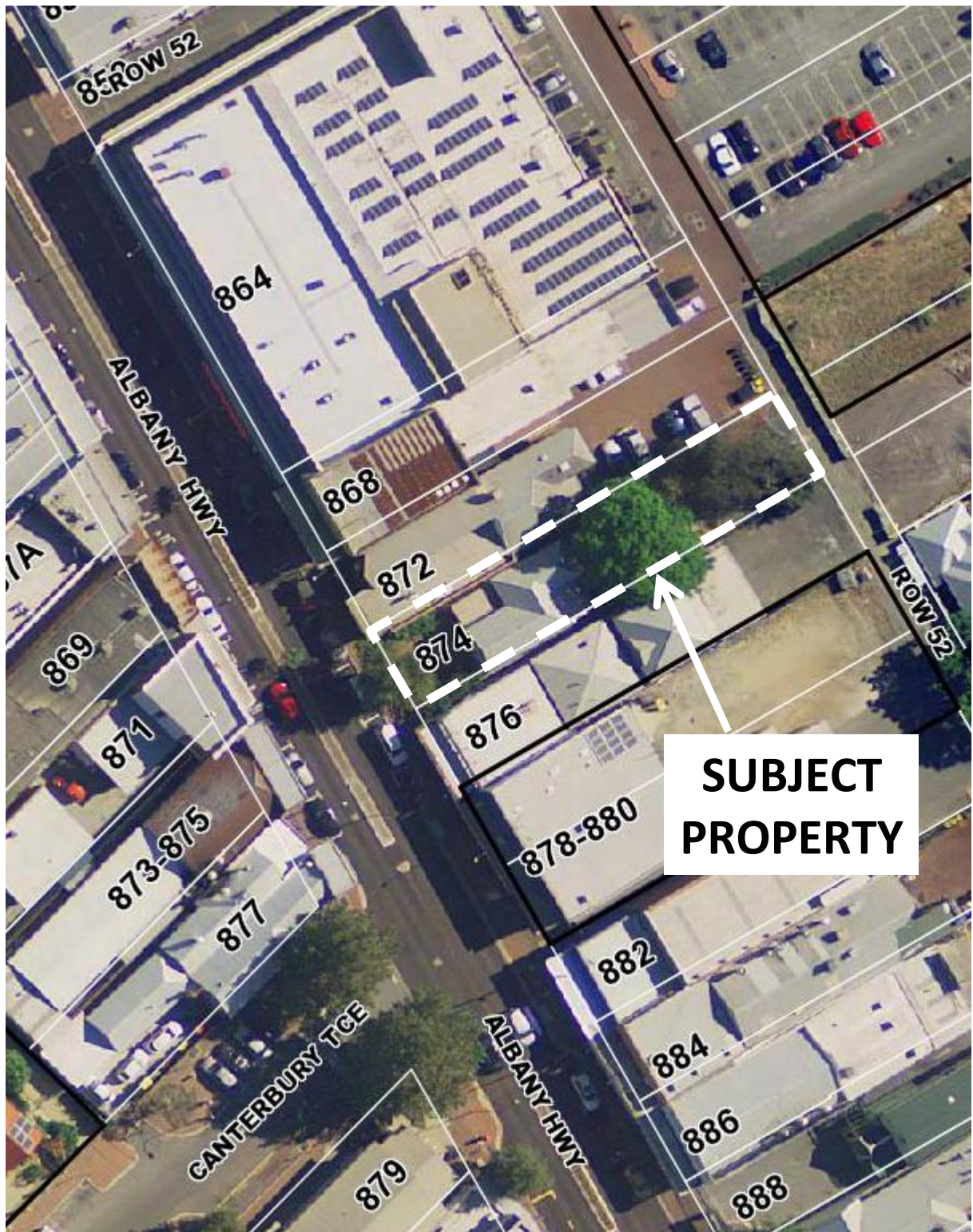
Increase revenue	874 Albany Highway – Lease Income	\$15,000
Increase expense	874 Albany Highway – Disability Access	\$15,000

for the purpose of recognising lease revenue from, and minimum standard disability access works to, 874 Albany Highway, East Victoria Park, this financial year.

The Motion was Put and**CARRIED BY AN ABSOLUTE MAJORITY (8-0)**

In favour of the Motion: Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon.

(To be confirmed 13 November 2018)



12.2 Proposed Lease of Aqualife Café to Onca Enterprises Pty Ltd

File Reference:	PR25050 CMS/14/0005~09
Appendices:	No.
Attachments:	No.

Date:	25 September 2018
Reporting Officer:	T. McCarthy
Responsible Officer:	J. Wong
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council:

1. Acknowledges that the Council Resolution on Item 12.2 Proposed Lease of Aqualife Café to Onca Pty Ltd, at its 14 August 2018 Ordinary Council Meeting, will no longer be implemented.
2. Approves the leasing of the café at Aqualife Centre, Somerset Street East Victoria Park, of area approximately 60m², to Onca Enterprises Pty Ltd for a term of twelve (12) months from 1 November 2018 with an option of four further terms of twelve (12) months each at a rental rate of \$12,500.00 (plus GST) per annum with annual fixed rent review increase of 3% and an initial rent free period of six (6) months beginning at the commencement of the lease, subject to public notice provisions.
 - Council resolved at its August 2018 Ordinary Meeting to lease the café at Aqualife to Onca Enterprises Pty Ltd for a term of 12 months with two further optional terms of 12 months each.
 - It has since come to light that the proposed lease is subject to the *Commercial Tenancy (Retail Shops) Agreements Act 1985*, which contains a clause entitling any tenant of a retail shop to a minimum five year lease term, should they desire a minimum five year term.
 - Proponent has made an offer to lease the Café at Aqualife and contributed to the preparation of the draft lease agreement.
 - The CTA Act provisions have been discussed with the proposed Lessee and he is accepting of this report being presented to Council for consideration of a longer lease term than that previously approved by Council.
 - Proponent has been in communication with the Town's staff and will accept a five year lease arrangement despite the additional time required to formalise the lease agreement.
 - A licensed valuer has provided a valuation report assessing the fair market rental of the Café.
 - The Café has not been occupied by an independent trader for some time and Aqualife staff have provided service to patrons from the Café as required.

TABLED ITEMS:

Nil

(To be confirmed 13 November 2018)

BACKGROUND:

The café at Aqualife has not been occupied by an independent trader since approximately April 2009. The previous Lessee of the café decided not to apply for a new lease on expiry of the previous lease. Since the expiry of the previous lease, Aqualife staff employed by the Town have provided service from the café to Aqualife patrons on an as required basis. It is not viable to continue this practice as the café has operated on an unprofitable basis when staffed by Town employees and as a consequence the café ceased operations in April 2017.

At its Ordinary Meeting held 14 August 2018, Council resolved to approve the proposed lease of the Aqualife café to Onca Enterprises Pty Ltd subject to provisions of Section 3.58(3) of the *Local Government Act 1995*, where in the event that any submissions are received in response to the local public notice of the proposed disposition of the subject site, the matter be referred back to Council for consideration. The recommendations as resolved by Council were:

That Council:

1. *Advertises the proposed leasing of the café at Aqualife Centre, Somerset Street East Victoria Park, of area approximately 60m², to Onca Enterprises Pty Ltd for a term of 12 months from 1 September 2018 with an option of two further terms of 12 months each at a rental rate of \$12,500.00 (plus GST) per annum, with annual fixed rent review increase of 3% and an initial rent free period of six (6) months beginning at the commencement of the lease, in compliance with Section 3.58(3) of the Local Government Act 1995.*
2. *Approves the proposed lease, subject to provisions of Section 3.58(3) of the Local Government Act 1995, where in the event that any submissions are received in response to the local public notice of the proposed disposition of the subject site, the matter be referred back to Council for consideration.*
3. *Includes a redevelopment clause be included in the lease, such that the lease can be terminated by the Lessor by the giving of six (6) months' notice in the event that the property is to undergo substantial redevelopment.*
4. *Authorises the Mayor and the Chief Executive Officer to execute, on behalf of the Town, the lease document for the lease of the café at Aqualife Centre, Somerset Street East Victoria Park, in the event that no submissions are received in accordance with subject to provisions of Section 3.58(3) of the Local Government Act 1995.*

The proposal to lease the Aqualife café was given local public notice in accordance with the requirements of Section 3.58(3) of the *Local Government Act 1995*. No submissions were received in response to the local public notice of the proposal.

In the process of the lease agreements being drawn up, the Town has been advised by its solicitors that the proposed lease is subject to the *Commercial Tenancy (Retail Shops) Agreements Act 1985* (the CTA Act). Administration had not been aware that a tenant of a retail shop, which the Aqualife café is considered to be, is entitled to a minimum five year lease term, should they desire a minimum five year term. Section 13 of the CTA Act states, in part:

(To be confirmed 13 November 2018)

13. Tenant entitled to at least 5 year term in some cases etc.

(1) Subject to this section, where under a retail shop lease —

(a) the term of the lease (in this section called the **current term**) is more than 6 months but less than 5 years; and

(b) the current term plus any term (in this section called the **option term**) that may be obtained by the tenant by way of an option to renew the lease totals more than 6 months but less than 5 years,

the lease shall be taken to give the tenant an option to renew the lease for a term commencing immediately after the expiry of the current term and the option term, if any, and ending on a day specified by the tenant that is not later than 5 years after the day of commencement of the current term.

Having been made aware of the tenant's entitlement under Section 13 of the CTA Act, it was not appropriate to proceed with execution of the lease document with the knowledge that the lease could be extended to five years by the tenant as of right, without Council being aware of that potential.

Council is requested to amend the resolution of 14 August 2018 by extending the term of the lease to a term of twelve (12) months with four further optional terms of twelve (12) months each.

DETAILS:

Legal Compliance:

Any disposition of Council owned land or property, either by lease or sale, must be carried out in accordance with Section 3.58 of the *Local Government Act 1995*.

The proposal to lease the café at Aqualife to the proposed Lessee for a term of twelve (12) months with four further optional terms of twelve (12) months each will be advertised in accordance with Section 3.58 of the *Local Government Act 1995*, which requires that a proposal to dispose of property by sale or lease must be advertised by the giving of local public notice for no less than two weeks. If, on giving local public notice of the proposed lease, any submissions are received by the specified closing date, the matter will be referred back to Council and the submissions received will be put before Council for consideration.

The proposed lease area is 60m² within the Aqualife building. Additionally, access is provided to indoor and outdoor seating areas which are not within the lease area. There is no direct access to the lease area from the exterior of the building. Included in the lease area are a cool room, dry storage room, hot water system, fixed benches, commercial exhaust, wall fans and tables and chairs.

Policy Implications:

Policy ADM8 - Leasing Policy. The proposed lease will be in compliance with the aims and objectives of Policy - ADM8.

(To be confirmed 13 November 2018)

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Failure of Lessee to meet rent payment obligation.	Moderate	Low	Low	Action to recover outstanding rents.

Strategic Plan Implications:

The disposition by lease of the subject property will be in accordance with the asset management plans referred to in the *Strategic Community Plan 2017-2032*.

Financial Implications:Internal Budget:

Revenue of \$6,250.00 (exclusive of GST) for the first year of the lease and \$12,500 (exclusive of GST) per annum for the second year of the lease and 3% per annum increases for the subsequent years of the lease, if those further term options are exercised, is anticipated to be generated by the proposed lease.

Total Asset Management:

Nil.

Sustainability Assessment:External Economic Implications:

Nil.

Social Issues:

The presence of an experienced café operator at the Aqualife Centre improves the amenity of the facility by providing an extra service for both users of the Aqualife facilities and the general public.

Cultural Issues:

Nil.

Environmental Issues:

Nil.

COMMENT:

The recommended amount of rent payable, \$12,500.00 (plus GST) per annum, has been determined by a licensed valuer. The proposed Lessee has indicated agreement to pay the assessed rent with an annual rent review increase of three per centum (3%). The proposed Lessee has requested that the Town provide an initial rent free period of six (6) months starting at the commencement of the lease in order that initial capital setup costs can be partially covered. The Manager Aqualife supports the initial rent free period of six (6) months on the basis that there has been very little interest shown by other persons in operating the Aqualife café on a lease basis. The café has not had a Lessee in occupation for some time and if the current proponent is not able to agree terms of a lease with the Town the café may remain without a Lessee for some time.

(To be confirmed 13 November 2018)

Because the CTA Act gives tenants of retail shops an entitlement to a minimum five year lease term should they so desire it, this matter is re-presented to Council for consideration of whether to enter a lease arrangement in the knowledge that a minimum five year term is entirely at the tenant's option. The recommendation is therefore presented acknowledging that entitlement and is an extension of the term previously approved at the Ordinary Meeting held 14 August 2018.

The CTA Act provisions have been discussed with the proposed Lessee and he is accepting of this report being presented to Council for consideration of a longer lease term than that previously approved by Council.

As a lease document has yet been executed, an option to not proceed with a lease could be exercised by rescinding the resolution of 14 August 2018.

CONCLUSION:

The proposed Lessee has extensive experience within the restaurant and hotel industry over more than ten years. For the past two years he has also operated mobile coffee vans and food vans. It is recommended that the proposed Lessee be offered a lease of the Aqualife café for a term of twelve (12) months with four further optional terms of twelve (12) months each at a rental rate of \$12,500.00 (plus GST) per annum with annual fixed rent review increase of 3% and an initial rent free period of six (6) months beginning at the commencement of the lease. As a lease document has yet been executed, it is strongly recommended that Council not proceed with a lease by rescinding the Council resolution of 14 August 2018.

RESOLVED:

Moved: Cr Jacobs

Seconded: Cr Vernon

That Council:

- 1. Acknowledges that the Council Resolution on Item 12.2 Proposed Lease of Aqualife Café to Onca Pty Ltd, at its 14 August 2018 Ordinary Council Meeting, will no longer be implemented.**
- 2. Approves the leasing of the café at Aqualife Centre, Somerset Street East Victoria Park, of area approximately 60m², to Onca Enterprises Pty Ltd for a term of twelve (12) months from 1 November 2018 with an option of four further terms of twelve (12) months each at a rental rate of \$12,500.00 (plus GST) per annum with annual fixed rent review increase of 3% and an initial rent free period of six (6) months beginning at the commencement of the lease, subject to public notice provisions.**
- 3. A redevelopment clause be included in the lease such that the lease can be terminated by the Lessor by the giving of six months' notice in the event that the property is to undergo substantial redevelopment.**

(To be confirmed 13 November 2018)

4. In the event that any submissions are received in response to the local public notice of the proposed disposition of the subject site, in the manner prescribed and within the time specified for the making of any submission, the matter be referred back to Council for consideration of any submissions received, in compliance with Section 3.58(3) of the *Local Government Act 1995*.
5. In the event that no submissions are received in response to the local public notice of the proposed disposition of the subject site, the Mayor and the Chief Executive Officer be authorised to execute on behalf of the Town the lease document for the lease of the subject site.

The Motion was Put and

CARRIED (8-0)

In favour of the Motion: Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs;
Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon

12.3 Proposed Lease of Leisurelife Café and Leisurelife Commercial Kitchen to Onca Enterprises Pty Ltd

File Reference:	PR3329 CMS/14/0005~09
Appendices:	No.
Attachments:	No.

Date:	25 September 2018
Reporting Officer:	T. McCarthy
Responsible Officer:	J. Wong
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council:

1. Acknowledges that the Council Resolution on Item 12.3 Proposed Lease of Leisurelife Café and Leisurelife Commercial Kitchen to Onca Pty Ltd, at its 14 August 2018 Ordinary Council Meeting, will no longer be implemented.
2. Approves the leasing of the café and commercial kitchen at Leisurelife Centre, Kent Street East Victoria Park, of area approximately 24m² (café) and 33m² (commercial kitchen), to Onca Enterprises Pty Ltd for a term of twelve (12) months from 1 November 2018 with an option of four further terms of twelve (12) months each at a rental rate of \$17,500.00 (plus GST) per annum with annual fixed rent review increase of 3% and an initial rent free period of six (6) months beginning at the commencement of the lease, subject to public notice provisions.
 - Council resolved at its August 2018 Ordinary Meeting to lease the café and commercial kitchen at Leisurelife to Onca Enterprises Pty Ltd for a term of 12 months with two further optional terms of 12 months each.
 - It has since come to light that the proposed lease is subject to the *Commercial Tenancy (Retail Shops) Agreements Act 1985*, which contains a clause entitling any tenant of a retail shop to a minimum five year lease term, should they desire a minimum five year term.
 - Proponent has made an offer to lease the café and commercial kitchen at Leisurelife and contributed towards the preparation of the draft lease agreement.
 - The CTA Act provisions have been discussed with the proposed Lessee and he is accepting of this report being presented to Council for consideration of a longer lease term than that previously approved by Council.
 - Proponent has been in communication with the Town's staff and will accept a five year lease arrangement despite the additional time required to formalise the lease agreement.
 - A licensed valuer has provided a valuation report assessing the fair market rental of the café and commercial kitchen.
 - The café has not been occupied by an independent trader for some time and Leisurelife staff have provided service to patrons from the café as required. Over recent years the commercial kitchen has been hired to various groups on an irregular basis.

(To be confirmed 13 November 2018)**TABLED ITEMS:**

Nil.

BACKGROUND:

The café at Leisurelife has not been occupied by an independent trader since approximately 2009. The previous Lessee of the café decided not to apply for a new lease on expiry of the previous lease. Since the expiry of the previous lease, Leisurelife staff employed by the Town have provided service from the café to Leisurelife patrons on an as required basis. It is not viable to continue this practice as the café is operating on an unprofitable basis when staffed by the Town employees.

At its Ordinary Meeting held 14 August 2018, Council resolved to approve the proposed lease of the Leisurelife café and commercial kitchen to Onca Enterprises Pty Ltd subject to provisions of Section 3.58(3) of the *Local Government Act 1995*, where in the event that any submissions are received in response to the local public notice of the proposed disposition of the subject site, the matter be referred back to Council for consideration. The recommendations as resolved by Council were:

That Council:

1. *Advertises the proposed the leasing of the café and commercial kitchen at Leisurelife Centre, Kent Street East Victoria Park, of area approximately 24m² (café) and 33m² (commercial kitchen), to Onca Enterprises Pty Ltd for a term of twelve (12) months from 1 September 2018 with an option of two further terms of twelve (12) months each at a rental rate of \$17,500.00 (plus GST) per annum with annual fixed rent review increase of 3% and an initial rent free period of six (6) months beginning at the commencement of the lease, in compliance with Section 3.58(3) of the Local Government Act 1995.*
2. *Approves the proposed lease, subject to provisions of Section 3.58(3) of the Local Government Act 1995, where in the event that any submissions are received in response to the local public notice of the proposed disposition of the subject site, the matter be referred back to Council for consideration.*
3. *Includes a redevelopment clause be included in the lease, such that the lease can be terminated by the Lessor by the giving of six months' notice in the event that the property is to undergo substantial redevelopment.*
4. *Authorises the Mayor and the Chief Executive Officer to execute, on behalf of the Town, the lease document for the lease of the café and commercial kitchen at Leisurelife Centre, Kent Street, East Victoria Park, in the event that no submissions are received in accordance with subject to provisions of Section 3.58(3) of the Local Government Act 1995.*

The proposal to lease the Leisurelife café and commercial kitchen was given local public notice in accordance with the requirements of Section 3.58(3) of the *Local Government Act 1995*. No submissions were received in response to the local public notice of the proposal.

(To be confirmed 13 November 2018)

In the process of the lease agreements being drawn up, the Town has been advised that the proposed lease is subject to the *Commercial Tenancy (Retail Shops) Agreements Act 1985* (the CTA Act). Administration had not been aware that a tenant of a retail shop, which the Leisurelife café is considered to be, is entitled to a minimum five year lease term, should they desire a minimum five year term. Section 13 of the CTA Act states, in part:

13. Tenant entitled to at least 5 year term in some cases etc.

- (1) Subject to this section, where under a retail shop lease —
- (a) the term of the lease (in this section called the **current term**) is more than 6 months but less than 5 years; and
 - (b) the current term plus any term (in this section called the **option term**) that may be obtained by the tenant by way of an option to renew the lease totals more than 6 months but less than 5 years,
- the lease shall be taken to give the tenant an option to renew the lease for a term commencing immediately after the expiry of the current term and the option term, if any, and ending on a day specified by the tenant that is not later than 5 years after the day of commencement of the current term.

Having been made aware of the tenant's entitlement under Section 13 of the CTA Act, it was not appropriate to proceed with execution of the lease document with the knowledge that the lease could be extended to five years by the tenant as of right, without Council being aware of that potential.

Council is requested to amend the resolution of 14 August 2018 by extending the term of the lease to a term of twelve (12) months with four further optional terms of twelve (12) months each.

DETAILS:

Legal Compliance:

Any disposition of Council owned land or property, either by lease or sale, must be carried out in accordance with Section 3.58 of the *Local Government Act 1995*.

The recommended variation to the lease proposal, to lease the café and the commercial kitchen at Leisurelife to the proposed Lessee for a term of twelve (12) months with four further optional terms of twelve (12) months each will be need to be advertised in accordance with Section 3.58 of the *Local Government Act 1995*, which requires that a proposal to dispose of property by sale or lease must be advertised by the giving of local public notice for no less than two weeks. If, on giving local public notice of the proposed lease, any submissions are received by the specified closing date, the matter will be referred back to Council and the submissions received will be put before Council for consideration.

The proposed lease areas are 24m² for the café and 33m² for the commercial kitchen within the Leisurelife building. Additionally, access is provided to indoor and outdoor seating areas which are not within the lease area. There is no direct access to the Café lease area from the exterior of the building, however there is direct access to the commercial kitchen lease area. The café is a fully equipped café facility with all kitchen facilities including benches and sink. There is a servery onto the public seating area adjacent to the basketball arena. The lease area for the commercial kitchen includes stainless steel benches, stainless steel sink, commercial hotplates and oven and a sectioned off cool room area.

(To be confirmed 13 November 2018)

Policy Implications:

Policy ADM8 - Leasing Policy. The proposed lease will be in compliance with the aims and objectives of Policy - ADM8.

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Risk Type. Failure of Lessee to meet rent payment obligation.	Moderate	Low	Low	Action to recover outstanding rents.

Strategic Plan Implications:

The disposition by lease of the subject property will be in accordance with the asset management plans referred to in the *Strategic Community Plan 2017-2032*.

Financial Implications:Internal Budget:

Revenue of \$8,750.00 (exclusive of GST) for the first year of the lease and \$17,500 (exclusive of GST) per annum for the second year of the lease and 3% per annum increases for the subsequent years of the lease, if those further term options are exercised, is anticipated to be generated by the proposed lease.

Total Asset Management:

Nil.

Sustainability Assessment:External Economic Implications:

Nil.

Social Issues:

The presence of an experienced café operator at the Leisurelife Centre improves the amenity of the facility by providing an extra service for both users of the Leisurelife facilities and the general public.

Cultural Issues:

Nil.

Environmental Issues:

Nil.

COMMENT:

The recommended amount of rent payable, \$17,500.00 (plus GST) per annum, has been determined by a licensed valuer. The proposed Lessee has indicated agreement to pay the assessed rent with an annual rent review increase of three per centum (3%). The proposed

(To be confirmed 13 November 2018)

Lessee has requested that the Town provide an initial rent free period of six (6) months starting at the commencement of the lease in order that initial capital setup costs can be partially covered. The Leisure Facility Operations Manager supports the initial rent free period of six (6) months on the basis that there has been very little interest shown by other persons in operating the Leisurelife café on a lease basis. The café has not had a Lessee in occupation for some time and if the current proponent is not able to agree terms of a lease with the Town the café may remain without a Lessee for some time.

Because the CTA Act gives tenants of retail shops an entitlement to a minimum five year lease term should they so desire it, this matter is re-presented to Council for consideration of whether to enter a lease arrangement in the knowledge that a minimum five year term is entirely at the tenant's option. The recommendation is therefore presented acknowledging that entitlement and is an extension of the term previously approved at the Ordinary Meeting held 14 August 2018.

The CTA Act provisions have been discussed with the proposed Lessee and he is accepting of this report being presented to Council for consideration of a longer lease term than that previously approved by Council.

As a lease document has not been executed, an option to not proceed with a lease could be exercised by rescinding the resolution of 14 August 2018.

CONCLUSION:

The proposed Lessee has extensive experience within the restaurant and hotel industry over more than ten years. For the past two years he has also operated mobile coffee vans and food vans. It is recommended that the proposed Lessee be offered a lease of the Leisurelife café for a term of twelve (12) months with four further optional terms of twelve (12) months each at a rental rate of \$17,500.00 (plus GST) per annum with annual fixed rent review increase of 3% and an initial rent free period of six (6) months beginning at the commencement of the lease. As a lease document has yet been executed, it is strongly recommended that Council not proceed with a lease by rescinding the Council resolution of 14 August 2018.

RESOLVED:

Moved: Cr Ife

Seconded: Cr Vernon

That Council:

- 1. Acknowledges that the Council Resolution on Item 12.3 Proposed Lease of Leisurelife Café and Leisurelife Commercial Kitchen to Onca Pty Ltd, at its 14 August 2018 Ordinary Council Meeting, will no longer be implemented.**
- 2. Approves the leasing of the café and commercial kitchen at Leisurelife Centre, Kent Street East Victoria Park, of area approximately 24m² (café) and 33m² (commercial kitchen), to Onca Enterprises Pty Ltd for a term of twelve (12) months from 1 November 2018 with an option of four further terms of twelve (12) months each at a rental rate of \$17,500.00 (plus GST) per annum with annual**

(To be confirmed 13 November 2018)

fixed rent review increase of 3% and an initial rent free period of six (6) months beginning at the commencement of the lease, subject to public notice provisions.

- 3. A redevelopment clause be included in the lease such that the lease can be terminated by the Lessor by the giving of six months' notice in the event that the property is to undergo substantial redevelopment.**
- 4. In the event that any submissions are received in response to the local public notice of the proposed disposition of the subject site, in the manner prescribed and within the time specified for the making of any submission, the matter be referred back to Council for consideration of any submissions received, in compliance with Section 3.58(3) of the *Local Government Act 1995*.**
- 5. In the event that no submissions are received in response to the local public notice of the proposed disposition of the subject site, the Mayor and the Chief Executive Officer be authorised to execute on behalf of the Town the lease document for the lease of the subject site.**

The Motion was Put and

CARRIED (8-0)

In favour of the Motion: Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon

(To be confirmed 13 November 2018)

12.4 Request for Quotation – TVP/18/16 Construction Works for the Rutland Avenue Shared Path – Welshpool Road to Oats Street

RFQ No:	TVP/18/16
Appendices:	No
Attachments:	No

Date:	24 August 2018
Reporting Officer:	M. Pendlebury/D. Lau
Responsible Officer:	J. Wong
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council accepts the submission by Dowsing Group (ABN 60 617 211 935) for Request for Quotation (RFQ) issued through the Western Australia Local Government Association's Preferred Supplier Arrangement for the construction of the Rutland Avenue Shared Path from Welshpool Road to Oats Street.

- Submissions were invited for construction of the shared path through the Western Australia Local Government Association (WALGA) Preferred Supplier Arrangement for Roadbuilding Materials and Related Services, C033_13. The WALGA e-Quotes environment was utilised to manage the RFQ process, RFQ reference number VP111463.
- Five (5) submissions were received.
- An evaluation of the submissions has been completed and it is recommended that the council accepts the submission from Dowsing Group and enters into a contract with them.

TABLED ITEMS:

Nil.

BACKGROUND:

The Town of Victoria Park and the Department of Transport have partnered to deliver improved walking and cycling facilities along Rutland Avenue. The aim of this project is to provide a safe and convenient connection for pedestrians and bike riders between the existing Principal Shared Paths along the Graham Farmer Freeway and Welshpool Road.

This Rutland Avenue Shared Path project has been split into four sections due to budget constraints with the section from Welshpool Road to Oats Street being the subject of this report.

Two information workshops were held in October 2016 and November 2016 for community consultation. The aim of the information workshops were to explain the overall Rutland Avenue Share Path project and then into the details of the options for the Oats to Welshpool Road section. The Participants were mainly user groups rather than local businesses or residents. The user preference was for an off-street red asphalt path and the Department of Transport have prescribed a minimum width of 3m which has been reduced to 2.5m in

(To be confirmed 13 November 2018)

isolated locations in order to maintain existing verge trees.

As design was progressing for the different approval stages, the latest design drawings were made available in March 2018 on the Town's online consultation hub "Your Thoughts". A letter drop was also made to all properties made primarily of businesses two streets back from Rutland Avenue. A handful of comments from residents and user groups were received for the Oats Street to Welshpool Road section. A final information letter will be sent out to businesses prior to construction due to minimum responses received from this group.

DETAILS:

As approved by Council Policy FIN4 Purchase of Goods and Services, the Town issued a quote request utilising the WALGA Preferred Supplier Arrangement (PSA) seeking Roadbuilding Materials and Related Services for the construction of the Rutland Avenue Shared Path between Welshpool Road and Oats Street, Welshpool.

Suppliers were asked to include the works as per the designed drawings and to exclude pruning, tree removal, underground service relocation, signage, and line marking from their lump sum quotations. These exclusions will be carried out by the Town's Parks' contractor, service relocation by the respective service utility providers, and line marking and signs by Main Roads WA.

The request for quotation was uploaded to the WALGA eQuotes website on 15 June 2018 and closed at 12pm on 27 June 2018 to the following companies:

- Asphaltech Pty Ltd;
- Densford Civil Pty Ltd;
- Downer Infrastructure;
- Dowsing Group;
- Griffin Civil;
- Happy Excavations;
- MMM (WA) Pty Ltd;
- Roads2000 Pty Ltd;
- SuperCivil;
- RCA; and
- RCA Civil Group.

Five (5) submissions were received from:

- Asphaltech Pty Ltd;
- Densford Civil Pty Ltd;
- Dowsing Group;
- RCA; and
- RCA Civil Group.

Description of compliance criteria

All suppliers on WALGA Preferred Supply Arrangement C033_13 have been pre-qualified via a robust Request for Tender process, conducted by WALGA, on behalf of Members.

(To be confirmed 13 November 2018)

Evaluation Process

Selection criteria for WALGA eQuote VP111463 included each submission being assessed against three (3) criteria, listed below:

Demonstrated Understanding Respondents should detail the process they intend to carry the construction works and achieve the Requirements of the Specification. Areas that you may wish to cover include: i) Scope of works ii) Construction Methodology iii) Project Schedule	Weighting 20%
Capability i) Organisation capacity ii) Qualifications, skills and experience of key personnel iii) Experience in carrying out similar works	Weighting 30%
Quoted Price The price to supply the goods or services in accordance to requested Rates and a Bill of Quantities supplied	Weighting 50%

The assessment of the submissions was formally undertaken by a panel of three (3) Town Officers:

1. Street Operations Engineer;
2. Operations Engineer Support Officer; and
3. GIS and Assets Officer

The assessment was carried out using the evaluation spreadsheet provided by the Senior Procurement Officer, who was also involved for advice, and as a probity advisor throughout the process.

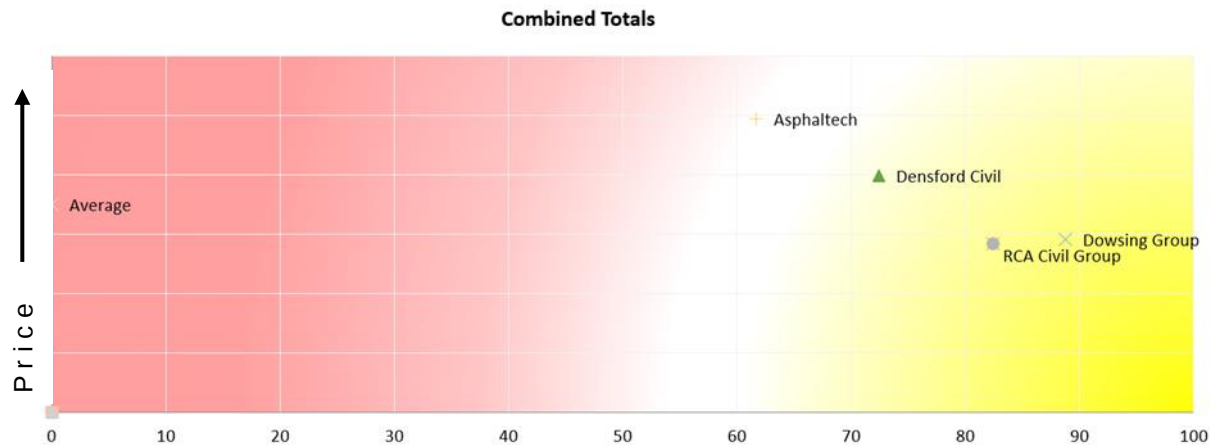
After evaluating the responses against the criteria, a consensus scoring meeting was held with the evaluation panel members. RCA and RCA Civil Group provided identical submissions and were evaluated as such.

The five (5) qualitative ranks are shown below:

Company	Ranking
Asphaltech Pty Ltd	4
Densford Civil Pty Ltd	3
Dowsing Group	1
RCA	2
RCA Civil Group	2

After price evaluation, Dowsing Group had the highest overall ranking. A graphical representation of the qualitative and price ranking is provided below.

(To be confirmed 13 November 2018)

**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.

Section 11(2) (b) of the *Local Government (Functions and General) Regulations 1996* advises that tenders do not have to be publicly invited if goods or services are obtained through the WALGA Preferred Supplier Program Contracts.

Policy Implications:

Council Policy FIN4 Purchase of Goods and Services requires Council to invite tenders before the Town enters into a contract if the consideration under the contract is or expected to exceed \$150,000, unless purchased under Section 11(2) (b) of the *Local Government (Functions and General) Regulations 1996*. The construction of the Rutland Avenue Shared Path from Welshpool Road to Oats Street is likely to exceed \$150,000 over the term of its contract, therefore the Tender exempt WALGA Preferred Supply Panel C033_13 was utilised.

Council Policy FIN4 has been complied with.

Council Delegation 1.24 – Limits on Delegations to CEO requires all procurement exceeding \$200,000 to be by Council determination. The total value of this contract is expected to exceed \$200,000 therefore it is required that this item be brought before Council for determination.

(To be confirmed 13 November 2018)

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Compliance No contract in place and expenditure exceeds \$150,000 over a term	Major	Likely	High	Tender for contract as per Council Policy FIN4, or procurement via a Tender exempt option.
Financial/legal Inability to complete works without major variations	Moderate	Unlikely	Moderate	Evaluation of offer, financial capacity, capability, demonstrated understanding and experience of key staff.

Strategic Plan Implications:

The Town'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. The Town is committed in delivering the project which is listed as an action project in the Towns Integrated Movement Network Strategy developed in June 2013. Strategy element, CW4 states the following: "supports the general increase of off-road shared paths throughout the Town and supports the extension of the Principal Shared Path network along the urban rail corridor".

This initiative also aligns with the following outcomes of the Town of Victoria Park Strategic Community Plan 2017-2032:

- Environment EN2 – A safe, interconnected and well maintained transport network that makes it easy for everyone to get around;
- Environment EN3 – A place with sustainable and convenient transport options for everyone;
- Economic EC2 – A clean, safe, and accessible place to visit; and
- Civic Leadership CL3 – Well thought out and managed projects that are delivered successfully.

The Joint Bike Plan between the City of South Perth and Town of Victoria Park also identifies Rutland Avenue from Welshpool Road to Riversdale Road as a long term strategic route.

Financial Implications:Internal Budget:

The 2018/2019 Asset Capital works budget has an allocation of \$449,500 within Work Order 1868. This budget will cover this expenditure, as well as additional expenditure on tree pruning, underground services relocation, signage and line marking. Included in this budget funding from the Department of Transport for 50% of the total project cost to a maximum of \$90,000. This funding was received in the 2017-18 financial year.

(To be confirmed 13 November 2018)

Total Asset Management:

The Town's Strategic Community Plan 2017-2032 includes the following objective that relate to the management of Assets –

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

The construction of the shared path will be monitored to be built to the designed specifications. When construction is completed, the shared path will be added to the Town's asset management plans and maintained and managed accordingly.

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:

Nil.

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 Rutland Avenue Shared Path provides an opportunity to attract more cyclists of all abilities in to the Town by providing a safer and more convenient alternative to cycling on the road or footpath.

The five (5) submissions received met the compliance criteria.

The evaluation concluded that Dowsing Group was the most advantageous tender for the Town.

CONCLUSION:

It is recommended that the Town accepts the offer submitted by Dowsing Group.

(To be confirmed 13 November 2018)

RESOLVED:

Moved: Cr Vernon

Seconded: Cr Ammons Noble

That Council:

- 1. Accepts the submissions by Dowsing Group (ABN 60 617 211 935) for the construction of the Rutland Avenue Shared Path from Welshpool Road to Oats Street as the most advantageous response.**
- 2. Authorises the Chief Executive Officer to execute a contract with Dowsing Group, for the construction of the Rutland Avenue Shared Path from Welshpool Road to Oats Street for the lump sum price of \$290,231.93 plus GST.**

The Motion was Put and

CARRIED (8-0)

**In favour of the Motion: Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs;
Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon**

12.5 Tender – TVP/18/09 Kerbline and Footpath Weed Control

Tender No:	TVP/18/09
Appendices:	No
Attachments:	No

Date:	13 September 2018
Reporting Officer:	G. Wilson
Responsible Officer:	J. Wong
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council accepts the tender submitted by Website Weed and Pest WA for TVP/18/09 Kerbline and Footpath Weed Control, Schedule A, chemical control, and Greensteam Australia for Tender TVP18/09 Kerbline and Footpath Weed Control, Schedule B, non-chemical control as the most advantageous tenders with terms and conditions as outlined in the recommendation.

- Submissions were invited for the control of weeds along the footpaths and kerbs within the Town.
- Submissions were to provide a schedule of rates to provide weed control of footpaths, kerb lines and selective spraying.
- Eight (8) submissions were received.
- An evaluation of the tender submissions has been completed and it is recommended that the council accepts the submission from Website Weed and Pest WA for schedule A, and Greensteam Australia for Schedule B, and enters into a contract with them.

TABLED ITEMS:

Nil.

BACKGROUND:

The Town of Victoria Park is seeking a contractor for weed maintenance of its footpath and kerb network, selective weed control within reserves, and can deliver services that would be able to demonstrate the following outcomes:

- Quality of workmanship to all maintenance works undertaken;
- Accurate and regular reporting of spraying program to ensure efficient and sustainable operation of weed control activities;
- Efficient response times to spraying program to ensure minimum disruption, safe environment and general health and wellbeing of residents; and
- Ability to display initiative in communications, clearly correspond and liaise with the Town of Victoria Park or nominated Representative in all matters regarding the Kerbline and Footpath Weed Control contract;
- Provide the Town with the best value for money for these services.

(To be confirmed 13 November 2018)

DETAILS:

The Town seeks to appoint, through this tender TVP/18/09, the services of a qualified skilled contractor(s) to carry out the weed control on the Towns kerb lines and footpaths as well as selective weed control within reserves.

The Town of Victoria Park (The Town) currently manages its weed eradication program in some 196 kilometres of road networks including Right of Ways (ROW's) and 392,000 m² of footpath networks including Public Access Ways (PAW's) throughout the Town.

This program is a core function of the Town's Operations program area. This program ensures best practice is maintained throughout the Town adhering to all Federal, State and Local Government Acts and Regulations. Due to the area of treatment required, there is not the resources to carry out these activities in house.

Within several areas of the Town, steam treatment of weeds is used, where we have documented chemically sensitive residents. The Town also has an "opt out" program, allowing residents to maintain their own verge areas. The successful contractor is required to avoid spraying on any of the listed "opt out" verges. The cost to carry out a steam only weed treatment for kerbs and footpaths, is estimated to be five times more expensive than traditional chemical control, and the Town uses a combination of both currently.

The tender has been split into two (2) separate schedules, to allow pricing for chemical and non-chemical treatments of footpath and kerb weed control.

TVP/18/09 was advertised in the West Australian on Saturday 4 August 2018 and the tender closed at 2pm on Friday 31 August 2018 with eight (8) submissions being received:

- Supa Pest and weed Control;
- Turf Master Facility Management;
- Website Weed and Pest WA;
- Natural Area Management and Services;
- Environmental Industries;
- Greenstream Australia;
- Lochness Landscape Services; and
- Sprayking WA.

Description of compliance criteria

Compliance criteria for TVP/18/08 included submissions being able to demonstrate the below requirements:

- 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;

(To be confirmed 13 November 2018)

- Provide details of financial position;
- Advise of any potential conflict of interest;
- Provide quality assurance position;
- Provide insurance details; and
- Implement the Disability Access and Inclusions Plan.

Selection Criteria

The tender states that the Contract may be awarded to a sole or panel of Tenderer(s) who best demonstrates the ability to provide quality products and/or services at a competitive price. The tendered prices will be assessed together with qualitative and compliance criteria to determine the most advantageous outcome to the Principal.

The Principal has adopted a best value for money approach to this Request. This means that, although price is considered, the tender containing the lowest price will not necessarily be accepted, nor will the tender ranked the highest on the qualitative criteria.

A scoring system will be used as part of the assessment of the qualitative criteria. Unless otherwise stated, a Tender that provides all the information requested will be assessed as satisfactory. The extent to which a Tender demonstrates greater satisfaction of each of these criteria will result in a greater score. The aggregate score of each Tender will be used as one of the factors in the final assessment of the qualitative criteria and in the overall assessment of value for money.

Evaluation Process

Selection criteria for TVP/18/09 included each submission being assessed against three (3) qualitative criteria, listed below:

Relevant Experience i) Provide details of similar work; ii) Provide scope of the Respondent's involvement including details of outcomes; iii) Provide details of issues that arose during the project and how these were managed; iv) Demonstrate competency and proven track record of achieving outcomes; and v) Demonstrate sound judgement and discretion. vi) Provide details of at least two similar weed control projects in the last three years of value greater than \$50,000 each. Tenderers must address the enquired information in an attachment and label it: (Relevant Experience)	Weighting 20%
Strategy & Project Delivery i) Strategy: Understanding; Management Plan (Concept level); ii) Technical Details as enquired in 'Part 2 – Specification'; iii) Project Team structure, Names; Functions Departments; iv) Technical Skills & Expertise (CV's to be provided). Tenderers must address the enquired information in an attachment and label it: (Strategy to Deliver the Project)	Weighting 20%

(To be confirmed 13 November 2018)

Current Capability: i) Organisation's capacity and capability ii) Organisation's structure iii) Ability to work within documented timelines iv) Plant, equipment and materials; and v) Any contingency measures or back up of resources including personnel (where applicable). Tenderers must address the enquired information in an attachment and label it: (Current Capability)	Weighting 20%
Tendered Price The price to supply the goods or services in accordance to requested Rates and a Bill of Quantities supplied	Weighting 40%

The assessment of the submissions was formally undertaken by a panel of three (3) Town Officers:

1. Reserves and Capital Works Supervisor;
2. Streetscapes Supervisor; and
3. GIS Assets Officer

The assessment was carried out using the evaluation spreadsheet provided by the Senior Procurement Officer, who was also involved for advice, and as a probity advisor throughout the process.

After evaluating the tenders against the compliance and qualitative criteria, a consensus scoring meeting was held with the evaluation panel members. The top five (5) qualitative ranks are shown below:

Company	Rank
Environmental Industries	1
Sprayking WA	4
Supa Pest and Weed Control	3
Website Weed and Pest WA	2
Greensteam Australia	5

The top five tenders were then compared to their price rankings, (40% weighting) using the evaluation spreadsheet. Their overall combined score was then used to determine overall ranking for chemical and non-chemical control.

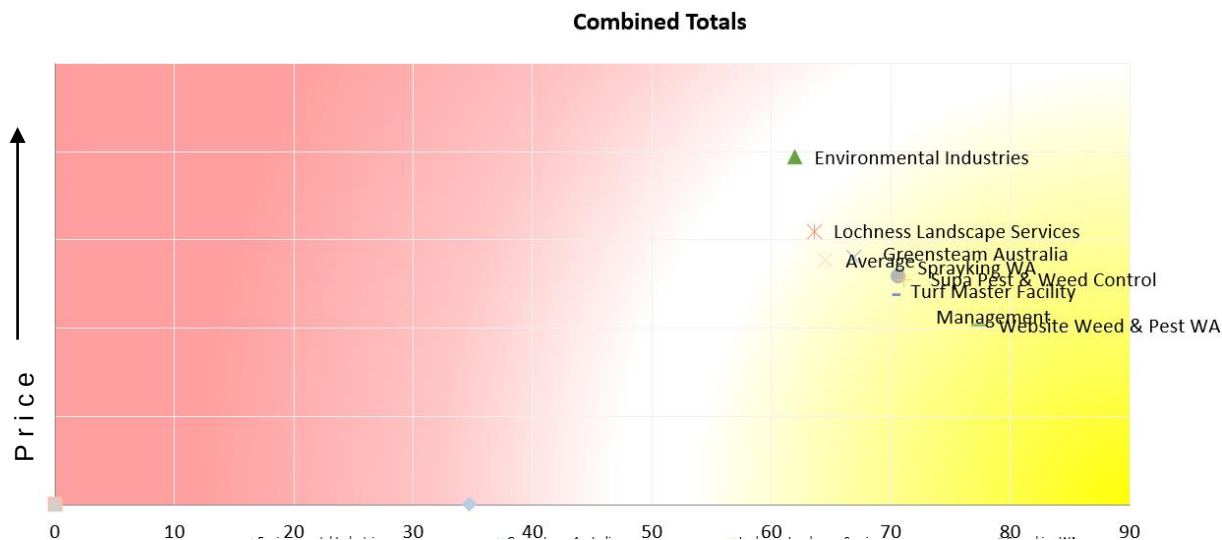
Website Weed and Pest WA were the highest overall ranking for Schedule A chemical control.

Greensteam Australia were the highest overall ranking for Schedule B non - chemical control.

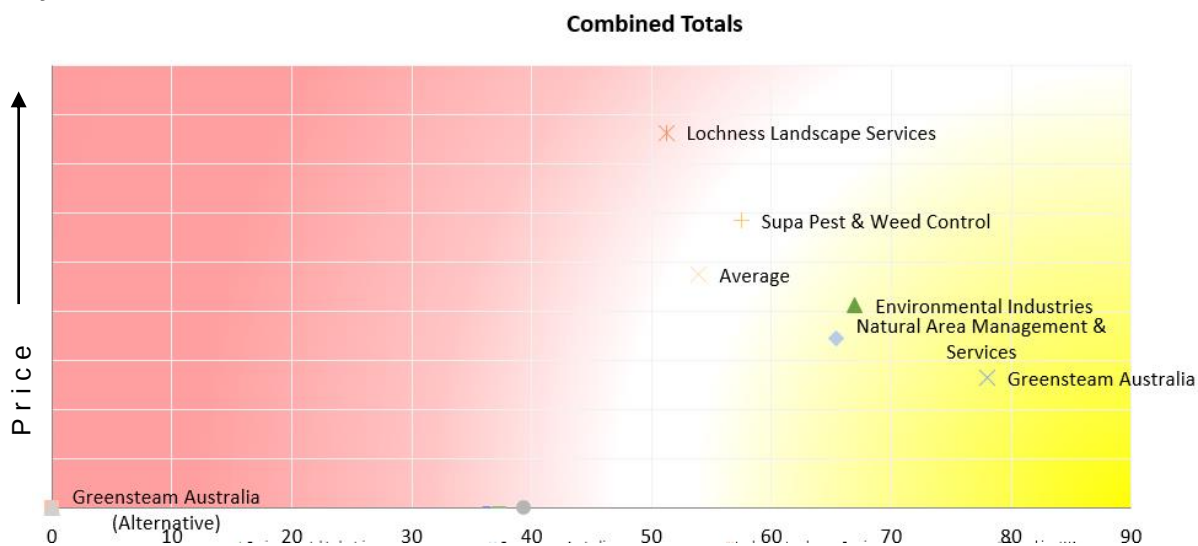
(To be confirmed 13 November 2018)

A graphical representation of the qualitative and price ranking for both companies is provided below.

Spray Tender – Chemical



Spray Tender – Steam



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.

(To be confirmed 13 November 2018)

Policy Implications:

Council Policy FIN4 Purchase of Goods and Services requires Council to invite tenders before the Town enters into a contract if the consideration under the contract is or expected to exceed \$150,000. The provision of weed control services is likely exceed \$150,000 over a three (3) year contract term, therefore it is deemed necessary to enter into a contract. Council Policy FIN4 has been complied with.

Council Delegation 1.24 – Limits on Delegations to CEO requires all tenders exceeding \$200,000 to be by Council determination. The value of the total contract over three years with further options is expected to exceed \$200,000 therefore it is required that this item be brought before Council for determination.

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Compliance – No contract in place and expenditure exceeds \$150,000 over a term	Major	Likely	High	Tender for contract as per Council Policy FIN4
Failure to maintain weed control on footpath and kerb network	Medium	Likely	High	Engage weed control contractor to preserve access on our road and path network

Strategic Plan Implications:

The provision of weeding services an important part of the Town's Parks maintenance responsibilities.

This service provision aligns with the following outcomes of the Town of Victoria Park Strategic Community Plan 2017-2032:

- Economic EC2 – A clean, safe, and accessible place to visit.

Financial Implications:Internal Budget:

The 2018/2019 operating budget has an expense allocation in the Parks area for verge maintenance of the footpath and kerb network within the Town. Weed control activities make up a portion of these expenses. Reserves have an individual expense allocation, and selective weed control makes up a portion of these expenses.

Sustainability Assessment:External Economic Implications:

Nil

(To be confirmed 13 November 2018)Social Issues:

Providing good quality reserves and greenspace, encourages participation in outdoor passive recreation, and promotes a healthier lifestyle, which have a positive effect on residents as well as assisting the Town to be an aesthetically pleasing and liveable environment.

Cultural Issues:

Nil.

Environmental Issues:

Controlling weed ingress on verges kerbs and reserves, assists in stopping the spread of undesirable species. By allowing for use of steam treatment in selected areas, it reduces the overall use of chemicals within the Town.

COMMENT:

Following the Tender evaluation meeting regarding TVP/18/09 Kerbline and Footpath Weed Control Tender, the top 5 qualitative ranks were put against their price rankings. Website Weed and Pest WA in accordance with qualitative criteria and then assessed against price, show to be the best value for money and most advantageous tender for the Town for chemical control of weeds.

Greensteam Australia show to be the best value for money and most advantageous tender for the Town for non-chemical control of weeds.

CONCLUSION:

It is recommended that the submission from Website Weed and Pest WA be accepted for schedule A, chemical control of weeds, and Greensteam Australia be accepted for schedule B, non-chemical control of weeds as the most advantageous to the Town.

RESOLVED:

Moved: Cr Jacobs

Seconded: Cr R Potter

That Council:

- 1. Accepts the tender submitted by Website Weed and Pest WA for Tender TVP/18/09 Kerbline and Footpath Weed Control, Schedule A, chemical control, as the most advantageous tender.**
- 2. Accepts the tender submitted by Greensteam Australia for Tender TVP/18/09 Kerbline and Footpath Weed Control, Schedule B, non-chemical control, as the most advantageous tender.**
- 3. Authorises the Chief Executive Officer to execute contracts with Website Weed and Pest WA for TVP/18/09 Kerbline and Footpath Weed Control, Schedule A, chemical control , and Greensteam Australia for Tender TVP18/09 Kerbline and Footpath Weed Control, Schedule B, non-chemical control under the following contractual arrangements:**

(To be confirmed 13 November 2018)

3.1 Pricing as contained within the tender submission; and

3.2 Contract Term of three (3) years with two options for a further term of one (1) year period each, at the absolute discretion of the Principal.

The Motion was Put and

CARRIED (8-0)

In favour of the Motion: Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon

(To be confirmed 13 November 2018)

12.6 Petition from Residents Opposing Traffic Calming Devices in Egham Road, Lathlain.

File Reference:	ROA/8/152
Appendices:	Drawing Number E10307 -1 Rev0 – Egham Road – Construction Details
Attachments:	No

Date:	20 September 2018
Reporting Officer:	F. Squadrito
Responsible Officer:	J. Wong
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council:

1. **Receives the petition dated 22 August 2018 as submitted by the residents of Egham Road.**
2. **Authorises the Chief Executive Officer to not implement the Egham Road traffic calming project as requested by the petitioners and revisit the needs for any treatments in future when deemed required through future monitoring and community engagement.**
3. **Considers the reallocation of the project budget amounting to \$24,000 relating to the Egham Road traffic calming project at mid-year budget review.**
 - A petition with 64 signatures was signed by residents of Egham Road and was received by the Town at its Ordinary Council Meeting on 11 September 2018.
 - Residents objected to the two traffic calming devices and the associated Main Roads WA signage and line marking proposed outside 59/60 and 77/78 Egham Road.
 - The main reasons for the objection are related to concerns about visual pollution caused by signage and noise pollution caused by braking and accelerating vehicles. Additionally, noise from vehicles driving over Raised Reflective Pavement Markers and the reduction of on-street parking were also cited as a concern.
 - Prior to the commencement of the project, two community engagement workshops were held on 21 and 29 November 2017 administered by internal staff.
 - A letter detailing the community engagement outcomes was forwarded to residents on the 26 February 2018 directing them to the “Your Thoughts” web page.

TABLED ITEMS:

- Petition submitted by a resident of Egham Road, Lathlain.

(To be confirmed 13 November 2018)

BACKGROUND:

The Town received a petition at its Ordinary Council Meeting held on 24 August 2018 which stated the following:

Residents object to the two Traffic Calming Devices, along with the associated Main Roads WA signage and line marking being installed / erected outside 59/60 & 77/78 Egham Road. We do not believe the devices are necessary in our street. The raised intersection works have commenced on Goddard Street and Gallipoli Street. We request that after a period of time determine if they have been successful in slowing down traffic, reducing rat-running and making our roads safer, before introducing other devices into our suburb. The reasons for our request are due to concerns about visual pollution caused by signage, noise pollution caused by braking and accelerating vehicles plus RRPM's and the reduction of on-street parking.

As part of an outcome from the Town's Integrated Movement Network Strategy (IMNS), a pilot study, Local Area Traffic Management Plan for Lathlain ('Lathlain TMP'), was developed to improve road safety within the precinct and was first endorsed by Council on the 8 March 2016.

The suburb of Lathlain was chosen for the purpose of the pilot study due to the future level of planned development within the precinct and the likelihood that traffic impacts on the local community will be higher compared to other suburbs within the Town (e.g. West Coast Eagles Development/Red Castle Traffic Impacts).

Derived from the Lathlain TMP was a 10-year Implementation Plan which was later consolidated into five years and subsequently condensed further into two years as Council preferred to complete the projects within a shorter timeframe. This is detailed in the minutes of the Finance & Audit Committee dated 14 November 2016. Traffic treatment for Egham Road and a number of other lower traffic volume streets within Lathlain, which were initially proposed to be implemented at the later part of the 10 year program, was subsequently fast tracked to be progressed to be delivered in the 2017/2018 and 2018/2019 financial year.

DETAILS:

The community engagement process for all detailed Local Area Traffic Management ('LATM') projects started on the 7 November 2017 when a notice was placed in the Southern Gazette newspaper regarding upcoming workshops. The community engagement workshops were held on 21 and 29 November 2017 between 6pm and 8.30pm. Additionally, on 3 November 2017, a letter was sent to all owners/occupiers inviting interested ratepayers and residents to register for the community information sessions/workshops.

The workshops encompassed two activities as detailed below.

Activity 1

1. Firstly get to know the different traffic calming measures being considered;
2. On a scale of 1-10 with 1 being strongly dislike and 10 being strongly like, participants were asked to rate each of the nine traffic calming devices; and
3. Activity 1 and Your Thoughts survey results were combined to find out which traffic calming device was most favoured by participants and which was least favoured; Raised intersections were the most favoured, road humps were the least favoured;

(To be confirmed 13 November 2018)Activity 2

1. The Team conducted an interactive group activity to find out preferred traffic calming devices and locations;
2. Participants were encouraged to sit at the table with the map of their street or the closest street to their home (street of interest);
3. Participants used transparent templates of the various traffic calming devices to slide up and down the map of their street to see if and where they could fit (taking into consideration the rules for each street and pros and cons for each device); and
4. Information from Activity 2 has been collated for each street to allow the Town to choose an appropriate and acceptable treatment to progress the detailed design.

Prior to the workshops, 45 community members registered through the Town's website to attend one of the community engagement workshops. Attendance for both workshops totalled 26 with 14 for workshop 1 and 12 for workshop 2.

A letter detailing the community engagement outcomes was forwarded to residents on the 26 February 2018 directing them to the "Your Thoughts" web page. In brief, 26 participants attended the workshops. The results have been known for an extended period time with ample opportunity for residents to engage with staff at the Town if there was significant opposition to the proposals.

A consensus of different treatments was decided for each identified street section at the workshops for those that attended and provided their valuable input. Finalised concept plans were placed on Your Thoughts webpage for the community to view and download.

It's important to note that even though statistically the sample of ratepayers that attended the workshops was quite small, adequate advance notice has been provided by the Town.

Consultation on the "Your Thoughts" webpage closed on the 8 December 2017, however, the outcomes are still available for viewing by members of the public.

The "Your Thoughts" website was updated in July 2018 with the following key messages.

"Design work on the 2017/18 round of projects has now concluded and received the necessary approvals from Main Roads WA so that works may begin.

Construction was scheduled to commence in August/September 2018 whereupon the residents on the individual streets will be contacted with a notification letter prior to works starting. This letter will provide relevant contact details so that affected property owners can discuss any particular localised needs during works"

The current objections appear to have been directed at Council as a result of notification informing residents that works will be commencing on site. The quantum of these small projects being delivered around the same time on site is also exacerbating the issue as not all streets are currently experiencing the same level of rat running and traffic speeding. Having all of the identified street sections being treated would result in a fair distribution of traffic throughout the suburb of Lathlain.

The statistics for the Egham Road Petition are indicated below:

(To be confirmed 13 November 2018)

Statistics

- 64 owners/occupiers signed the petition;
- 54 valid signatures registered – All agreed with the petition statement;
- Number of individual properties in the section between Goddard Street and Gallipoli Street (including five corner properties abutting Egham Road) = 55. One of the properties noted in this section is a sump and has been included which is a Town owned asset;
- 35 properties objected to the two Traffic calming Devices outside 59/60 & 77/78 Egham Road. This equates to 63.6%;
- 20 properties in the section of interest did not participate or were silent; and
- The covering letter to the petition dated 22 August stated that not all residents were able to be contacted and only four properties were in favour of the calming devices. Unfortunately, this information cannot be validated.

Legal Compliance:

Nil

Policy Implications:

Clause 5.10 of the Town of Victoria Park Standing Orders Local Law 2011 sets out a number of requirements governing the format and presentation of petitions. These are designed to ensure the authenticity of petitions and protect the intentions of petitioners and Council.

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Increased traffic from other parallel routes that have calming treatments installed may choose to re-route onto Egham Road due to ease of access.	Moderate	Likely	High	Project has been cancelled. However, it will be revisited in future to better understand the impacts of other treatments installed in the area.
Budget for the project will be removed. Project may not proceed in the near future due to other Council priorities.	Moderate	Almost Certain	High	New budget to be allocated in future if this project is deemed required to be implemented.

(To be confirmed 13 November 2018)

Not all residents participated in signing the petition to oppose the traffic calming and therefore opinions may differ amongst residents.	Moderate	Likely	High	Further engagement is likely to occur in the future should there be any measurable adverse impacts identified on the street.
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Strategic Plan Implications:

EN2 – A safe, interconnected and well maintained transport network that makes it easy for everyone to get around;

EN3 – A place with sustainable, safe and convenient transport options for everyone; and

CI10 – Legislative responsibilities are resourced and managed appropriately, diligently and equitably.

Financial Implications:Internal Budget:

Budget of \$24,000 for the Egham Road project to be reallocated to other traffic calming projects within Lathlain at the mid-year budget review.

Total Asset Management:

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

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Improvements to the street would have provided amenity improvements for residents and created a slower speed environment. The cancelling of this project would be received positively by the petitioners.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The reasons stated by residents for the objections to traffic calming treatments are valid but are not as critical as the potential traffic safety issues that may occur in future after the other streets in the network have been treated. Firstly, the issue of braking and noise generated from vehicles slowing down to yield or stopping would be no different to a vehicle entering a driveway but it is acknowledged that the frequency of driveway movements will be lower.

(To be confirmed 13 November 2018)

It is also acknowledged that “rat running” could be compounded due to vehicles using the street instead of other streets within Lathlain such as Roberts Road. However, the current average weekday traffic volumes for Egham Road are considered very low and therefore amenity impacts would be minimal for the near future considering the type of treatments proposed.

In relation to noise generated by Raised Reflective Pavement Markers (RRPM's), there have been no evidence or complaints from residents in the past that these pavement fixtures that are a cause for concern. Secondly, signage pollution generally refers to advertising signs of a commercial nature and an overload of messaging which impacts the urban environment. Road signs can also be seen as causing visual signage pollution but in this case, they are being used for the purpose of road safety and providing motorists with advance warning of treatments ahead and therefore are required as part of the design. It is acknowledged that generally speaking, the more treatments that are provided on a street, the more signage would be required.

The removal of on-street parking to install traffic calming features on the roadway is mostly seen as a negative impact to residents and is generally isolated to the adjacent properties of where the treatments are proposed. However, it is important to note that parking on the verge has not been diminished and therefore on street parking opportunities still exist.

CONCLUSION:

As the number of petitioners objecting to the installation of any traffic calming treatments on Egham Road constituted a majority of the residential population on Egham Road between Gallipoli Street and Goddard Street where the treatments are proposed, the cancelling of this project is deemed the most appropriate course of action.

FURTHER COMMENT:

There are 54 properties (excluding Crown and Town owned properties) within this section of Egham Road. Out of these, petitioners from 35 properties indicated their objection to the implementation of traffic calming treatments on Egham Road. Effectively, this represents over 60% of the properties on this section of Egham Road.

To further expand on the background information provided in this report, Egham Road is one of the Lathlain TMP traffic calming projects which was initially programmed to be implemented over a 10 year period. This implementation plan was subsequently consolidated into five (5) years and finally condensed further into two years as detailed in the minutes of the Finance & Audit Committee dated 14 November 2016 as there was a preference to have the projects completed within a shorter timeframe. Consequently, the proposed traffic treatments for Egham Road and a number of other lower traffic volume streets within Lathlain, which were initially proposed to be implemented at the later part of the 10 year program, were subsequently reprogrammed to be delivered during the 2017/2018 and 2018/2019 financial years.

Egham Road ranks very low on the original 10 year implementation priority list mainly due to the low traffic volume, relatively low number of speeding traffic and low number of accidents. Officers do not object to the removal of the Egham Road traffic treatment project until such time when it is determined that the street is required to be treated.

(To be confirmed 13 November 2018)

RESOLVED:

Moved: Cr Vernon

Seconded: Cr Oliver

That Council:

- 1. Receives the petition dated 22 August as submitted by the residents of Egham Road.**
- 2. Authorises the Chief Executive Officer to not implement the Egham Road traffic calming project as requested by the petitioners and revisit the needs for any treatments in future when deemed required through future monitoring and community engagement.**
- 3. Considers the reallocation of the project budget amounting to \$24,000 relating to the Egham Road traffic calming project at mid-year budget review.**

The Motion was Put and

CARRIED (8-0)

In favour of the Motion: Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon

12.7 Lathlain Traffic Management Plan – Petition Requesting to Halt Committed Works

File Reference:	TAT/13/009~09
Appendices:	No
Attachments:	No
Date:	20 September 2018
Reporting Officer:	M. Ragireddy
Responsible Officer:	J. Wong
Voting Requirement:	Simple Majority
Executive Summary: Recommendation – That Council: Council receives the petition submitted by a Lathlain resident on 30 August 2018. Authorises the CEO to progress with the traffic calming treatments proposed for the Lathlain precinct area as planned and budgeted. - The Town received a petition dated 30 August 2018 from Ms Maxine Petty requesting the CEO to cease all the proposed civil works related to Lathlain Traffic Management Plan (TMP) and review the effectiveness of the installed calming treatments in the suburb of Lathlain. - The petition contains a total of 80 signatures of which 45 signatories were considered eligible to sign the petition. There were 4 households which had more than one eligible signatory. The total sample size is effectively 41 households. - The total land parcels inclusive of parks and reserves in Lathlain area are 1,690. The sample size of 41 households equated to approximately 2.4% objected to further traffic calming treatments in the Lathlain area.	

TABLED ITEMS:

- Petition submitted by residents of Lathlain.

BACKGROUND:

The Town received a petition dated 30 August 2018 from Ms Maxine Petty which states as follows:

Residents object to the multitude of traffic calming devices that are being installed along with the associated Main Roads WA signage and line marking being installed/erected in our local community. We do not believe the excess of installations is necessary in our streets. As part works have been completed in a number of streets thus far along with raised intersection works commencing on Goddard and Gallipoli Street. We request that after a period of time that a review be completed to determine if the devices have showed a significant slowing of traffic, reduced rat-racing and made our roads safer than before the injection of calming devices in Lathlain, We'd also request evidence that traffic moved to streets without calming devices. The reasons for the request is due to the excess of calming frustration placed on local residence, visual pollution from signage, noise caused by the braking/acceleration of vehicles plus RRPM's and the reduction of on street parking spaces. We request that no further works are committed to until this has been extensively evaluated.

(To be confirmed 13 November 2018)

Progress of the Lathlain Local Area Management Plan

The Town has adopted the Integrated Movement Network Strategy (IMNS) in 2013. One of the key projects of the Town's IMNS was to develop traffic management plans to improve road safety which aim to:

- Reduce operating speeds in residential areas;
- Reduce crashes;
- Reduce traffic volumes and;
- Ensure an appropriate distribution of traffic throughout a suburb.

Given the road safety concerns expressed by residents of Lathlain, the proposed land-use changes and its limited connectivity to arterial road network, the Lathlain suburb was chosen for the development of a pilot Local Area Traffic Management Plan. The Lathlain Traffic Management Plan (TMP) highlights various streets where traffic calming measures are necessary to address existing issues and reduce the impact of future traffic growth. The TMP considered a number of factors including the following:

- Wider community consultation;
- Traffic data collection;
- Selection of traffic calming structures; and
- Consider the effects across the whole local traffic area.

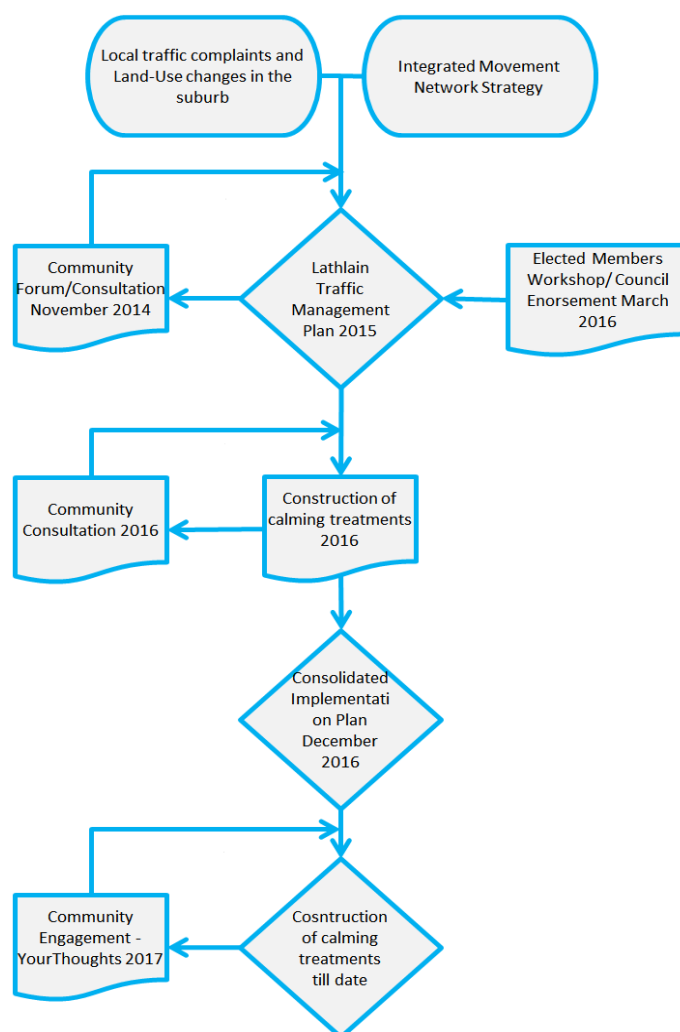


Figure 1 Development and Implementation of Lathlain TMP treatments

(To be confirmed 13 November 2018)

Figure 1 provides an overview on the progress of the overall Lathlain TMP project. The successful implementation of the Lathlain TMP projects would provide an opportunity to showcase to Main Roads WA (MRWA) the justifications required to introduce a 'blanket' 40kph speed limit for the Lathlain suburban area. Table 1 provides information on the implementation/construction progress.

Table 1 Lathlain TMP project status

Project	Scheduled	Budget	Comment
Streatley Road - Gallipoli to Goddard	Complete	Complete	
Gallipoli Street - Streatley to Midgley	Complete	Complete	
Streatley Rd and Goddard St intersection	Complete	Complete	
Enfield Street - Roberts to Goddard	Complete	Complete	
Enfield Street - Gallipoli to Goddard	Complete	Complete	
LTMP Projects - Year 1 - Gallipoli Street - Egham Road to Enfield Street	Complete	Complete	
LTMP Projects - Year 1 - Gallipoli Street - Egham Road to Howick Street	Complete	Complete	
LTMP Projects - Year 1 - Goddard Street - Egham Road to Howick Street	Complete	Complete	
LTMP Projects - Year 1 - Goddard Street - Midgley Street to Cookham Road	Complete	Complete	
LTMP Projects - Year 1 - McCartney Crescent - Goddard Street to Roberts Road	Complete	Complete	
LTMP Projects - Year 1 - Saleham Street - Goddard Street to Gallipoli Street	Complete	Complete	
LTMP Projects - Year 2 - Cookham Road - Goddard to Gallipoli	2018/19	24,000	Design complete
LTMP Projects - Year 2 - Cornwall Street - Gallipoli to Castle	2018/19	40,000	Meets current warrants for treatment. Design in progress
LTMP Projects - Year 2 - Egham Road - Goddard to Gallipoli	2018/19	24,000	Design complete

(To be confirmed 13 November 2018)

LTMP Projects - Year 2 - Goddard Street - Saleham to McCartney	2018/19	88,000	Not included in Your Thoughts 2017 process as the design is subject to the Lathlain Oval Redevelopment
LTMP Projects - Year 2 - Staines Street - Rutland to Goddard	2018/19	40,000	Design complete
LTMP Projects - Year 2 - Streatley Rd - Gallipoli to Castle	2018/19	40,000	Design on-hold
Rutland Avenue - Gallipoli and Egham intersections	TBA	TBA	Not included in Your Thoughts 2017 process as the design is subject to the Department of Transport's Safe Active Streets project/Principle Shared Path
Rutland Avenue - Cookham and Saleham intersections	TBA	TBA	Not included in Your Thoughts 2017 process as the design is subject to the Department of Transport's Safe Active Streets project/Principle Shared Path

DETAILS:

The Town has undertaken a significant amount of community consultation since the beginning of developing the Lathlain TMP study through to the construction phase of individual traffic calming treatment. The public consultation during the development phase of the TMP study in 2014/15 involved the following:

- Letters to owners and occupiers of Lathlain and a portion of Carlisle area;
- Advertisements in The Examiner and The Southern Gazette;
- Online survey;
- Community forum in the Lathlain Oval;
- Posters;
- Email responses;
- Elected Members briefing session; and
- Stakeholder consultation (MRWA and Public Transport Authority etc.).

Following the adoption of the Lathlain TMP study, some projects were completed after public consultation with the affected residents (e.g. the full length of the street section) through consultation letters and face-to-face meetings.

To implement further TMP projects in 2017, the community was engaged through the following avenues:

- Letters to owners and occupiers of Lathlain;
- Town Your Thoughts webpage;
- Social media posts;
- Newspapers;
- Signage;
- Community forum;
- Posters distributed to local businesses;
- Schools; and
- Face-to-Face meetings.

(To be confirmed 13 November 2018)

The 2017 community engagement forum involved an information refresher session on the Lathlain TMP report and a Q&A session followed by the identification of traffic calming devices acceptable to participants on each individual street.

As stated above, the residents of Lathlain were provided with a number of feedback opportunities through various means which led to some major traffic calming treatments being successfully implemented in the area as per table 1.

Legal Compliance:

Nil.

Policy Implications:

Clause 5.10 of the *Town of Victoria Park Standing Orders Local Law 2011* sets out a number of requirements governing the format and presentation of petitions. These are designed to ensure the authenticity of petitions and protect the intentions of petitioners and Council.

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/ Actions
Operational Not having an effective and reliable area wide traffic management <u>cannot</u> address - The existing rat-run and hoon behaviour in its entirety - An opportunity to introduce area wide 'blanket' 40kph speed limit	Major	Likely	High	Progress with the proposed Lathlain TMP works
Reputational A household representation of 2.4% is not considered as a majority representation as opinions may differ amongst other residents in Lathlain	Major	Likely	High	Progress with the proposed Lathlain TMP works

(To be confirmed 13 November 2018)

Strategic Plan Implications:

EN2 – A safe, interconnected and well maintained transport network that makes it easy for everyone to get around;

EN3 – A place with sustainable, safe and convenient transport options for everyone; and

CI10 – Legislative responsibilities are resourced and managed appropriately, diligently and equitably.

Financial Implications:Internal Budget:

Nil.

Total Asset Management:

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

Sustainability Assessment:External Economic Implications:

Improved infrastructure across a wider area is likely to yield positive outcomes for all road users due to the implementation of road safety treatments. Residents have been actively involved in the TMP development process.

Social Issues:

Road safety treatments will aim to improve safety through speed moderation, driver behaviour and enhanced street space for the community members and assist in developing more people-friendly neighbourhoods. With fewer cars, lower speeds and more people on the streets, a greater sense of community could be developed.

Cultural Issues:

The close proximity of the Town to Perth City and good connectivity to public transport has increased infill development numbers and density within the suburb of Lathlain. The increase in traffic growth, rat-running and/or the use of various roads by inappropriate vehicles will be addressed through the proposed treatments.

Environmental Issues:

Nil.

COMMENT:

Given the delivery timing of the Lathlain TMP projects, the operating speed on individual road sections is the only available measure to gauge the effectiveness of a calming treatment on any particular street/road section as traffic volumes, amenity and crash pattern are depending on the current conditions of the entire local area road network.

CONCLUSION:

An effective evaluation of the Lathlain TMP can only be undertaken upon the successful implementation of the proposed projects. The outcomes of any interim evaluation may not provide a reliable perspective during the transition phase to guide future decisions.

(To be confirmed 13 November 2018)

A reduction of operating speeds in Lathlain Area has the potential to secure MRWA's in-principle support to introduce an area wide speed limit of 40kph.

Only 2.4% of households have provided their objection to the remainder of the proposed traffic calming projects in Lathlain area.

FURTHER COMMENT:

The petition contains a total of 80 signatures. 45 of the 80 petitioners have been verified to be eligible petition signatories and all of whom were supportive of the request as stated in this petition. These 45 signatories are linked to 41 households (8 of the 45 signatories are joint owners of 4 properties and for the required statistical analysis to be accurate, these 4 over-counted households have been deducted from calculation). There are more than 1600 rateable properties (excluding Crown and Town owned properties) within Lathlain. Out of these, eligible petitioners from 41 properties indicated their objection to the implementation of the proposed traffic calming treatments in Lathlain. Effectively, eligible petitioners from less than 2.5% of the rateable properties in Lathlain objected to the further progress of proposed traffic treatment works.

More than 60% of the Lathlain TMP traffic calming projects have been completed and the remaining projects are currently on hold pending Council's decision on the actions to be taken in response to the petition which is the subject of this report.

Except for Egham Road, the remaining street sections as identified in the Lathlain TMP and budgeted for completion this financial year will experience an increase in traffic volume and potentially higher number of traffic speeding related incidents due mainly to the surrounding streets having been made less attractive for "rat running" or through traffic. It is officers' recommendation that the Town progresses the budgeted construction works for the remaining traffic calming projects in Lathlain.

RECOMMENDATION/S:

That Council:

1. Receives the petition submitted by a Lathlain resident on 30 August 2018.
2. Authorises the CEO to progress with the traffic calming treatments proposed for the Lathlain precinct area as planned and budgeted.

ALTERNATE MOTION

Moved: Cr V Potter

Seconded: Cr Vernon

That Council:

1. Receives the petition submitted by a Lathlain resident on 30 August 2018; and

(To be confirmed 13 November 2018)

2. **Suspends the delivery of the Lathlain Precinct Traffic Management Plan projects in the followings areas:**
 - a. **Cookham Road**
 - b. **Cornwall Street**
 - c. **Staines Street**
 - d. **Streatley Road**
 - e. **Goddard Street**
 - f. **Rutland Avenue – Gallipoli and Egham intersection**
 - g. **Rutland Avenue – Cookham and Saleham intersection**
3. **Directs the Chief Executive Officer to conduct further community consultation to assess the appropriateness of the traffic treatments, both completed and planned, identified within the Lathlain Precinct Traffic Management Plan; and**
4. **Requests that the Future Planning Committee assess the results of the community consultation and report its findings back to Council.**

The Alternate Motion was Put and

CARRIED (6-2)

In favour of the Motion: Cr Ammons Noble; Cr Anderson; Cr Jacobs; Cr R Potter; Cr V Potter; and Cr Vernon.

Against the Motion: Cr Ife; and Cr Oliver.

REASON:

1. **Although I appreciate the efforts made by the town to engage the community in the consultation process with regard to the Lathlain Traffic Management Plan, the turn-out of 26 people to the workshops on offer was not a true representation of the Lathlain community (1.6%);**
2. **The petition we have just tabled represents 2.4 % of our community, so although still only a small group, I know that myself and other Elected Members have been receiving much feedback with concerns about the traffic calming measures in place to date;**
3. **Residents object to the multitude of traffic calming devices that are being installed along with the associated signage and line marking;**
4. **This request is also due to the excess of frustration placed on local residents, visual pollution from signage, noise caused by the braking/acceleration of vehicles and the reduction of on street parking spaces; and**
5. **This alternate motion will ensure that council can come to a more informed decision, reflecting a larger group within our community.**

12.8 Petition Relating to Hillview Terrace Bushland and Remnant Bushland Management Plan

File Reference:	PAR/4/13
Appendices:	No
Attachments:	No.

Date:	September 2018
Reporting Officer:	B. Nock
Responsible Officer:	J. Wong
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation/s – That Council:

- 1. Receives the petition submitted by the Community Forum Victoria Park on 11 September 2018 advocating for the development of Hillview Terrace Bushland and Remnant Bushland Management Plan;**
- 2. Reaffirms its position in undertaking the development of a Hillview Bushland Management Plan.**
 - A petition containing 159 signatures of which 83 were valid registered signatures has been received which requests that a management plan be developed for the Hillview Bushland.
 - The Town of Victoria Park has committed to the development of a Hillview Bushland Management Plan, with the procurement of a consultant in September 2018.
 - The Town will ensure that the Community Forum Victoria Park are engaged as part of the development of the Hillview Bushland Management Plan.

TABLED ITEMS:

Nil.

BACKGROUND:

At the 11 September 2018 Ordinary Council meeting, the Town received a petition from the Community Forum Victoria Park containing 159 owner/occupier signatures, of which 83 were valid registered signatures, all agreeing with the petition statement requesting that a management plan be developed for the Hillview Bushland.

DETAILS:

The petition from Community Forum Victoria Park requests that the Town institute a management plan for Hillview Bushland, similar to that for Kensington Bushland.

The aim of the plan requested will be to protect and preserve remaining bushland as part of the Town's natural heritage and for the benefit of future generations. This will also assist the Town in sustaining and promoting its green credentials to the current and future residents of the Town.

(To be confirmed 13 November 2018)

The Town agrees that the maintenance and preservation of its bushland areas is of critical importance. In recognition of this, the development of a management plan for Hillview Bushland – like Kensington Bushland – was an action allocated under the Town's Environment Plan 2013-18. As a result, the Town has initiated a project to develop a Hillview Bushland Management Plan. A request for quotation was released in August 2018 and a consultant procured in September 2018 to facilitate the process.

Similar to the Kensington Bushland Management Plan, community engagement will be integral to the development of the plan. The Town will ensure that the members of the Community Forum Victoria Park as well as the wider community are included within the development process.

Legal Compliance:

Council's Elected Members are required to formally acknowledge and resolve how they will consider the receipt of any petition received from residents or land owners within the Town at their forthcoming Ordinary Meeting.

Policy Implications:

Nil

Risk Management Considerations:

The Town has already progressed the development of the Hillview Bushland Management Plan and it is currently at the initial stage of developing a community engagement strategy with the assistance from a consultant.

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Town does not undertake development of the Hillview Bushland Management Plan	High	Unlikely	Moderate	Town has committed to the development of the Hillview Bushland Management Plan in 2018/19. Project has commenced.
Community not supportive of the development of the Hillview Bushland Management plan.	Minor	Unlikely	Low	Engage the community during the development of the plan and provide sufficient time for the community to absorb the information on the draft plan.

Strategic Plan Implications:

- 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).

(To be confirmed 13 November 2018)

- 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:

All costs associated with the development of the Hillview Bushland Management Plan have been allocated in the current budget as adopted by Council.

Sustainability Assessment:

External Economic Implications:

Nil.

Social Issues:

Nil.

Cultural Issues:

Nil.

Environmental Issues:

Nil.

COMMENT:

The lead petitioner will be advised of the Council resolution regarding the Petition.

RESOLVED:

Moved: Cr Ammons Noble

Seconded: Cr Ife

That Council:

1. **Receives the petition submitted by the Community Forum Victoria Park on 11 September 2018 advocating for the development of Hillview Terrace Bushland and Remnant Bushland Management Plan; and**
2. **Reaffirms its position in undertaking the development of a Hillview Bushland Management Plan.**

The Motion was Put and

CARRIED (8-0)

In favour of the Motion: Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon

13 CHIEF FINANCIAL OFFICER REPORTS

13.1 Financial statements for the month ending 31 August 2018

File Reference:	FIN/11/0001~09
Appendices:	No
Attachments:	Yes
Date:	21 August 2018
Reporting Officer:	A. Thampoe
Responsible Officer:	G. Pattrick
Voting Requirement:	Simple majority
Executive Summary: Recommendation - That Council, accepts the Financial Activity Statement Report – 31 August 2018, as attached to and forming part of this report. The Financial Activity Statement Report is presented for the month ending 31 August 2018. The report complies with the requirements of Regulation 34 (Financial activity statement report) of the <i>Local Government (Financial Management) Regulations 1996</i>.	

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 August 2018.

Please note -

The financial information as shown in this report does not include a number of end-of-financial year adjustments that are still yet to occur, as well as the final approval by the Auditor for the 2017-2018 financial year. The figures stated as opening balances for the 2018-2019 financial year should therefore not be taken as the Town's final financial position.

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.

(To be confirmed 13 November 2018)

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.*

(To be confirmed 13 November 2018)

- (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:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Financial Impact: Council not accepting budget amendment recommendation	Moderate	Unlikely	Moderate	Provide reasoning and detailed explanations to Council to enable informed decision making.

(To be confirmed 13 November 2018)

Compliance: 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.
Financial impact: Misstatement or significant error in financial statements	Major	Unlikely	Moderate	Daily and monthly reconciliations. Internal and external audits.
Financial Impact: Fraud and illegal acts	Catastrophic	Rare	Moderate	Stringent internal controls. Internal audits. Segregation of duties.

Strategic Plan Implications:

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

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

Financial Implications:Internal Budget:

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

Total Asset Management:

Nil.

Sustainability Assessment:External Economic Implications:

Nil.

Social Issues:

Nil.

Cultural Issues:

Nil.

Environmental Issues:

Nil.

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COMMENT:

It is recommended that the Financial Activity Statement Report – 31 August 2018 be accepted.

CONCLUSION:

The Financial Activity Statement Report – 31 August, 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 August be accepted.

RESOLVED:

Moved: Cr Vernon

Seconded: Cr R Potter

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

The Motion was Put and

CARRIED (8-0)

In favour of the Motion: Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs;
Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon

Financial Activity Statement Report



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Statement of Financial Activity Variances

Material Variances Defined

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

Revenues (Operating and Non-Operating)

Service 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)

Service 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 Service 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

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Community Planning

- **Building Services**

- The period variation is favourable to period budget by \$41,679.
- The variation predominantly relates to higher than expected building permit revenue received from two large developments within the Town.
- The estimated impact on the year end position is an increase in revenue of \$30,000

Finance

- **Parking**

- The period variation is favourable to period budget by \$87,383
- The variation predominantly relates to revenue received from 2,000 more paid parking patrons and associated increase in infringement income compared to same time last year.
- The estimated impact on the year end position is an increase in revenue of \$80,000.

Operations

- **Asset Planning**

- The period variation is unfavourable to period budget by \$42,138
- The variation predominantly relates to some delays in lease income. This revenue is expected within the month of September.
- The impact on the year end position is estimated to be nil as this is a timing variance.

Operating Expense

Chief Executive Officer

- **Customer Relations**

- The period variation is favourable to period budget by \$30,100
- The variation predominantly relates to a vacancy within the area.
- The estimated impact on the year end position is a reduction in expenditure of \$30,000.

Community Planning

- **Urban Planning**

- The period variation is favourable to period budget by \$36,840
- The variation predominantly relates to vacancies within the area and underspend of consultancy cost. Consultancy costs are expected to be spent in the upcoming months.
- The estimated impact on the year end position is a reduction in expenditure of \$20,000.

(To be confirmed 13 November 2018)Finance

- **Leisurelife**

- The period variation is favourable to period budget by \$49,350.
- The variation predominantly relates to a reduction in employment costs via operational efficiency in rostering across multiple departments.
- The estimated impact on the year end position is a reduction in expenditure of \$45,000.

- **Parking**

- The period variation is favourable to period budget by \$30,973.
- The variation predominantly relates to vacancies within the area.
- The estimated impact on the year end position is a reduction in expenditure of \$20,000.

Operations

- **Parks and Reserves**

- The period variation is favourable to period budget by \$143,391.
- The variation predominantly relates to delays in works due to weather. Tree maintenance has been delayed due to safety of power line pruning works and tree removal in inclement weather. Programmed kerb and footpath spraying has also been delayed due to weather. Parks sumps maintenance, mowing works delayed due to lack of growth from cold weather.
- The impact on the year end position is nil as this is a timing variance.

- **Street Operations**

- The period variation is unfavourable to period budget by \$65,483.
- The variation predominantly relates to higher than anticipated pathway maintenance and emergency blocked drainage maintenance cost across the Town. Road maintenance costs has also increased due to increased potholes identified on the road.
- The estimated impact on the year end position is expected to be an increase in expenditure of \$40,000.

Capital ExpenseChief Executive Office

No material variance to report.

Community Planning

No material variance to report.

Finance

No material variance to report.

Operations

No material variance to report.

Non-Operating RevenueFinance

No material variance to report.

Operations

No material variance to report.

Non-Operating ExpensesFinance

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) 2018 - 2019 Actual Balances

Balances shown in this document as 2018 - 2019 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.

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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.

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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 31 August 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 - Construction and Road Base - Original Surface / Major Resurface
	Not depreciated 5 – 80 years 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 InstrumentsInitial 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

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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 31 August 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

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- 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 Service 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..

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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.

(To be confirmed 13 November 2018)

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.

(To be confirmed 13 November 2018)

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.

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Waste

Waste Management implements waste collection, minimisation and disposal in a sustainable manner.

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Statement of Financial Activity
For the period 1 July 2018 to 31 August 2018

Particulars	Material Variance		Revised Budget	31 August 2018	
	\$	%		Year-to-Date Budget	Year-to-Date Actual
			\$	\$	\$
Revenue					
Chief Executive Office			55,000	4,330	576
Chief Executive Office			50,500	4,250	279
Communications and Engagement			1,000	0	0
Customer Relations			0	0	0
Human Resources			3,000	0	203
Leadership and Governance			500	80	94
Community Planning			1,353,000	363,539	451,395
Building Services	41,679	▲	370,500	67,360	109,039
Community Development			268,500	2,953	15,912
Community Planning Office			1,000	0	159
Digital Hub			1,500	0	29
Economic Development			0	0	0
Environmental Health			282,000	223,260	229,826
General Compliance			10,000	1,660	2,289
Healthy Community			27,500	4,580	7,184
Library Services			31,500	3,810	6,459
Place Management			0	0	0
Strategic Town Planning			1,000	0	0
Urban Planning			359,500	59,916	80,498
Finance			57,733,500	47,529,090	47,597,845
Aqualife			2,182,500	270,683	289,724
Budgeting			1,622,500	19,600	0
Corporate Funds			48,124,500	45,837,700	45,824,162
Finance Office			1,000	0	159
Financial Services			747,500	449,000	464,484
Information Systems			2,000	320	219
Leisurelife			2,205,500	379,017	356,408
Parking	87,383	▲	2,734,000	565,670	653,053
Ranger services			114,000	7,100	9,636
Operations			9,611,000	1,666,835	1,673,562
Asset Planning	42,138	▼	1,004,500	113,924	71,786
Environment			0	0	0
Fleet Services			10,500	0	7,209
Operations Office			2,002,500	416	159
Parks and Reserves			3,151,000	309,495	305,728
Project Management			0	0	205
Street Improvement			10,500	1,752	20,159
Street Operations			2,640,500	504,998	522,582
Waste Services			791,500	736,250	745,734
Total Revenue			68,752,500	49,563,794	49,723,379

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Statement of Financial Activity
For the period 1 July 2018 to 31 August 2018

				31 August 2018		
	Material Variance			Revised Budget	Year-to-Date Budget	Year-to-Date Actual
Particulars	\$		%	\$	\$	\$
Operating Expense						
Chief Executive Office				(4,403,000)	(764,674)	(720,955)
Chief Executive Office				(1,123,500)	(166,680)	(154,957)
Communications and Engage				(841,500)	(115,344)	(90,544)
Customer Relations	30,100	▼	18%	(878,500)	(167,410)	(137,310)
Human Resources				(844,000)	(130,980)	(136,542)
Leadership and Governance				(715,500)	(184,260)	(201,602)
Community Planning				(8,272,000)	(1,117,312)	(1,002,646)
Building Services				(496,500)	(89,810)	(88,555)
Community Development				(1,962,500)	(224,736)	(205,016)
Community Planning Office				(947,500)	(132,940)	(108,866)
Digital Hub				(153,000)	(17,760)	(20,150)
Economic Development				(194,500)	(9,820)	(13,509)
Environmental Health				(652,000)	(113,870)	(115,572)
General Compliance				(249,500)	(41,560)	(34,496)
Healthy Community				(261,000)	(43,596)	(20,827)
Library Services				(1,243,500)	(212,600)	(205,510)
Place Management				(302,500)	(13,260)	(28,794)
Strategic Town Planning				(726,000)	(71,780)	(52,610)
Urban Planning	36,840	▼	25%	(1,083,500)	(145,580)	(108,740)
Finance				(21,912,500)	(2,150,736)	(2,010,094)
Aqualife				(2,537,000)	(379,807)	(395,918)
Budgeting				(7,756,000)	(12,600)	0
Corporate Funds				(558,000)	(17,600)	(0)
Finance Office				(773,500)	(128,200)	(118,899)
Financial Services				(1,298,500)	(153,700)	(148,226)
Information Systems				(2,966,000)	(563,930)	(546,121)
Leisurelife	49,350	▼	11%	(2,756,000)	(455,203)	(405,853)
Parking	30,973	▼	10%	(2,442,500)	(307,096)	(276,123)
Ranger services				(825,000)	(132,600)	(118,954)
Operations				(31,223,000)	(2,136,268)	(2,036,670)
Asset Planning				(10,814,000)	(497,218)	(476,512)
Environment				(185,500)	(14,922)	(16,897)
Fleet Services				0	(60)	(402)
Operations Office				(2,820,000)	(133,350)	(121,097)
Parks and Reserves	143,391	▼	28%	(4,981,500)	(511,114)	(367,723)
Project Management				(1,901,500)	(120,980)	(119,766)
Street Improvement				(1,165,000)	(117,940)	(139,400)
Street Operations	65,483	▲	29%	(2,854,500)	(228,200)	(293,683)
Waste Services				(6,501,000)	(512,484)	(501,190)
Total Operating Expense				(65,810,500)	(6,168,990)	(5,770,365)

(To be confirmed 13 November 2018)



Statement of Financial Activity
For the period 1 July 2018 to 31 August 2018

Particulars	\$	Material Variance	%	31 August 2018		
				Revised	Year-to-Date	Year-to-Date
				Budget	Budget	Actual
	\$			\$	\$	
Capital Expense						
Chief Executive Office				0	0	
Chief Executive Office				0	0	
Communications and Engage				0	0	
Customer Relations				0	0	
Human Resources				0	0	
Leadership and Governance				0	0	
Community Planning				(138,000)	0	
Building Services				0	0	
Community Development				(138,000)	0	
Community Planning Office				0	0	
Digital Hub				0	0	
Economic Development				0	0	
Environmental Health				0	0	
General Compliance				0	0	
Healthy Community				0	0	
Library Services				0	0	
Place Management				0	0	
Strategic Town Planning				0	0	
Urban Planning				0	0	
Finance				(1,213,500)	(40,000)	
Aqualife				0	0	
Budgeting				0	0	
Corporate Funds				0	0	
Finance Office				0	0	
Financial Services				0	0	
Information Systems				(976,500)	(40,000)	
Leisurelife				0	0	
Parking				(237,000)	0	
Ranger services				0	0	
Operations				(17,037,000)	(197,075)	
Asset Planning				(3,255,000)	(31,575)	
Environment				0	0	
Fleet Services				(934,500)	(36,500)	
Operations Office				0	0	
Parks and Reserves				(6,297,000)	(5,000)	
Project Management				(71,000)	(21,000)	
Street Improvement				0	0	
Street Operations				(6,479,500)	(103,000)	
Waste Services				0	0	
Total Capital Expense				(18,388,500)	(237,075)	

(To be confirmed 13 November 2018)



Statement of Financial Activity
For the period 1 July 2018 to 31 August 2018

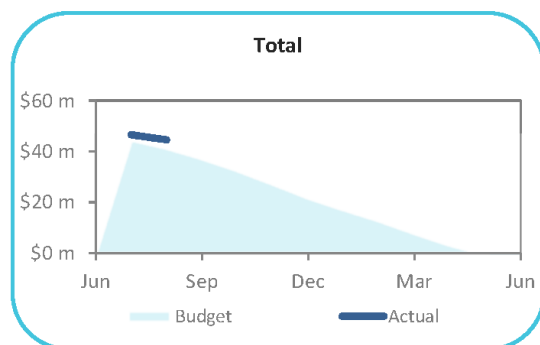
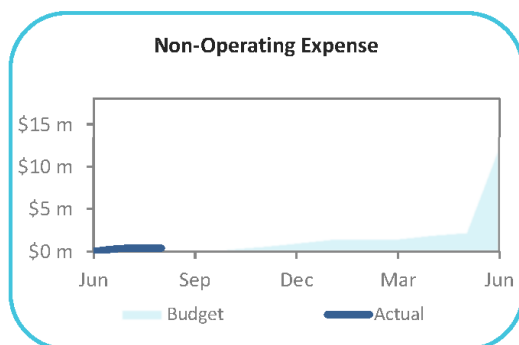
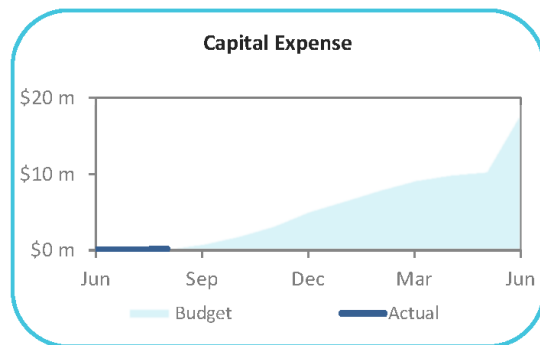
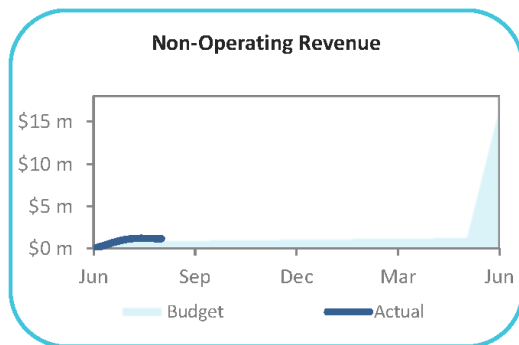
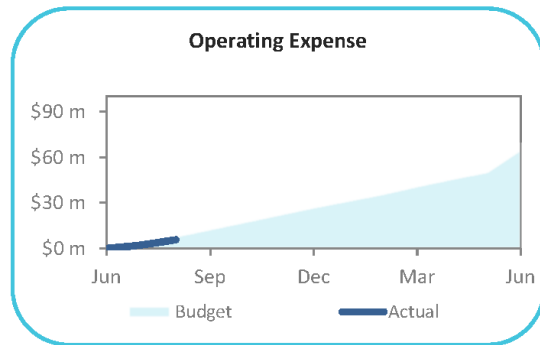
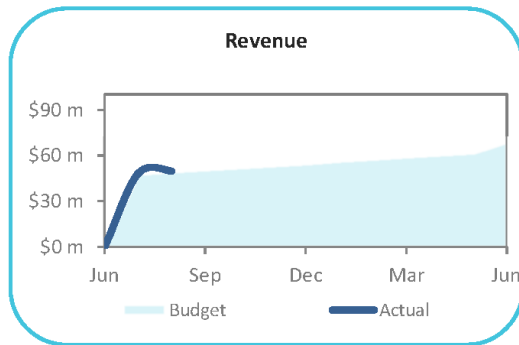
Particulars	\$	Material Variance	%	31 August 2018		
				Revised Budget	Year-to-Date Budget	Year-to-Date Actual
	\$			\$	\$	
Non-Operating Revenue						
Finance				17,027,000	1,081,000	1,081,282
Corporate Funds				17,027,000	1,081,000	1,081,282
Operations				383,000	79,000	91,425
Fleet Services				383,000	79,000	91,425
Total Non-Operating Revenue				17,410,000	1,160,000	1,172,707
Non-Operating Expense						
Finance				(12,932,500)	(350,000)	(373,552)
Corporate Funds				(12,932,500)	(350,000)	(373,552)
Total Non-Operating Expense				(12,932,500)	(350,000)	(373,552)
Non-Cash Items Adjustments						
Profit and Loss				(1,607,500)	(267,500)	0
Depreciation				8,037,500	1,290,500	0
Total Non-Cash Items Adjustments				6,430,000	1,023,000	0
Suspense Items Yet To Be Applied				0	0	(191,692)
Opening Surplus / (Deficit)				4,539,000	4,539,000	6,909,209
Closing Surplus / (Deficit)				0	49,529,729	51,315,420

(To be confirmed 13 November 2018)



Statement of Financial Activity
For the period 1 July 2018 to 31 August 2018

Graphical Representation



(To be confirmed 13 November 2018)



Net Current Funding Position
For the period 1 July 2018 to 31 August 2018

Particulars	Brought Forward 1 July \$	2018-2019 Revised Budget \$	Year To Date Actual \$
Current Assets			
Cash - Unrestricted	12,478,067	7,903,757	40,072,461
Cash - Reserves / Restricted	29,161,505	33,823,443	29,161,505
Receivables and Accruals	4,207,107	2,000,000	25,569,007
Inventories	9,470	1,500	9,470
	45,856,148	43,728,700	94,812,443
Less Current Liabilities			
Payables and Provisions	(9,785,435)	(9,905,257)	(14,340,157)
	(9,785,435)	(9,905,257)	(14,340,157)
Net Current Asset Position	36,070,714	33,823,443	80,472,285
Less			
Cash - Reserves / Restricted	(29,161,505)	(33,823,443)	(29,161,505)
Estimated Surplus / (Deficiency) Carried Forward	6,909,209	-	51,310,781

(To be confirmed 13 November 2018)



Cash and Cash Investments
For the month ended 31 August 2018

Cash and Investments Analysis

	Amount Invested \$	Interest Rate %	Term (Days)	Maturity Date	Projected Earnings \$	Percentage of Portfolio
Cash - Unrestricted						
Bankwest	2,000,000				41,425	3%
4748890	2,000,000	2.80	270	24-May-19	41,425	
CBA	27,072,461				49,139	39%
At Call	25,072,461	Variable	11am	Daily	45,687	
169172	2,000,000	2.10	30	26-Sep-18	3,452	
ME Bank	3,000,000				11,638	4%
117986	3,000,000	2.40	59	27-Sep-18	11,638	
NAB	8,000,000				88,313	12%
57-576-8731	2,000,000	2.70	330	25-Jun-19	48,822	
57-344-8427	3,000,000	2.65	91	29-Oct-18	19,821	
DEAL-10559977	3,000,000	2.63	91	26-Nov-18	19,671	
Total Cash - Unrestricted	40,072,461				190,516	58%
Cash - Restricted						
CBA	11,161,505				1,553	16%
At Call	11,161,505	Variable	11am	Daily	1,553	
Bankwest	9,000,000				186,411	13%
4739557	4,000,000	2.80	270	26-Apr-19	82,849	
4748889	5,000,000	2.80	270	24-May-19	103,562	
NAB	4,000,000				97,644	6%
57-186-2122	4,000,000	2.70	330	25-Jun-18	97,644	
BOQ	2,000,000				12,964	3%
152802	2,000,000	2.60	91	26-Nov-18	12,964	
ME Bank	3,000,000				11,638	4%
117986	3,000,000	2.40	59	27-Sep-18	11,638	
Total Cash - Restricted	29,161,505				310,211	38%
Total Cash - Invested	69,233,966				500,726	98%
Cash on Hand	9,005					
Total Cash	69,242,971					

(To be confirmed 13 November 2018)

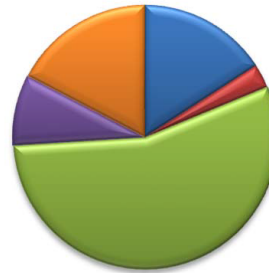


*Cash and Cash Investments
For the month ended 31 August 2018*

Cash and Investments Analysis

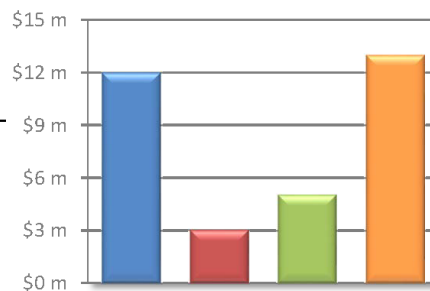
Portfolio Diversity

Institution	%
Bankwest	16
BOQ	3
CBA	55
ME Bank	9
Suncorp	0
NAB	17
	100

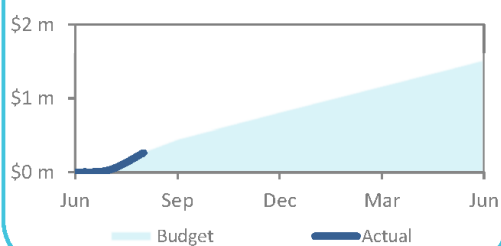


Investment Maturity Timing

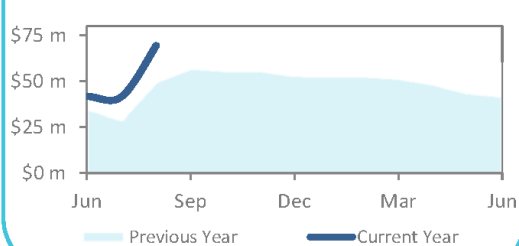
Maturity	\$
Up to 30 days	12,000,000
31 - 60 days	3,000,000
61 - 90 days	5,000,000
90+ days	13,000,000
	33,000,000



Interest Earnings



Total Cash Holdings



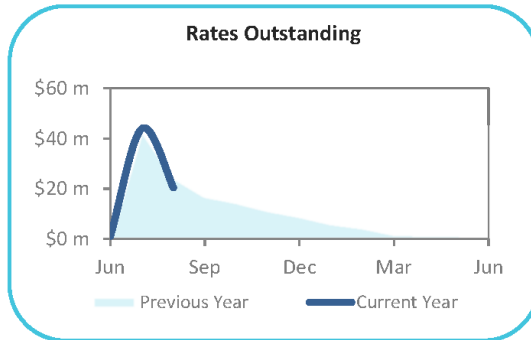
(To be confirmed 13 November 2018)



Receivables (Rates and Sundry Debtors)
For the month ended 31 August 2018

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

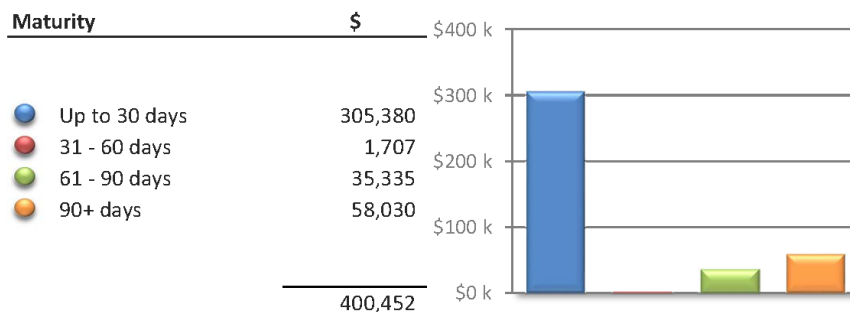
	Total
Balance from Previous Year	1,092,378
Rates Levied - Initial	45,627,053
Rates Levied - Interims	0
Total Rates Collectable	46,719,431
Current Rates Collected To Date	27,458,709
Current Rates Outstanding	19,260,722
% Rates Outstanding	41.2%



Sundry Debtors

Type	Total	30 Days	60 Days	90 Days	90+ Days
Grants and Subsidies	42,152	42,152	-	-	-
Property Rent	52,923	2,812	1,607	-	48,503
Aqualife Fees	12,083	11,768	-	-	315
Leisurelife Fees	15,429	14,008	100	-	1,321
Community Life Fees	13,218	5,911	-	1,005	6,302
Health Fees	198,865	197,897	-	80	888
Other Fees and Charges	56,127	21,176	-	34,250	701
Long Service Leave From Councils	-	-	-	-	-
Building and Planning Application Fees	9,656	9,656	-	-	(0)
Total Sundry Debtors	400,452	305,380	1,707	35,335	58,030

Sundry Debtor Aged Analysis



(To be confirmed 13 November 2018)



Grants and Contributions
For the month ended 31 August 2018

Grants and Contributions

Details	Original Budget	Revised Budget	Receipt Status	
	\$	\$	Invoiced	Remaining
Operating Funding				
<u>Community Development</u>				
Community Grants	25,000	25,000	-	25,000
Lotterywest Grants	10,000	10,000	-	10,000
Sponsorship	2,500	2,500	-	2,500
State Government Grants	3,500	3,500	-	3,500
<u>Corporate Funds</u>				-
Federal Assistance Grant	750,000	750,000	91,773	658,228
Federal Local Road Grant	350,000	350,000	43,317	306,683
<u>Library Services</u>				-
Book Council Grants	3,000	3,000	-	3,000
State Government Grants	3,000	3,000	-	3,000
<u>Operations Office</u>				-
State Government Grants	2,000,000	2,000,000	-	2,000,000
<u>Street Operations</u>				-
Federal Government Grants	235,000	235,000	210,000	25,000
MRWA Direct Road Grants	50,000	50,000	-	50,000
Street Lighting Subsidy	31,000	31,000	-	31,000
				-
Non-Operating Funding				-
<u>Asset Planning</u>				-
State Government Grant	751,000	751,000	-	751,000
<u>Parks and Reserves</u>				-
Recreation Capital Grants	304,000	304,000	304,000	-
State Government Grant	2,790,000	2,790,000	-	2,790,000
<u>Street Operations</u>	-	-	-	-
Federal Government Capital Grants	65,000	65,000	-	65,000
MRRG Road Rehabilitation Grants	374,500	374,500	38,320	336,180
MRWA Black Spot Grants	971,000	971,000	256,000	715,000
MRWA Other Grants	40,000	40,000	-	40,000
State Government Grant	303,000	303,000	-	303,000
Transport Grants	456,000	456,000	-	456,000
				-
Total Cash Deposits	9,517,500	9,517,500	943,409	8,574,091

(To be confirmed 13 November 2018)



*Reserve Funds
For the month ended 31 August 2018*

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.

Cash-in-Lieu

To be used to assist in funding initiatives associated with payments received as cash in lieu of required obligations or works.

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

(To be confirmed 13 November 2018)



*Reserve Funds
For the month ended 31 August 2018*

Plant and Machinery Renewal

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

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

(To be confirmed 13 November 2018)



Reserve Funds
For the month ended 31 August 2018

Reserve Funds Transactions

	Annual Opening Balance \$	Transfer to Reserve \$	Transfer from Reserve \$	31 August 2018 Balance Actual \$	Balance Budget \$	Annual Revised Budget \$
Building Renewal	487,366	-	-	487,366	487,366	525,366
Cash-in-Lieu	-	-	-	-	-	-
Community Art	689,443	-	-	689,443	689,443	690,043
Drainage Renewal	225,520	-	-	225,520	225,520	225,920
Edward Millen Site	1,457,678	-	-	1,457,678	1,457,678	1,458,678
Furniture and Equip Renewal	599,407	-	-	599,407	599,407	599,907
Future Fund	14,384,893	-	-	14,384,893	14,384,893	13,658,793
Future Projects	2,579,640	-	-	2,579,640	2,579,640	450,178
Harold Hawthorn - Carlisle	148,630	-	-	148,630	148,630	148,630
Information Technology Ren	661,800	-	-	661,800	661,800	665,400
Insurance Risk Reserve	396,930	-	-	396,930	396,930	397,230
Land Asset Optimisation	801,300	-	-	801,300	801,300	397,230
Other Infrastructure Renewal	614,943	-	-	614,943	614,943	615,443
Parks Renewal	96,025	-	-	96,025	96,025	46,225
Pathways Renewal	419,697	-	-	419,697	419,697	420,397
Plant and Machinery	268,942	-	-	268,942	268,942	269,342
Renewable Energy	174,780	-	-	174,780	174,780	75,380
Roads Renewal	881,637	-	-	881,637	881,637	882,337
Underground Power	3,288,499	-	-	3,288,499	3,288,499	3,241,999
Waste Management	984,375	-	-	984,375	984,375	985,175
	29,161,505	-	-	29,161,505	29,161,505	25,753,673

(To be confirmed 13 November 2018)



Capital Items
For the month ended 31 August 2018

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

(To be confirmed 13 November 2018)



Capital Items Progress
For the month ended 31 August 2018

Capital Items

Particulars	Budget Status	Completion Stage	Revised Budget \$	Year-to-Date Actual \$
Land and Buildings			3,021,500	4,075
Renewal - Land and Buildings				
6 Kent Street - Facility - Internal Renewal	□	■□□□	222,500	775
8 Kent Street - Facility - Internal Renewal	□	■□□□	193,500	775
Administration Office - Ceiling - Lighting	□	□□□□	20,000	0
Aqualife - First Aid Room - Refurbish	□	□□□□	20,000	0
Aqualife - Function Room - Renew Floor	□	□□□□	10,000	0
Aqualife - Plant Room - Ultraviolet Generators	□	□□□□	125,000	0
Fletcher Park - Clubrooms - Plumbing Fixtures	□	□□□□	10,000	0
Fraser Park - Clubrooms - Painting	□	□□□□	10,000	0
Harold Hawthorne Centre - Various - Air Conditioning	□	□□□□	100,000	0
Harold Rossiter Park - Clubrooms - Painting	□	□□□□	5,000	0
Higgins Park - Clubrooms - Painting	□	□□□□	10,000	0
Leisurelife - Drama Room - Floor Reseal	□	□□□□	40,000	0
Leisurelife - Gym - Air Conditioning	□	■□□□	230,000	0
Leisurelife - Sports Court Major- Roller Door	□	□□□□	7,000	0
Leisurelife - Toilets and Change Rooms - Renewal	□	■□□□	261,500	0
Library - Outdoor Staff Area - Courtyard Security	□	□□□□	10,000	0
Library - Public Areas - Carpets	□	□□□□	86,000	0
Library - Staff Kitchen - Refurbish	□	□□□□	35,000	0
Library - Staff Locker Area - Compactus Area Ceiling	□	□□□□	7,000	0
Library - Staff Office - Fit Out and Storage	□	□□□□	80,000	0
Reactive Building Renewal Works - Various - Allocation	□	□□□□	100,000	0
Taylor Reserve - Toilets - Renewal	□	■□□□	185,500	1,446
Upgrade - Land and Buildings				
Administration Office - Facility - Accessibility Upgrade	□	■□□□	51,000	1,080
Land - 25 Boundary Road - Subdivision	□	■□□□	71,000	0
Leisurelife - First Aid Room - Lighting	□	□□□□	1,500	0
New - Land and Buildings				
Lathlain Redevelopment (Zone 2) - Buildings	□	□□□□	750,000	0
Lathlain Redevelopment (Zone 2x) - Buildings	□	□□□□	380,000	0

(To be confirmed 13 November 2018)



Capital Items Progress
For the month ended 31 August 2018

Capital Items

Particulars	Budget Status	Completion Stage	Revised Budget \$	Year-to-Date Actual \$
Plant and Machinery			934,500	12,199
Renewal - Plant and Machinery				
105 VPK - Holden Colorado Dual Cab Ute (Plant 397)	□	■□□□	35,000	0
107 VPK - Nissan X Trail Wagon (Plant 394)	□	□□□□	35,000	0
119 VPK - Holden Colorado Dual Cab Ute (Plant 383)	□	■□□□	32,000	0
121 VPK - Nissan Navara Dual Cab Ute (Plant 390)	□	□□□□	32,000	0
123 VPK - Holden Cruze Wagon (Plant 361)	□	□□□□	25,000	0
125 VPK - Nissan Navara Ute (Plant 389)	□	■□□□	32,000	0
126 VPK - VW Caddy Rangers (Plant 375)	□	□□□□	40,000	0
129 VPK - VW Caddy Rangers (Plant 376)	□	□□□□	40,000	0
132 VPK - Holden Colorado Dual Cab Ute (Plant 392)	□	■□□□	32,000	0
141 VPK - Ford Transit (Plant 296)	□	■□□□	45,000	0
162 VPK - Road Sweeper (Plant 341)	□	■□□□	380,000	0
1EFR 960 - Hyundai Sedan (Plant 333)	□	■□□□	25,000	0
1EFZ 074 - Hyundai Parking (Plant 335)	□	■□□□	25,000	0
1EHK 762 - Hyundai Sedan (Plant 337)	□	■□□□	25,000	0
1EIO 123 - VW Caddy Parking (Plant 342)	□	□□□□	45,000	0
1EPG 777 - Hyundai i30 Parking (Plant 373)	□	□□□□	25,000	0
1GEL 999 - Subaru (Plant 391)	□	□□□□	25,000	0
Electric Bicycles	□	■□□□	10,500	0
Minor Plant Renewal - Parks	□	■□□□	13,000	10,213
Minor Plant Renewal - Street Improvement	□	■□□□	13,000	1,986
Furniture and Equipment			336,500	7,536
6 and 8 Kent Street - Minor Expense - Allocation	□	□□□□	30,000	0
Administration Centre - Minor Expense - Allocation	□	■□□□	30,000	257
Aqualife - Crèche - Play Equipment	□	□□□□	1,000	0
Aqualife - Function Room - Group Fitness Equipment	□	□□□□	3,000	0
Aqualife - Minor Expense - Allocation	□	■□□□	11,000	584
Depot - Minor Expense - Allocation	□	□□□□	10,000	0
Digital Hub - Minor Expense - Allocation	□	□□□□	5,000	0
Leisure life - Minor Expense - Allocation	□	□□□□	10,000	0
Leisurelife - Court 3 - Badminton Posts	□	□□□□	4,000	0
Leisurelife - Court 3 - Equipment Storage	□	□□□□	10,000	0
Leisurelife - Courts 1 and 2 - Volleyball Posts	□	□□□□	4,500	0
Leisurelife - Gym - Gym Equipment	□	■□□□	165,000	6,695
Library - Minor Expense - Allocation	□	□□□□	15,000	0
Upgrade - Furniture and Equipment				
Depot - Pedestrian Gate - Security Upgrade	□	■□□□	6,000	0
New - Furniture and Equipment				
Parking - Enforcement - Parking Machine Cabling	□	□□□□	23,000	0
Parking - Enforcement - Recognition Equipment	□	□□□□	9,000	0

(To be confirmed 13 November 2018)



Capital Items Progress
For the month ended 31 August 2018

Capital Items

Particulars	Budget Status	Completion Stage	Revised Budget \$	Year-to-Date Actual \$
Information Technology			976,500	34,497
Renewal - Information Technology				
Software - Customer Request Management System	□	□□□□	150,000	0
System - Intranet and Portal	□	■□□□	85,000	0
Upgrade - Information Technology				
Hardware - Workstations and Peripherals	□	□□□□	10,000	0
Network - Aqualife	□	□□□□	5,000	0
Software - Leisure Facilities Management	□	■□□□	95,000	32,800
Software - Library Management	□	■□□□	95,000	0
Software - Records Management	□	□□□□	60,000	0
System - Authority 7.x	□	■□□□	45,000	0
New - Information Technology				
Software - Asset Management	□	□□□□	190,000	0
Software - Minutes and Agendas	□	□□□□	50,000	0
Software - Mobile App Lighten Up	✗	■□□□	1,500	1,697
Software - Mobile Health	□	□□□□	100,000	0
System - RFID Self-Service Solution	□	■□□□	90,000	0
Roads			4,338,500	14,727
Renewal - Roads				
Albany Highway - Duncan to Teddington - Seal	□	■□□□	10,000	0
Albany Highway - Kent - Miller Roundabout - Seal	□	■□□□	68,500	0
Albany Highway - Service Lane to Shepperton - Seal	□	■□□□	36,000	0
Custance Street - Getting to Roberts - Seal	□	■□□□	36,500	0
Enfield Street - Goddard to Gallipoli - Seal	□	■□□□	142,000	0
Enfield Street - Waller to Goddard - Seal	□	■□□□	33,000	0
Esperance Street - Berwick to End - Seal -	□	■□□□	97,000	0
Gloucester Street - Cargill to Leonard - Seal	□	■□□□	163,000	2,230
Hampton Road - Howick to Teague - Seal	□	■□□□	131,500	2,865
Hubert Street - Somerset to Oats - Seal	□	■□□□	76,500	0
Kate Street - Norseman to Lake View - Seal	□	■□□□	56,000	0
King George Street - Berwick to 60m South - Seal	□	■□□□	27,500	0
Maple Street - Gallipoli to End - Seal	□	■□□□	144,500	0
Oats Street - Mars to Planet - Seal	□	■□□□	131,500	965
Oats Street - Tuckett to Rutland - Seal	□	■□□□	158,500	2,040
Rathay Street - Berwick to Lansdowne - Seal	□	■□□□	127,000	1,635
Salford Street - Albany to Lichfield - Seal	□	■□□□	72,500	1,375
Staines Street - Goddard to Gallipoli - Seal	□	■□□□	189,000	0
Star Street - Mid Block to Archer - Seal	□	■□□□	119,500	0

(To be confirmed 13 November 2018)



Capital Items Progress
For the month ended 31 August 2018

Capital Items

Particulars	Budget Status	Completion Stage	Revised Budget \$	Year-to-Date Actual \$
Upgrade - Roads				
Hill View Terrace - Oats and Albany - Pavement	□	■□□□	76,000	0
Hill View Terrace and Oats Street - Intersection	□	■□□□	170,000	0
Kent and Hayman - Stage 1 - Pavement	□	■□□□	630,000	0
McCartney Crescent - Pavement	□	■□□□	22,500	3,250
Roberts Road and Orrong Road - Intersection	□	■□□□	220,000	0
Rutland Avenue - Oats to Welshpool - Pavement	□	■□□□	449,500	0
Shepperton and Miller - Stage 2 - Pavement	□	■□□□	449,500	0
New - Roads				
Cookham Road - Goddard to Gallipoli - Calming	□	□□□□	24,000	0
Cornwall Street - Gallipoli to Castle - Calming	□	□□□□	40,000	0
Egham Street - Goddard to Gallipoli - Calming	□	□□□□	24,000	0
Gallipoli Street - Egham to Enfield - Calming	□	■□□□	23,000	90
Gallipoli Street - Egham to Howick - Calming	□	■□□□	23,000	112
Goddard Street - Egham to Howick - Calming	□	■□□□	24,000	56
Goddard Street - Midgley to Cookham - Calming	□	■□□□	24,000	48
Goddard Street - Saleham to McCartney - Calming	□	□□□□	88,000	0
McCartney Crescent - Goddard to Roberts - Calming	□	■□□□	51,500	16
Saleham Street - Goddard to Gallipoli - Calming	□	■□□□	52,500	45
Staines Street - Rutland to Goddard - Calming	□	□□□□	40,000	0
Streatley Road - Gallipoli to Castle - Calming	□	□□□□	40,000	0
Various - Bike Plan Initiatives - On Road Facilities	□	■□□□	47,000	0
Drainage			444,500	0
Renewal - Drainage				
Hill View Terrace - Intersection Drainage	□	■□□□	74,500	0
Pipe Renewal - Allocation	□	■□□□	40,000	0
Pit Renewal - Allocation	□	■□□□	20,000	0
Sump Renewal - Allocation	□	■□□□	35,000	0
New - Drainage				
Bishopsgate Street - Improvements	□	■□□□	235,000	0
Lake View Terrace - Improvements	□	■□□□	20,000	0
Right of Ways - Various	□	■□□□	20,000	0

(To be confirmed 13 November 2018)



Capital Items Progress
For the month ended 31 August 2018

Capital Items

Particulars	Budget Status	Completion Stage	Revised Budget \$	Year-to-Date Actual \$
Pathways			700,000	40,772
Renewal - Pathways				
Berwick Street - Mackie to McMaster - Surface	☐	■■■□	16,500	15,864
Berwick Street - Whittlesford to Hillview - Surface	☐	■■■□	37,000	15,891
Gloucester Street - McMaster to King George - Surface	☐	■■■□	17,000	9,018
Kitchener Avenue - Howick to Egham - Surface	☐	■■■□	18,500	0
Lathlain Redevelopment (Zone 7) - Pathways	☐	□□□□	150,000	0
Mint Street - Carnarvon to Shepperton - Surface	☐	■□□□	20,500	0
New - Pathways				
Goodwood Parade - Shared Path - Surface	☐	■□□□	400,000	0
Turner Avenue - Kent to Brodie Hall - Surface	☐	■□□□	40,500	0
Parks			6,297,000	16,925
Renewal - Parks				
George Street Reserve - Revegetation Project	☐	■□□□	60,000	165
GO Edwards Park - Renewal	☐	□□□□	1,000,000	11,615
Kensington Bushland - Information Shelters	☐	■□□□	7,000	0
Kent Street Reserve - Revegetation Project	☐	□□□□	10,000	0
Main and Arterial Roads - Landscaping and Planting	☐	□□□□	10,000	0
McCallum Park - River Wall - Foreshore Landscape	☐	■□□□	608,000	4,440
Tree Plan - Tree Replanting	☐	■□□□	78,000	705
Upgrade - Parks				
Fletcher Park - Cricket Nets	☐	□□□□	70,000	0
Higgins Park - Tennis Courts	☐	□□□□	100,000	0
John Macmillan Park - Redevelopment	☐	■□□□	430,000	0
New - Parks				
Kensington Bushland - Jirdarup Signage	☐	■□□□	24,000	0
Lathlain Redevelopment (Zone 2) - Parks	☐	□□□□	1,533,000	0
Lathlain Redevelopment (Zone 2x) - Parks	☐	□□□□	2,245,000	0
Peninsula to Park - Landscaping	☐	□□□□	122,000	0

(To be confirmed 13 November 2018)



Capital Items Progress
For the month ended 31 August 2018

Capital Items

Particulars	Budget Status	Completion Stage	Revised Budget \$	Year-to-Date Actual \$
Other Infrastructure			1,339,500	23,535
Renewal - Other Infrastructure				
Car Parks - Car Park Kerbs - Allocation	□	■□□□	5,000	0
Car Parks - GO Edwards No 17	□	■□□□	33,000	0
Car Parks - Resurfacing - Allocation	□	■□□□	20,000	0
Lathlain Redevelopment (Zone 7) - Carparks	□	□□□□	350,000	0
Street Furniture - Bus Shelter - Allocation	□	■□□□	55,000	0
Street Lighting - Albany Highway and Laneways	□	□□□□	30,000	0
Upgrade - Other Infrastructure				
Parking - Parking Meters - Upgrade	□	□□□□	130,000	0
Street Lighting - Leisurelife Car Park - Stage 2	□	■□□□	65,000	20,043
New - Other Infrastructure				
Artworks - Allocation	□	□□□□	50,000	0
Lathlain Redevelopment (Zone 2) - Artwork	□	□□□□	33,000	0
Lathlain Redevelopment (Zone 2) - Carparks	□	□□□□	303,000	0
Lathlain Redevelopment (Zone 2x) - Artwork	□	□□□□	55,000	0
Parking - ACROD Bays - Allocation	□	■□□□	12,000	0
Parking - Parking Meters	□	□□□□	75,000	0
Right of Way 51 - Resurface	□	■□□□	23,500	3,492
Street Furniture - Allocation	□	■□□□	15,000	0
Street Furniture - Bike Stations and Hoops	□	■□□□	10,000	0
Street Lighting - Installation	□	□□□□	55,000	0
Street Lighting - Safety Improvements - Allocation	□	□□□□	20,000	0

14 COMMITTEE REPORTS

RESOLVED:

Moved: Cr Oliver

Seconded: Cr Jacobs

That the recommendations for Items 14.1, 14.2 and 14.4 be adopted by exception resolution by an Absolute Majority.

The Motion was Put and

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

In favour of the Motion: Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon.

FINANCE AND AUDIT COMMITTEE

14.1 Recommendation from the Finance and Audit Committee: Schedule of accounts for 31 August 2018

File Reference:	FIN/11/0001~09
Appendices:	Payment summary – August 2018
Attachments:	No
Date:	4 September 2018
Reporting Officer:	A. Thampoe
Responsible Officer:	N. Cain
Voting Requirement:	Simple majority
Executive Summary: Recommendation - That Council, acknowledges the Schedule of Accounts paid for the month ended 31 August 2018. - The accounts paid for 31 August 2018 as included in the appendices. - Direct lodgement of payroll payments to the personal bank accounts of employees are also included.	

TABLED ITEMS:

Nil

BACKGROUND:

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

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

(To be confirmed 13 November 2018)

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

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

DETAILS:

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

Fund	Reference	Amounts
Municipal Account		
Automatic Cheques Drawn	608415 – 608423	42,270
Creditors – EFT Payments		2,463,001
Payroll		1,126,750
Bank Fees		8,304
Corporate MasterCard		5,930
		3,646,255
Trust Account		
Automatic Cheques Drawn	3595 – 3601	6,000
		6,000

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.*

(To be confirmed 13 November 2018)

- (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.

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

Strategic Plan Implications:

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

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

Financial Implications:Internal Budget:

Nil.

Total Asset Management:

Nil.

Sustainability Assessment:External Economic Implications:

Nil.

(To be confirmed 13 November 2018)

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 discussed the report at length, seeking further information on a number of payments made in August 2018. The following list represents the questions and answers associated with the request for further information.

- What do the following charges relate to?
 - City of Armadale - Printing - \$1,981.00
The City of Armadale provide printing services to the Town. These relate to promotional material that includes posters, flyers and banners.
 - City of Wanneroo - Rates - \$26,267.76
This relates to the payment of rates for the Town's portion of rates for Tamala Park of which Council is a one-twelfth owner.
 - Gizmo Cats - Training - \$1,400.00
This payment was for a performance for National Science Week at the Town's library. The standard description has been updated to 'Event performance and activity'.
 - Holyoake - Health Services - \$5,500.00
Holyoake were engaged to provide employee drug and alcohol awareness sessions.

(To be confirmed 13 November 2018)

- Josh Byrne Design & Drafting - \$12,081.30

This payment is in relation to a progress claim for the development of detailed design and specifications for stages two and three of the G.O Edwards upgrade, as per the approved capital works program.

- LG Professionals - LG Services - \$8,525.00

This payment is the Town's fee for being involved in the Australasian Local Government Performance Excellence Program, a program that allows the Town to benchmark against other local governments.

- Mr A Alqaragholi - Art and Events - \$11,000.00

This is the final payment for the replacement of the stolen public artwork at Duncan Reserve.

- Mr A Bennett - Training - \$1,062.00

This payment is for teaching services provided at the Digital Hub for home schooled children and their parents.

- Mr T Doyle - Rates - \$1,278.00

This payment was a refund for overpaid rates. The standard description has been updated to 'Refund – Rates'.

- Progility - Software & IT - \$17,292.00

This payment was for the yearly renewal of advanced antivirus and data protection software and support.

- The Trustee for Upbeat - Event Performance and Activity - \$22,000

This was a milestone payment for end-to-end delivery of the 2018 Summer Street Party.

- The Vic Park Collective - Event Performance and Activity - \$5,000

The Vic Park Collective received a milestone payment for the delivery of the Urban Forest Strategy. The description has been updated to read Environmental Services.

- Town Team Movement - Sponsorship - \$8,250

The Town is a presenting partner of the 2018 Town Team Movement Conference: (Re)Connecting Communities through Leadership and Activation. This is the fee charged for sponsorship.

(To be confirmed 13 November 2018)

- Legal services

Cornerstone

- \$4,455 - *Legal matters in relation to environmental services and planning prosecutions (2 x invoices).*
- \$1,441 - *Legal matters in relation to environmental services.*

Jackson McDonald

- \$343 - *Provision of required legal annual audit certificate.*

Kort Gunning

- \$660 - *Provision of required legal annual audit certificate.*

McLeods

- \$7,212 - *Legal matters in relation to planning prosecutions (3 x invoices).*
- \$1,371 - *Legal matter in relation to memorandum of understanding.*
- \$3,171 - *Legal matters in relation to leasing.*
- \$154 - *Provision of required legal annual audit certificate.*

- What do we use the CAMMS subscriptions from CA Technology for?

This is for the supply of annual software licences relating to Corporate Performance Management and other ancillary software services.

- Why was Curtin University paid for sponsorship?

This payment was for sponsorship of the Curtin Ignition program. The Town paid for two scholarships for community members.

- What were Links Modular Software paid for?

This was a milestone payment in relation to the new leisure facility management software, as per the approved capital works program.

- What is the payment to Maia Financial for?

This supplier provides leased equipment to various areas within the Town. Most of these lease payments occur quarterly. This particular payment includes invoices for public Wi-Fi, printers and desktop computer leases.

- What were Powerlux paid for?

The payment relates to lighting, as per the approved capital works program. It was specifically for two invoices, one for the installation of lighting as part of the ROW 51 upgrade and the other for the lighting upgrade of the Carlisle Reserve carpark.

(To be confirmed 13 November 2018)

- Why did the Town pay Reino International?

Reino International are contracted to provide equipment and associated licenses for the Town's parking machines. A payment of \$23,760 is for our annual auto issue licenses. This software is required in order to perform mobile infringing. A payment of \$41,615 was for the six month license fee for the PEMS software program – a software suite which allows for a wide variety of reporting and data to be obtained from the parking machines.

- Why did the Town pay Thinkfield?

This payment relates to a six monthly payment for mystery shopping services. Thinkfield provide market research services that include onsite visit, telephone call and email mystery shopping.

- Has there been an increase in the use of agency staff over this period? If yes, which service areas?

Human Resources has noticed a slight increase in short-term agency staff use due to positions requiring to be filled due to staff leave requirements. Invoices during August relate to the following service areas and may be a combination of filling vacant positions and covering positions due to annual leave:

- *Hays: Parks and Reserves*
- *LO GO: Waste Services, Planning Services*
- *Michael Page: Customer Relations, Building Services and Information Technology*
- *Flexi Staff: Street Operations*
- *Directions is not in relation to a vacant position. This is a traineeship agreement.*

- What is a milestone payment?

A milestone payment is generally made when a supplier meets the requirements that have been set as part of a payment schedule.

- Where do Thinkfield provide mystery shopping services?

Thinkfield undertake physical mystery shopping at the Town's library, administration building, Aqualife and Leisurelife. They also make phone calls in to the organisation at all locations.

- Was the software updated, completed by Reino International, covered under warranty? Was it related to the recent issue regarding 15 minutes free parking being provided instead of 30 minutes?

Reino International maintain the systems behind the parking machines. This is a regular charge for this service. The recent issue was caused by a software programming error. We will not be charged to fix this error.

- Why are we paying for teaching services to be administered at the Digital Hub and why do we facilitate this service?

The teaching service provided at the Digital Hub is a science-based education component for up to 10 home-schooled children.

(To be confirmed 13 November 2018)

This service has been provided by the Town for a number of years and was originally delivered by volunteers and employees of the Town. The capabilities of these staff have now been exhausted and it has been necessary to engage a specialist trainer.

The delivery of this service is currently under review.

RESOLVED BY EXCEPTION RESOLUTION:

Moved: Cr Oliver

Seconded: Cr Jacobs

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

- 1. The accounts paid for 31 August 2018 as included in the appendices, subject to minor amendments being made to the descriptions of payments to the following:**
 - 1.1 Gizmo Cats – description changed to read event performance and activity;**
 - 1.2 Mr T Doyle – description changed to read refund – rates; and**
 - 1.3 The Vic Park Collective – description changed to read environmental services; and**
- 2. Direct lodgement of payroll payments to the personal bank accounts of employees.**

The Motion was Put and

CARRIED (8-0)

In favour of the Motion: Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon

(To be confirmed 13 November 2018)

FUTURE PLANNING COMMITTEE**14.2 Recommendation from the Future Planning Committee: Review of Local Planning Policy 2 – Home Occupation**

File Reference:	PLA/6/44#2
Appendices:	1. Current version of Local Planning Policy 2 'Home Occupation' 2. Draft revised Local Planning Policy 2 'Home Occupation'
Attachments	No

Date:	11 September 2018
Reporting Officer:	L. Parker
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation: That Council advertise the draft revised Local Planning Policy 2 as contained in the Appendices, 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 is in the process of reviewing 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 LPP2 'Home Occupation'.
- In reviewing the LPP, consideration has been given to a number of matters including: the effectiveness of the current Policy including any issues of interpretation, application and gaps or deficiencies; similar Policies of other Local Governments; alignment with relevant State legislation, policy and/or guidelines (where applicable); greater clarity in the objectives of the Policy; improving the presentation and ease of use of the Policy.
- It is recommended that LPP2 be amended as detailed within the Officer's Report and the Appendices.
- It is recommended that draft revised LPP2 be advertised for public comment.

TABLED ITEMS:

Nil

BACKGROUND:

LPP2 'Home Occupation' formerly comprised Policy 3.4 under the Town Planning Scheme No. 1 (TPS 1) Policy Manual.

Amendment 69 to TPS 1, which was gazetted on 2 December 2016, removed this and all other Policies contained in the Policy Manual from the Town Planning Scheme.

At the Ordinary Council Meeting on 9 February 2016, Council resolved to adopt the policies contained in the former Policy Manual as well as a number of planning-related policies adopted as administrative policies within Council's Corporate Policy Manual as Local Planning Policies.

(To be confirmed 13 November 2018)**DETAILS:**

A review of LPP2 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;
- greater clarity in the objectives of the Policy; and
- improving the presentation and ease of use (for both the public and Council Officers) of the Policy.

The review of existing LPP2 has identified the following issues:

- Most other local government include within the Policy their Scheme definition for Home Occupation and any other Scheme land uses that may be relevant for ease of reference;
- It is lacking in aims and objectives that articulate the basis for the policy;
- It lacks any statements encouraging the appropriate establishment of new home occupations/home based businesses in terms of supporting the establishment of small businesses within the Town;
- Many Councils do allow a small sign (usually of 0.2m²) to be installed in connection with a home occupation activity. This was previously allowed by Council in earlier versions of the policy. It is considered that small unobtrusive signage of this size (e.g. does not contain flashing/chasing lights, not of neon or reflective colours, etc.) can sit comfortably within a residential environment with very little to no significant adverse impact.
- It does not reflect established practices of restricting approvals to the applicant/operator of a Home Occupation, and does not outline Council's ability to revoke an approval under the Scheme.
- It does not distinguish between a Home Occupation and other, separately defined land uses that may be construed as a Home Occupation activity such as Home Office (exempt from development approval) and Family Day Care (exempt from development approval in most cases);
- Does not consider the need for restriction on the operations of Home Occupation Activities and the provision of customer car parking where the proposed activity involves clients or customers coming to the site (e.g. hairdressing, personal training, acupuncture, etc.).
- While the retail sale of goods in person as part of a Home Occupation activity is prohibited, the Policy does not clarify that this prohibition does not apply to the online/internet sale of goods as part of a Home Occupation or Home Office activity.
- Does not consider the type of dwelling from which a Home Occupation is proposed and the differing potential for adverse impacts/conflict to occur with adjoining residents/neighbours (e.g. a Single House versus Grouped and Multiple Dwellings where neighbours are in close proximity).

In view of the above, the following changes are recommended to existing LPP2:

1. Incorporate standardised formatting changes consistent with all other reviewed policies;
2. Correct minor grammatical and formatting errors;
3. Incorporate introductory section acknowledging the growth and attractiveness of home based businesses;

(To be confirmed 13 November 2018)

4. Include Scheme definitions of Home Occupation and Home Office for ease of reference, ensuring they are consistent with any revised definitions under proposed Amendment 80 to TPS1.
5. Distinguish the circumstances where development approval is required to be obtained from Council, including reference to Family Day Care activities.
6. Expand the range of matters to be considered and practices/activities to be avoided in carrying out a Home Occupation, including traffic, customer car parking, amenity of surrounding properties, customer visitation/appointment times etc.;
7. Reinstate the ability to install a small, unobtrusive 0.2 square metre sign in connection with a home occupation on a residential property, consistent with the provision proposed under the Draft Signs Local Planning Policy;
8. Include provisions outlining the limitation of a Home Occupation approval to the applicant and the ability of Council to revoke an approval;
9. Provide clarification on the permissible internet/online sale or hire of goods as part of a home occupation where the sale/hire does not involve customers travelling to the site to receive the purchased goods;
10. Include new provision stating that Home Occupations within Grouped or Multiple Dwellings will generally not be supported unless the applicant can demonstrate that residential neighbours will not be adversely affected by the proposal, particularly if it involves customer appointments/visitation to the site;
11. Include note to the applicant that development applications within Grouped or Multiple Dwelling developments may require strata approval and/or separate additional approval under the Strata By-Laws or Strata Titles Act.

A copy of draft revised LPP2 is contained in the Appendices to this report. For comparison, the current and operative version of LPP2 is also contained in the 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 review of LPP2, and proposed draft revised LPP2 provides greater clarity in its objectives, application and applicable requirements, and forms part of a review of all of the Town's LPPs.

Proposed Amendment No. 80 to TPS1 and introduction of 'Home Store' land use

Amendment 80 to TPS1, which is currently being progressed with the WAPC for final approval following its initiation and public advertising, proposes to substantially amend the land use definitions and Zoning Table contained within the Scheme Text to bring it broadly into alignment with the WAPC's Model Scheme Text. This includes minor changes to the definition of Home Office (which is referred to in proposed draft revised LPP2) as well as introduction of the new land use classification of 'Home Store', as follows:

(To be confirmed 13 November 2018)

- *“home store” means a shop attached to a dwelling that –*
 - (a) *has a net lettable area not exceeding 100 m²; and*
 - (b) *is operated by a person residing in the dwelling.*

The intent of introduction of the ‘Home Store’ use is to provide a separate land use definition (and therefore specified use class permissibility in each of the Zones throughout the Scheme Area) that captures local delicatessens and other minor retail facilities attached to dwellings that operate within the Town. At present these uses are considered to fall under the use class of ‘Shop’ under TPS1, which is an ‘X’ (prohibited) use in the Residential Zone. This effectively means that the majority of delicatessens/corner stores that are operating within the Town (most are located within or on the periphery of established residential areas on ‘Residential’ zoned land) are operating under non-conforming use rights and that the Council is currently unable to approve new locations for such activities to occur or grant approval for re-establishment of such an activity on the same site where it has ceased for more than 6 months (the right to continue operating a non-conforming use is extinguished once the use has ceased for 6 months or the building in which it is carried out is destroyed), notwithstanding that such requests have rarely been received.

It is considered that potentially appropriate Local Planning Policy provisions to apply to this land use are unique and considerably different to those for a Home Occupation activity which is relatively inert and capable of being carried out with minimal adverse impact on surrounding residential properties. These would include matters related to the size of the site, the type of dwelling to which the store component is attached, the preferred geographic location of such activities within the Town at a zoning and/or street-block level (for example, corner site locations may be preferable), customer car parking and traffic, etc. It is therefore considered that any potential Local Planning Policy provisions for Home Stores be considered and developed as part of a separate, stand-alone policy measure rather than seeking to capture them as part of the subject review and proposed draft revised LPP2.

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/ Actions
Continued application of existing Policy which can be clearer in intent and more effective in achieving appropriate outcomes.	Moderate	Likely	Low	Support the proposed draft revised Policy for the purposes of community consultation.

(To be confirmed 13 November 2018)

Continued operation of existing policy which contains provisions inconsistent with the Scheme or other revised policies (e.g. Scheme land use definitions, signage etc.) creating uncertainty or confusion to applicants and members of the community.	Low	Some likelihood	Low	Support the proposed draft revised Policy for the purposes of community consultation.
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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.

Civic Leadership

CL1 – Everyone receives appropriate information in the most efficient and effective way for them; and

CL2 – A community that is authentically engaged and informed in a timely manner.

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:

Existing LPP2 has been reasonably effective in guiding Council's assessment of development applications for Home Occupation activities. However, it is considered that revisions should be made to improve its appearance, effectiveness and ease of use, and bring it into consistency with internal established assessment practices, recent and/or currently progressed amendments to Town Planning Scheme No. 1 and other relevant Local Planning Policies.

(To be confirmed 13 November 2018)

It is recommended that the Future Planning Committee recommend to Council that the draft revised Local Planning Policy 2 be advertised for public comment. A further report will be presented to Council in the future following the conclusion of the consultation 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 revised form or in a further modified form).

RESOLVED BY EXCEPTION RESOLUTION:

Moved: Cr Oliver

Seconded: Cr Jacobs

That Council advertise the draft revised Local Planning Policy 2 as contained in the Appendices, 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*.

The Motion was Put and

CARRIED (8-0)

In favour of the Motion: Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon

(To be confirmed 13 November 2018)

14.3 Recommendation from the Future Planning Committee: Trial of Draft HLTH6 Mobile Food Vendors (Vic Park Vendor's) Policy

File Reference:	PLA/6/41
Appendices:	1. Draft HLTH6 Mobile Food Vendors (Vic Park Vendor's) Policy – Modified Version 2. Draft HLTH6 Mobile Food Vendors (Vic Park Vendor's) Policy – Advertised Version 3. Ordinary Council Meeting Minutes dated 10 July 2018 4. Maps of consultation areas
Attachments:	No
Date:	3 October 2018
Reporting Officer:	L. Parker
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority
Executive Summary: Recommendation – That Council adopt the modified version of draft ‘HLTH6 Mobile Food Vendors (Vic Park Vendor's) Policy’, as contained in Appendix 1, on a trial basis from 1 November 2018 to 31 March 2019. • A draft Policy has been prepared to establish and guide the appropriate location, management and operation of mobile food vendors within 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. • Community consultation was undertaken for 21 days from 13 August to 3 September 2018. A total of 76 submissions were received. The majority of submissions were specific to a particular location (Designated Trading Area) proposed for mobile food vending to occur under the Draft Policy. • 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. • Having regard to the range of submissions, the specific locations to which they relate and the concerns that have been raised, the Draft Policy has been further modified to reduce the extent of potential mobile food vending (both in terms of maximum vendor numbers and proposed Designated Trading Area locations), refine the trading hours to specify and provide transition time for mobile food vendors to set up and pack up before or after trading, and respond to other general or location-specific concerns that have been raised, where considered appropriate. • It is recommended that the modified Draft Policy be trialled for the 2018/2019 Summer trading period from November to March, with a review to follow in Autumn 2019.	

TABLED ITEMS:

Nil.

(To be confirmed 13 November 2018)

BACKGROUND:Preliminary Consultation

Preliminary community consultation was undertaken from 16 January to 7 February 2018 through the Town's 'Your Thoughts' online consultation hub and included a Community Survey. 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. A total of 118 submissions were received, the majority of which came from residents, ratepayers and/or property owners within the Town. Of the 118 submissions:

- 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.

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. The discussions during these meetings indicated a general level of support for the likely direction and form of the draft policy.

Consent to Advertise Draft Policy

Following consideration at the Future Planning Committee Meeting of 20 June 2018, the Council granted consent to publicly advertise the draft Policy for 21 days at its Ordinary Meeting held on 10 July 2018.

DETAILS:

Draft HLTH6 'Mobile Food Vendors (Vic Park Vendor's) Policy has been prepared to establish and guide the appropriate location, management and operation of mobile food vendors 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 (as is currently the case) and to locate vendors at locations that are lacking in nearby food choices so as to provide convenience and choice to residents.

(To be confirmed 13 November 2018)

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.

Community Consultation

Community consultation was undertaken for 21 days from 13 August to 3 September 2018 and consisted of the following:

- A total of 1,885 letters to the owners and occupiers of properties immediately surrounding the public open spaces on which Designated Trading Areas (DTAs) are proposed;
- Emails to known food business contacts, organisations and all submitters that made contributions during the Town's preliminary consultation (142 email contacts);
- 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.

A total of 76 submissions were received comprising:

- 31 objections;
- 36 in support or partial support (some of which objected to specific locations – these are noted as objections in the location-specific tables below); and
- 9 with no position stated but providing comments/concerns (including submissions from Hawaiian and the Restaurant and Caterers Association).

The issues raised in the submissions are summarised and grouped into general and location-specific tables below, with a summary response and recommendation on whether the location should continue to be included in the draft policy. A small number of submissions have been included in multiple tables where they have raised general and/or location-specific concerns in relation to one or more Designated Trading Areas.

The submissions received from the Restaurant and Caterers Association and the Hawaiian (as owner and operator of the Park Centre) are separately considered and responded to in the Comments section of this report. One objection was also received in relation to Fletcher Park but has been dismissed as this location was not proposed under the advertised draft policy.

Further discussion of the submissions is made in the Comments section of this report.

General Submissions		
12 Objections (5 of these received from retail or hospitality business owners/operators)	13 Supporting Submissions (with/without concerns) (3 of these were received from mobile food vendors, 1 from a Temporary Food Business)	4 Concern/Comments (Position not stated)

(To be confirmed 13 November 2018)

Concerns Raised: • Policy should include that no single use plastic is used (plates, cutlery, straws etc) and that anything that is given with the food/drink is fully compostable or reusable. Let us be leaders in this field! • Green spaces are valuable and in short supply in urban areas. Council should instead direct food trucks to trade on vacant blocks and commercial areas that are dead after 5pm, rather than occupying green spaces. • Any policy should consider the effect that mobile food vendors have on small business in the locality. • “Bricks and mortar” businesses pay rent, rates, taxes and outgoings, or if they own the premises they have also invested a huge amount of capital into the locality. • Market condition for retail and hospitality are not good at the moment, we don’t need any more obstacles to getting customers. It will kill bricks and mortar businesses that pay rates, overheads and hire staff, whereas these trucks can come and go as they please without the overheads. • Encouraging low cost Food Truck outsiders into local residential parks will no doubt take more business away from the Albany Highway rate paying established food businesses in a time when many are struggling and already shutting their doors. Three restaurants have already shut their doors this year within 100m from my location and remain closed and others are up for sale. Other ex-retail shop fronts have been vacant for years. • Local resident ratepayers adjacent to the proposed Parks should not need to endure noisy food truck generators, loud music, parking issues, excess rubbish, public alcohol consumption and public urinating until 9pm every night of the week. • The council should be encouraging activation to the area by way of arts festivals, entertainment festivals, circus shows, car shows, bike shows, garden shows, sporting events, cultural events etc. and bring people to the existing food and business strip. • What about the fabulous restaurants that we already have on the main strip they are battling as it is. • Multiple food trucks from 7am to 9pm, 7 days a week in a beautiful family and sports park surrounded by families and children is just ridiculous. • Food vendors should make sure that the areas are left clean. • It would be a poor decision of the Council to continue with this policy and big disregard of the tough circumstances of existing businesses. • Penalties should be in place for not correctly disposing of waste. • I find the Policy too restrictive and smacks of trying to stop food vendors not encourage them. <u>Supporting Comments:</u> • I think it is a great idea! Hopefully it will encourage folk to wander around the park more with their children and pets. • Needs to be marketed so local people knows it’s happening and other residents of Perth (outside Vic Park) know this is a happening active environment and a great place to live or do business. • This is a great idea for food truck owners, and the community. • I believe there should opportunities for food stalls the same way there are for mobile food vendors.
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(To be confirmed 13 November 2018)

Council Officers Comments:		
- The scope of the draft policy is recommended to be significantly reduced and limited to trading locations around the periphery of the Town's boundaries, away from brick and mortar food businesses. - The maximum number of food vendors at each location has also been reduced. - Refer to the Comments section of this report for further changes made as part of the modified version of the draft policy in response to community concerns raised and other feedback.		

DTA Location: Carlisle Reserve		
1 Objection	0 Supporting Submissions	0 Concern/Comments (Position not stated)
Concerns Raised:		
I don't want to see any food trucks in Rayment Park or any Park in Lathlain and Carlisle area at all.		
Council Officers Comments:		
Recommended that the location be retained for mobile food vending under the draft policy as it is considered to be of a suitable location, size and facilities, and will provide community benefits through increased activation and utilisation.		

DTA Location: Fraser Park		
0 Objections	2 Supporting Submissions (with concerns)	0 Concern/Comments (Position not stated)
Concerns Raised:		
- There is already a rubbish issue some mornings at Fraser Park after the oval has been used for soccer. - There is inadequate parking in Fraser Park due to parents picking up kids and weekend sports. People already park on verge. 9pm is too late for finish time - it should be limited to 8pm so people are gone by 9pm. 3. - People already park on verge when picking up kids at Ursula Frayne and at weekend when there is more than one activity taking place. - Food vendors will exacerbate the existing issues at Fraser Park.		
Council Officers Comments:		
- Fraser Park is an already highly utilised and active reserve. - In view of the removal of several other trading locations where similar concerns have been raised, and given the recommended changes to reduce trading locations to larger, peripherally-located public open spaces, it is recommended that Fraser Park be removed from the draft policy.		

DTA Location: Harold Rossiter Park		
1 Objection	0 Supporting Submissions	0 Concern/Comments (Position not stated)
Concerns Raised:		
- Parking on our street is bad enough when people are at the park with dogs and when there are events at PCYC. - Having extra activities would exacerbate the traffic and noise affecting our peace and tranquillity.		

(To be confirmed 13 November 2018)

We have young children that need to be able to get to sleep early at night.
Council Officers Comments:
- Patrons of food vendors will likely be locals and/or park within the public car parking available near the clubroom buildings, rather than on-street along Anketell Street. - Additionally the maximum number of vendors allowed has been reduced from six to three at any one time, at this large, peripherally-located reserve. - Considered appropriate to allow the trial of mobile food vending at this location.

DTA Location: J A Lee Reserve		
4 Objections	0 Supporting Submissions (with/without concerns)	1 Concern/Comments (Position not stated)
Concerns Raised:		
- Alcohol consumption already occurring in park associated with Soccer Club with an increase in antisocial behaviour since this has occurred - There has been an increase in littering, including broken bottles, near the children's playground - Already significant noise levels associated with soccer games and players shouting and swearing. - Food vendors will exacerbate the existing issues, bringing additional litter, noise, odours, traffic and car parking pressures. - Residents directly back on the reserve and will have their amenity reduced by the proposal. - Reserve is already highly activated and frequently used by dog walkers, sports clubs, walkers and general public for exercise. - Generator noise will be significant as witnessed in other locations that mobile food trucks operate, and will harm the amenity of local residents, who are as close as 25m away. - We recently lodged a notice on behalf of 18 residents located around the area of the reserve who are opposing the Perth Royals football clubs current application for an extended trading permit due to their ongoing alcohol related noise and other behaviour problems. - Nothing in the draft policy points to any rigorous and pro-active regulation enforcement being put in place. Regulation will only be re-active and have little power. - The proposal is not in keeping with the area, will not add any value and will devalue the area. It will also add fuel the fire of existing problems we are already trying to get resolved. - These are our homes and we expect the Town to protect and maintain our peace not erode it with these sorts of proposals. - The current disturbances we get from the club being licenced are already too often and too late into the night. - I don't want to see any food trucks in Rayment Park or any park in Lathlain and Carlisle area at all.		

(To be confirmed 13 November 2018)

Council Officers Comments:		
- Local residents cite issues with respect to the existing activities occurring at this location, which is already frequently active and highly utilised by the community. - The site is of a small to medium size compared to others proposed under the draft policy, and directly adjoins a number of residential properties. - Recommended that J A Lee Reserve be removed as part of the modifications to the draft policy.		
DTA Location: John Macmillan Park		
2 Objections (2 received from Albany Hwy food business)	1 Supporting Submissions	0 Concern/Comments (Position not stated)
Concerns Raised:		
- We have observed over many months the Town's attempt to lease out the café at The Leisurelife Centre... Now the question must be asked why on earth would anyone want to commit to maintaining the labour cost (yes this is the biggest cost of a hospitality business) of keeping this café open at all hours of the centres trade only to have several food trucks descend on the park next door during the days/hours of high trade? - The John MacMillan Park food trucks on Friday nights has proven to reduce business for many including my business. - Cafes and restaurants pay thousands of dollars annually to provide food and alcohol to their customers in a safe manner. We are required to be in a suitable area that is proven to minimise harm to the amenity of the community. - I observed hundreds of people at John MacMillan Park food truck Friday nights illegally consuming alcohol in a public park and some urinating behind trees. The Council is affectively facilitating this activity.		
Supporting Comments:		
The change in the time for food vendors at John Macmillan Park. It has changed to day time only. I am concerned that the TGIF food markets on Friday night will no longer be able to run there. It is a great event in the summer months for the community.		
Council Officers Comments:		
- The draft policy does not alter any existing approvals in relation to the operation of the TGIF markets at the site. - Consistent with the direction taken in reducing the scope of the policy to larger, peripherally-located public open spaces, and as the subject site is already benefiting from increased activation and utilisation by the community generated by the TGIF markets, is it recommended that John Macmillan Park be removed as part of the modifications to the draft policy.		

DTA Location: McCallum Park		
2 Objections (1 received from Albany Hwy food business)	1 Supporting Submissions	1 Concern/Comments (Position not stated)

(To be confirmed 13 November 2018)

Concerns Raised:		
- Request reduction in number of sites on the reserve from 3 to 2 sites, or the number of vans from 6 to 5 vans for the trial period. - There will be increased staffing and costs to Council to manage parking and traffic. - If there are lots of additional visitors, there could be conflict with pedestrians, cyclists and cars. - McCallum Park car parking is already reduced by city workers parking for free and travelling to the City by bus. - Access is restricted at Taylor St. - The Embargo Bar last year caused problems with traffic, parking and noise - The reserve is already busy with events during the Summer - Will erode viability of our business that relies on customers from McCallum and Raphael precincts. - Respect must be paid to the precedent set by the State Government just last month, when they abolished licencing approval for pop up bars state wide for periods greater than three weeks. They acknowledged the detrimental effect that these pop-up bars (such as Embargo on our foreshore last summer) have on the local traders. Liquor or food the impact is the same. - Embargo Bar resulted in rubbish and bottles being left in the park regularly, some of which was blown into the river. Who will be monitoring rubbish and ensuring this doesn't occur?		
Council Officers Comments:		
- The number of DTAs at McCallum Park is recommended to be reduced to two sites and vendors will be required to provide additional bins for waste collection and to ensure the locations are left tidy why they leave. Compliance will need to be monitored and vendors educated/kept informed by Council Officers to appropriately manage rubbish and litter. - It is considered that this site is of an appropriate location, size and with adequate facilities to accommodate mobile food vendors. Additionally it is effectively separated from the remainder of Victoria Park by Canning Highway which provides a substantial barrier to businesses present on Albany Highway. - It is a prime recreational area and providing added convenience and amenity to the site through provision of food options is considered beneficial to the community. - Recommended that the general location be retained for mobile food vending under the draft policy, with the specific location being moved to the southern side of the park.		

DTA Location: Raphael Park		
8 Objections (1 received from Albany Hwy food business)	1 Supporting Submission (with concerns)	0 Concern/Comments (Position not stated)
Concerns Raised:		
- Will erode viability of our business that relies on customers from McCallum and Raphael precincts. - There is insufficient car parking available for mobile food vendor customers - children and dog walkers attempting to visit the park to use the playground equipment or grass area would not be able to due to the van customers parking there.		

(To be confirmed 13 November 2018)

- Street parking is already being used by city workers that park and catch the bus to the city, which will be made worse by this proposal.
- I would also be concerned about having people leaving dangerous items in the adjoining playground sand pit. Too easy to sit on the swing on soft sand to consume your takeaway in the late evening.
- The park is already regularly affected by rubbish from takeaway outlets that are several blocks away. How will customer rubbish be controlled/managed?
- There will be additional costs to Council to deal with rubbish and complaints.
- This is supposed to be a "heritage/character area" and mobile food vans do not fit with this.
- I am absolutely opposed to the revenue raising exercise of using Raphael Park for the purpose of a public party. Our residential street will suffer noise, crowds and rubbish for zero benefit except income to you.
- Proposed vendor operating hours are way too long
- Raphael Park is already very heavily utilised and is at capacity, with toilet facilities lacking.
- Raphael Park was left by Mr. Raphael "for the Children of Victoria Park". Let's keep it that way.

Council Officers Comments:

- Local residents cite issues with respect to the existing activities occurring at this location, which is already frequently active and highly utilised by the community.
- The site is of a small to medium size compared to others proposed under the draft policy.
- In view of the above and consistent with the direction taken in reducing the scope of the policy to larger, peripherally-located public open spaces it is recommended that Raphael Park be removed as part of the modifications to the draft policy.

DTA Location: Rayment Park

8 Objections (4 received from Lathlain Place food businesses)	0 Supporting Submissions	1 Concern/Comments (Position not stated)
Concerns Raised:		

- Food trucks may obscure clear vision of parents supervising their children.
- Small park – its play area would be reduced by food trucks.
- Concern that the food businesses in Lathlain Place will be adversely affected.
- Greater numbers of people, traffic and noise to the area, particularly early morning and evening set up and pack up times.
- Children being provided with unhealthy food options.
- Limited parking that is already heavily utilised.
- Safety concerns to children – park and local school – from increased traffic and reduced grassed playing space.
- Impacts on cockatoo nesting boxes due to increased noise.
- Unfair to existing local businesses that are servicing the small local Lathlain community, unlike Albany Highway.
- Additional food businesses are already being permitted to operate in Lathlain Place and now you are telling us that we are going to have six more competitors in the area for the same amount of customers

(To be confirmed 13 November 2018)

• Generator noise at all hours from as early as 7am and littering will harm the amenity of this beautiful park. • Local businesses have to operate under significant overheads and staffing costs without support from the Council. This policy is actively undermining the viability of our business. • Food truck licences would encourage vendors to just enter during peak periods, effectively allowing them to make a cash grab over a short period and therefore not having to endure the tough mid-afternoon quiet periods and wet winters that we as fixed businesses have to face. • I love the idea of food trucks, but only in secluded areas where people aren't afforded the opportunity to dine-in at cafes or restaurants. Or likewise in evening events that draw large crowds to the area that encourages all businesses to succeed. • Rayment Park might have been suitable 5 years ago or even 2 years ago but no longer now that there are three food businesses (and soon to be 4 when No. 12 Lathlain Place is constructed) operating in a 50m long street. • I have looked at GO Edwards Park, John Macmillan Park and Harold Rossiter Park. I visited all the parks within 30 minutes of one another. None of the other parks were being used and are not in close proximity to food and beverage options. I understand why these could be test sites for activation but Rayment Park should not be.
Council Officers Comments:
• Rayment Park is an already heavily utilised and understandably highly value public open space. • The site is of a small size compared to others proposed under the draft policy. • In view of the above and consistent with the direction taken in reducing the scope of the policy to larger, peripherally-located public open spaces, it is recommended that Rayment Park be removed as part of the modifications to the draft policy.

Submissions from Restaurant and Caterers Association

The Restaurant and Caterers Association (R&CA) were directly consulted during the preliminary consultation phase (January to February 2018) and provided an initial submission on behalf of its members. The recommendations requested by the R&CA were considered during preparation of the draft policy and responded by council Officers in the reports to the June Future Planning Committee and July Ordinary Council Meeting. A further submission was received on 11 September 2018 in response to the draft policy, which is summarised and responded to below.

Comments from R&CA	Council Officers Comments
The Association's overriding priority is to ensure that bricks and mortar establishments are operating on a level playing field with mobile food vendors.	Position noted.
The Association would like to see specific mention of the Town's support of bricks and mortar businesses and ensuring a level playing field with mobile food vendors in the objectives of the policy. Section 1.3 (e) seems most appropriate for this.	This has been a strong consideration in development of the draft policy and the policy objective is recommended to include wording stating the policy seeks to achieve a balance in providing opportunities for various types of food businesses.

(To be confirmed 13 November 2018)

We are pleased that mobile food vendors will be subjected to compliance requirements under the <i>Food Act 2008</i> and <i>Food Safety Standards</i> and will need to have public liability insurance	Noted. These are mandatory requirements for all food businesses that operate in the Town.
The Association has previously argued that no mobile food vendors should operate within 25m of existing bricks and mortar food businesses of the same food offer, or 50m with a different food offer.	Noted. No sites are proposed under the modified version of the draft policy in close proximity to bricks and mortar food businesses.

Submission from Hawaiian

Hawaiian owns and manages The Park Centre in East Victoria Park, located closest to John Macmillan Park which is proposed for mobile food vendor trading under the draft policy (as advertised). The submission requests that the Town consider a range of issues including the following:

- The significant number and diversity of food premises that already exist in the Town;
- The financial overheads that permanent businesses are required to pay and the fairness of having to compete with lower cost operators that temporarily operate during peak periods;
- Capping or limiting the number of events and/or mobile food vendors operating under the policy;
- Requiring that a minimum ratio of mobile food vendors be local residents/ratepayers and/or employ local residents;
- That Council consider other place making activities that connect and engage the community but do not negatively impact on existing local businesses; and
- The impact that additional competition will place on the sustainability of local, rate paying businesses that are already under significant pressure due to tough market conditions.

The concerns raised by Hawaiian have been considered during development of the draft policy, and further following conclusion of the consultation period and the consideration of submissions. Given the modifications proposed to the draft policy (refer to recommended changes below) that significantly reduce the amount of mobile food vendors (in terms of trading locations and maximum vendor numbers) it is considered that a balance has been reached between the multiple interest groups to progress with the recommended trial implementation of the policy.

Mobile Food Vendors Workshop

A workshop with mobile food vendors potentially interested in operating a trial of the Draft Policy was held on 28 August 2018, with 10 vendors in attendance. Interest in attending was significantly higher than this, however mitigating circumstances contributed to the lower than expected turn out. The purpose of the workshop was to provide an overview of the Draft Policy, clarify vendor issues/queries and receive feedback before the potential commencement of the trial. A number of trading expectations were also communicated to those in attendance, including for participating vendors to undertake the following as part of any Council approved trial of the Draft Policy:

- Trade at least once a month for the duration of the trial;
- Trade during two or more trading periods (e.g. morning, afternoon and/or evening)
- Trade in DTAs across 3 or more suburbs
(= minimum requirement to trade on at least 5 occasions)

(To be confirmed 13 November 2018)

The above expectations were formulated in order to obtain a minimal level of trader feedback on the potential success of the Draft Policy to inform its review/evaluation at the conclusion of the recommended trial. Specific feedback was also sought on a number of issues to further improve the policy provisions and ascertain whether they are realistic/practical from a mobile food vendor perspective. These are detailed in the below table.

Feedback Sought	Vendor Feedback	Officer Comments
Are any of you WA Mobile Food Vendors Association (WAMFVA) members? Is membership beneficial?	Majority of attendees indicated that they are members, and that most mobile food vendors hold membership with the association. Attendees responded that this should be retained in the Policy given most vendors are members, and could even be altered to be a mandatory (rather than preferable) requirement to participate in the trial.	WAMFVA members are required to accord with the association's Code of Conduct which advocates appropriate vendor trading behaviour and minimum standards. Recommended that WAMFVA membership continue to remain in the Draft Policy as a highly encouraged attribute for Vic Park Vendor permit applicants.
Are the minimum trading expectations reasonable?	Most attendees indicated that the minimum trading expectations were reasonable and not overly onerous, particularly as no fees to participate in the trial are being recommended. Attendees did not express opposition to the minimum trading expectations.	While not stipulated in the Draft Policy, the trading expectations will be communicated to vendors that participate in the trial of the Draft Policy (if approved by Council). The vendor expectations continue to be considered reasonable having regard to the recommended changes to the Draft Policy.
There are calls for vendors to only supply food/beverages in paper-based packaging, cups, cutlery etc....how feasible is this for you if required by the Draft Policy?	Attendees indicated that most vendors are now moving to fully paper-based or recyclable food packaging. Vendors indicated that any requirements should be a mandatory requirement under the Policy rather than "highly encouraged" or aspirational requirements, in	The recommended changes to the Draft Policy include an additional provision (Clause 3.9) requiring all prepared food and beverages to be provided in compostable (fully biodegradable) packaging. Refer to Environmental Issues section of report for further explanation of the new policy provision.
Feedback Sought	Vendor Feedback	Officer Comments
	order for vendors to abide by them.	

(To be confirmed 13 November 2018)

The Draft Policy allows for clustering of food trucks with most DTAs allowing up to 6 mobile food vendors...is this too many or should it remain as is?	Vendors agreed that the ability to cluster is essential however that the proposed number at each site was too high and was extremely unlikely to be reached and for most locations would be commercially unviable. It was suggested that the appropriate maximum number at each site is more appropriate at 3 or 4 food trucks, with potentially higher numbers at McCallum Park.	In view of both the subject vendor feedback as well as concerns received from community members that the maximum vendor numbers proposed are too high the recommended changes to the Draft Policy include a reduction from a maximum of 6 to 3 mobile food vendors at any one time at all locations, with the exception of McCallum Park where it has been retained as 6 vendors at its 2 DTAs (reduced from 3 DTAs).
Is there anything we've missed or should be added to the Draft Policy to help make the trial a success?	Vendors requested that Town of Victoria Park branding be developed for vendors to utilise as part of their trading/event promotion on social media, to support the success of the trial.	Council Officers are currently investigating development of Town branding to be distributed to successful permit holders should the trial of the Draft Policy be approved by Council.

Proposed Trial Implementation of Draft Policy

It is recommended that the policy only be adopted on a trial basis to enable the Council to assess whether the proposed trading locations (Designated Trading Areas) are successful, evaluate any negative or positive impacts arising from the trial and to then determine whether a further trial or formal adoption of the draft policy should occur.

It is recommended that the draft policy be trialled during the 2018/2019 summer trading period from November 2018 to March 2019, with a review to follow in autumn 2019 by the end of the financial year.

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.

(To be confirmed 13 November 2018)

Department of Conservation, Biodiversity and Attractions (DCBA) Approval

A 'Form 7 Permit' under the *Swan and Canning Rivers Management Regulation 2007* is required to be applied for and granted by 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 application is currently being assessed and it is hoped that it will be favourably considered and approved by the end of September/early October.

Department of Planning, Lands and Heritage Consent

As previously reported to Council, written consent under Section 75 of the *Land Administration Act 1997 (LAA)* is required for mobile food vendor trading at McCallum Park and Edward Millen Park. This is due to the fact that these are Crown land sites under conditional tenure that cannot be the subject of any licence, mortgage, charge, security or other encumbrance without the written approval of the Minister for Lands. Unfortunately, Council Officers have received advice that such consent is unable to be provided in a 'blanket/umbrella' type fashion for mobile food vending to occur in accordance with the Draft Policy and that the restrictions under the LAA mean that individual consent for each occasion that mobile food vending takes place will still be required.

In view of the above, and the intended flexibility for vendors under the Draft Policy to trade (rather than requiring individual event applications to Council (and subsequent requests from Council to the State Government for consent) that requires a long lead-time of weeks to months, it is recommended that Edward Millen Park be removed from the Draft Policy as a trading location. Special event requests can still be received from Council in future (as is the case currently) for this site, however the benefits and platform provided to mobile food vendors as 'Vic Park Vendors' under the Draft Policy is not able to be facilitated for this location.

With respect to McCallum Park, this site is comprised of a number of lots, with the largest being Lot 124 adjoining the Swan River foreshore, which is Crown land. The three proposed DTAs on McCallum Park under the advertised version of the Draft Policy are located on Lot 124. The other lots on the southern portion (approximately half) of McCallum Park are owned in fee simple by the Town and are not subject to the Section 75 consent requirement. Accordingly, it is recommended that the DTAs on McCallum Park be reduced from three to two, located at each end of McCallum Park, and on the southern portion of the Park, as detailed in the modified version of the Draft Policy.

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. This was outlined in detail in the July Ordinary Council Meeting report (Appendix 3) and included the following:

- Strategic Community Plan 2017-2032
- Safer Neighbourhoods Plan 2017-2022
- Events and Place Activation Strategy 2017-2018
- Disability Access and Inclusion Plan 2017-2022 (DAIP); and
- Healthy Vic Park Plan 2017-2022

(To be confirmed 13 November 2018)

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 recommended trial implementation of the Draft Policy (as modified) 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	Low to moderate	Unlikely	Low to Medium in view of proposed changes to Draft Policy.	
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 information/awareness, lack of exposure, insufficient customers, etc.)	Moderate	Some likelihood of occurring	Medium	

(To be confirmed 13 November 2018)

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 given recommend -ed changes to address inability to obtain Section 75 consent under the LAA.	
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 occurring	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. A further provision (Clause 3.9 in the modified draft policy) has been recommended for inclusion in the Draft Policy requiring vendors to only serve prepared food or beverages in compostable (fully biodegradable) packaging and encouraging them to accept clean, reusable receptacles (e.g. 'keep-cups') from customers for the serving of products.

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 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:

(To be confirmed 13 November 2018)

- 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.

Recommended Changes to Draft Policy

A number of changes are recommended to be made to the Draft Policy (as advertised) in response to the concerns raised in submissions received during the community consultation period, at the mobile food vendors workshop held by Council Officers and as a result of further review by Council Officers since consent for public advertising was granted by Council in July 2018. These include the following:

1. Insertion of a new Clause 3.9 requiring all permit holders to only serve prepared food or beverages in compostable packing, and encouraging vendors to serve food/beverages in reusable receptacles brought by customers (e.g. "keep-cups");
2. Reducing the maximum number of permitted mobile food vendors from 6 to 3 vendors at most DTAs, and to 6 vendors for the DTAs at McCallum Park;
3. Increasing the public liability insurance requirement for permit holders from \$10 million to \$20 million, consistent with the up-to-date requirements of other local governments;

(To be confirmed 13 November 2018)

4. Shifting the DTAs at McCallum Park to the southern side of the park on land that is owned in fee simple by the Town to avoid the need to obtain Department of Planning, Lands and Heritage consent (under Section 75 of the Land Administration Act 1997 for each occasion that mobile food vending occurs;
5. Insertion of new Clause 3.10 clarifying that the policy does not permit the sale or distribution of alcohol or tobacco products.
6. Alteration to the evening trading time of 5pm to 9pm, to 5pm to 8:30pm, with clarification that mobile food vendors must be packed and offsite by no more than one hour after trade has finished (i.e. by 9:30pm latest);
7. New clause 3.2(c) to clarify that mobile food vendors are not permitted to be on-site more than one hour prior or one hour after their booked trading period;
8. Alteration to trading periods to provide for one hour pack up/set down transition between trading periods as follows:
 - a. Morning – 7am to 11pm;
 - b. Afternoon – 12pm to 4pm; and
 - c. Evening – 5pm to 8:30pm;
9. Removing the DTA at Edward Millen Park, given the need to obtain individual Department of Lands consents (under Section 75 of the Land Administration Act) for each occasion that mobile food vending occurs;
10. Removing the DTAs from several of the smaller and/or more centrally located public open spaces, including Fraser Park, J A Lee Reserve, John Macmillan Park, Rayment Park and Raphael Park in view of the following matters:
 - a. Issues raised by a number of local residents surrounding J A Lee Reserve with respect to the activities of the soccer club and its members, and their concerns that additional activities may adversely affect their amenity by way of additional noise, litter, parking and traffic, etc.;
 - b. The concerns expressed by local residents of Fraser Park, Raphael Park and Rayment Park that these reserves are smaller than other proposed sites, are already highly activated and well-utilised, have car parks that are often at or under-capacity for the number of park users, and other concerns regarding safety, noise, littering etc.; and
 - c. The concerns expressed by local businesses in close or nearby proximity to John Macmillan Park, Raphael Park and Rayment Park with respect to the potential for increased competitive commercial interests (in addition to the existing potential that exists) and the objective of the Draft Policy to balance the interests of 'bricks and mortar' businesses with those of mobile food vendors by providing mobile food vending opportunities at appropriate public open space locations.
11. Change to clause 3.13(c) to additionally specify that mobile food vehicle generators should preferably be of low noise emitting, inverter type models.
12. Change to objective 1.3(e) to outline that the policy strives to achieve a balance in providing opportunities for food businesses of various kinds, including both mobile food vendors and bricks and mortar food businesses.

(To be confirmed 13 November 2018)

Consideration was also given to the further restriction of mobile food vendor trading to non-consecutive days, effectively halving the potential trading opportunities for mobile food vendors. However, given the policy is being proposed on a trial basis and the take-up of vending opportunities is very unlikely to be at a capacity where everyday mobile food vending will be seen, the restriction of trading opportunities to such an extent is not considered warranted. Notwithstanding, this is an option that Council may wish to consider in either adopted the draft modified Policy, or in the future when reviewing the policy following any trial for certain locations, should they prove to be exceptionally busy and to warrant such restriction.

Restriction of trading to Mobile Food Vehicles

A small number of food businesses operating as temporary/pop-up food stalls (rather than from a mobile food vehicle) have indicated an interest in participating in the trial of the policy. Stall holders were not originally considered as part of the Draft Policy given the additional food safety risk they represent to the community from an Environmental Health perspective in combination with the intended flexibility that Vic Park Vendors are proposed to have to operate under the draft policy.

During the mobile food vendor workshop it was communicated to two stall holders in attendance that there may be an opportunity to trade under a separate events approval from Council's Environmental Health Officers, alongside mobile food vehicles operating under the draft policy.

Environmental Health Officers have further considered this request and the food safety risk and have reconfirmed the position that the trial of the draft policy should only include mobile food vehicles.

Having regard to the increased risk as well as the proposed modifications to the draft policy reducing the number of vendors and trading locations, it is not recommended to permit food stall operators in the recommended trial of the modified draft policy. This position could potentially be reconsidered following the proposed trial.

Permit Fees

It is recommended that for the duration of any trial implementation of the draft 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 to alfresco dining for bricks 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).

(To be confirmed 13 November 2018)

CONCLUSION:

Preliminary engagement undertaken during January to February 2018 indicated a high level of support for mobile food vending within the Town, with the majority of respondents calling for trading to be located at public open spaces. 20 public open space locations were nominated during the preliminary engagement period. Further, a significant majority of respondents indicated they supported the clustering of mobile food vendors at these locations with no restriction on the number of vendors provided adequate facilities exist on site. Evaluation of the nominated locations resulted in twelve being identified as potentially suitable for mobile food vendor trading given the availability of infrastructure public (toilets, playground, seating, lighting etc.) and car parking as well unique activation potential in the case of Edward Millen Park, which were included under the draft policy, with a maximum of six mobile food vendors at any one time being specified for the majority of these locations.

Having regard to the range of submissions received during the community consultation period, the specific locations to which they relate and the concerns that have been raised, the Draft Policy has been further modified by Council Officers to reduce the extent of potential mobile food vending activities (both in terms of maximum vendor numbers and proposed Designated Trading Area locations), refine the trading hours to specify and provide transition time for mobile food vendors to set up and pack up before or after trading, and respond to other general or location-specific concerns that have been raised, where considered appropriate. This has included the removal of six Designated Trading Areas, halving the overall number of locations originally proposed. The maximum number of food vendors at any one time has been reduced to three for all Designated Trading Areas, excluding those at McCallum Park which are considered appropriate to have up to six vendors (although it is expected that this would rarely be reached in any case). The remaining locations under the modified draft policy are all larger public open spaces located around the periphery of the Town's boundaries, away from Albany Highway and other local neighbourhood centres that contain 'bricks and mortar' food businesses.

Unlike a development application for a development where a property owner has a legal right to develop their land, the subject policy proposal is at the complete discretion of Council to consider, and a wide range of concerns and interests are able to be considered. It is considered that the modified Draft Policy achieves an appropriate balance between the interests of various members in the community, including local residents, local businesses, mobile food vendors and the wider community. It is recommended that the modified Draft Policy be trialled for the 2018/2019 summer trading period from November to March, with a review to follow in autumn 2019.

RECOMMENDATION/S FROM THE FUTURE PLANNING COMMITTEE:

That Council:

1. Adopts the modified version of draft policy 'HLTH6 Mobile Food Vendors (Vic Park Vendor's) Policy', as contained in Appendix 1, on a trial basis from 1 November 2018 to 31 March 2019;
2. Waives application fees for submission of an application for a 'Vic Park Vendor's Permit' for the duration of the policy trial (with all permits issued to expire upon conclusion of the trial);

(To be confirmed 13 November 2018)

3. Receives a further report reviewing the trial implementation of the draft policy by 30 June 2019 to determine whether it will formally adopt the draft policy, with or without modifications; and
4. Advises all persons whom have lodged a submission on the draft Policy, during the community consultation period, of its decision.
5. During the trial period, no temporary food business permits be approved for on street vending or itinerant food vendors.

FURTHER COMMENTS:

At the Future Planning Committee meeting on 19 September 2018, the Committee resolved to add part 5 to the recommendation (detailed above). The intent of adding part 5 is to ensure that during the trial period, no new temporary food business permits are issued for on-street vending or itinerant food vendors only, as this may affect the success of the trial. Instead such operators should be encouraged to apply for a Vic Park Vendors Permit allowing them to operate on one of the approved Designated Trading Areas. This would not preclude the issuing of new temporary food business permits for trading on parks or reserves associated with events, or impact upon persons who currently hold a valid permit to operate on-street.

For clarity, it is suggested that part 5 of the Committee recommendation be reworded (see Officer's Recommendation below).

Furthermore, in response to questions and comments raised at the Elected Members Briefing Session on 2 October 2018, the following information is provided:

- A further analysis has been undertaken of the public submissions received. It has been concluded that a total of 76 submissions were received, not 59 as previously stated. Of the 76 public submissions received, 53 were made through the Your Thoughts system (20 being in support; 15 objecting; 11 supporting with concerns; 7 unstated position with concerns) and 23 were received through other means (2 in support; 16 objections; 3 supporting with concerns; 2 unstated position with concerns).
- Of the 76 submissions received, 12 submissions were received from existing food businesses or retailers including 6 submitted through Your Thoughts.
- In relation to the Your Thoughts system there was a reported outage of the system on 16th August for a period of 15 minutes (site was still visited on this day and submissions were still received on this day).
- In addition to the use of the Your Thoughts system, other methods of lodging a submission included :
 - Online, using the [submission form](#)
 - By email: admin@vicpark.wa.gov.au, quoting reference TPS1/78
 - By letter: Town of Victoria Park, Locked Bag No. 437, Victoria Park WA 6979, quoting reference TPS/78
 - In person at 99 Shepperton Road or the Library

(To be confirmed 13 November 2018)

- Maps are now provided at Appendix 4 indicating those properties that received letters directly from Council inviting comments on the draft Policy. It should be noted that the extent of the respective areas that were directly consulted by letter was determined based upon amenity impacts rather than competition considerations. In other words, the consultation areas were determined having regard to those nearby properties which may be affected by the proposed trial in relation to amenity impacts (ie. noise, parking, rubbish etc. It was considered that owners and operators of properties that may be affected in other ways would have been adequately informed through the other consultation methods that were undertaken.
- In relation to the Officer's recommendation for up to six (6) mobile food vendors at each of the two (2) DTA's at McCallum Park, as opposed to a reduction to three (3) vendors at the other DTA's, it was considered that given the site's size, location and available facilities, that six (6) vendors was acceptable. It is open to Council to reduce this number as deemed appropriate.
- The Officer's recommendation below now includes the deletion of the word "administration" on the cover page of the Draft Policy to ensure consistency with Part 3 of the recommendation requiring a report to come back before Council to review the trial period.

OFFICER RECOMMENDATION/S:

That Council:

1. Adopts the modified version of draft policy 'HLTH6 Mobile Food Vendors (Vic Park Vendor's) Policy', as contained in Appendix 1 with the deletion of the word "administration" on the cover page, on a trial basis from 1 November 2018 to 31 March 2019;
2. Waives application fees for submission of an application for a 'Vic Park Vendor's Permit' for the duration of the policy trial (with all permits issued to expire upon conclusion of the trial);
3. Receives a further report reviewing the trial implementation of the draft policy by 30 June 2019 to determine whether it will formally adopt the draft policy, with or without modifications; and
4. Advises all persons whom have lodged a submission on the draft Policy, during the community consultation period, of its decision.
5. Not issue any new temporary food business permits for on-street vending or itinerant food vendors for the period that the draft Mobile Food Vendors Policy is trialled. This does not preclude the issuing of new temporary food business permits for trading on parks or reserves associated with events.

(To be confirmed 13 November 2018)

ALTERNATE MOTION

Moved: Cr Vernon

Seconded: Cr Anderson

That Council:

- 1. Defer the motion to adopt the modified version of draft policy ‘HLTH6 Mobile Food Vendors (Vic Park Vendor’s) Policy’ on a trial basis from 1 November 2018 to 31 March 2019;**
- 2. Directs the Chief Executive Officer to convene a workshop with local business owners to consult with them about the Policy, and report the outcome of the workshop to the Future Planning Committee for consideration; and**
- 3. Refer the draft HLTH6 Mobile Food Vendors (Vic Park Vendor’s) Policy (“the Policy”) back to the Future Planning Committee for further consideration after receiving a report on the outcome of the workshop.**

The Motion was Put and

CARRIED (8-0)

In favour of the Motion: Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon

REASON:

This alternate motion will ensure that:

- 1. There is an opportunity for public consultation with local business in the Town regarding the Policy in light of concerns expressed by local businesses about the extent of public consultation;**
- 2. The Future Planning Committee will have an opportunity to consider the outcome of the workshop as part of a further consideration of the Policy and any recommendation to Council; and**
- 3. Council is able to make an informed decision.**

14.4 Recommendation from the Future Planning Committee: Burswood Station East Structure Plan: Project Update and Developer Contribution Plan Analysis

File Reference:	PLA/6/29
Appendices:	Burswood Station East Structure Plan Project Schedule
Date:	5 September 2018
Reporting Officer:	D. Doy / C. Pidco
Responsible Officer:	N. Martin Goode
Voting Requirement:	Simple Majority
Executive Summary: Recommendation – That Council support the recommendation to not proceed with a Developer Contribution Plan for Burswood Station East. • A Developer Contribution Plan is a statutory mechanism for sharing the cost of infrastructure requirements between landowners in a catchment area; • The Town has reviewed infrastructure items identified for Burswood Station East against the eligibility criteria outlined in State Planning Policy 3.6: Development Contributions for Infrastructure; • Only 8 of the 59 identified infrastructure items are capable of being funded by a Developer Contribution Plan; • The infrastructure items that could be potentially funded by the DCP are not considered to be barriers to redevelopment and can occur incrementally over the life of the development; and • The complexity and cost of preparing, maintaining and administering a DCP is not considered good value for money and is therefore not recommended as an infrastructure funding mechanism.	

TABLED ITEMS:

Nil.

BACKGROUND:

Burswood Station East (“BSE”) is a distinct neighbourhood within the Town of Victoria Park, bounded by the Graham Farmer Freeway, Great Eastern Highway and Armadale/Thornlie train line. The precinct is located within the Burswood Peninsula, close to Crown Perth, Optus Stadium and Belmont Park.

Current development in BSE is generally older commercial or industrial buildings under two storeys in height. There are three mixed-use developments within the precinct and a fourth recently approved. It is intended that the precinct will transition to a high-density transit-oriented development over the coming decades, and will provide a significant portion of the new State Government’s housing targets provided for Town of Victoria Park, which are identified in the Central Sub-regional Planning Framework in Perth and Peel @ 3.5million.

(To be confirmed 13 November 2018)

The Town of Victoria Park is in the process of preparing a Local Structure Plan to facilitate the intended development outcomes for BSE. A draft Master Plan, providing the structural blueprint, has been developed along with a suite of technical reports to support the structure planning process. The draft Master Plan informs and will ultimately be embodied in the Local Structure Plan.

A significant obstacle to the finalisation of the Structure Plan, however, is determining how the substantial infrastructure required to allow BSE to be developed to its full potential can be funded. A total of 59 identified infrastructure items at a total estimated cost of \$40.3 million have been identified for the BSE neighbourhood across the suite of supporting technical reports.

This report outlines the Town's investigation into the preferred infrastructure funding mechanisms for BSE and the updated structure plan project schedule.

DETAILS:

1. Infrastructure Funding Challenge

An intensification of development that brings an influx of residents, businesses or visitors will inevitably require new or upgraded infrastructure to meet the needs of these users. Infrastructure can include utilities and services (such as power, gas and sewer); community infrastructure (such as sporting facilities and public libraries); parks and reserves; and any other amenity that improves the public realm (such as public art, benches and private street lighting). There are a number of parties with a responsibility for funding this infrastructure, including service providers (including Local Government), land developers and end-users through rates, levies or service charges.

Typically, in a greenfield development situation, the majority of infrastructure needs are funded by the developer. When a developer holds large areas of the development parcel or infrastructure needs can be highly localised, the burden of cost is quite simply attributed and distributed. However, the BSE neighbourhood presents a more complicated challenge, as land ownership is highly fragmented and demand for new infrastructure is generated partly from outside the catchment area.

For the BSE neighbourhood, the burden of cost would be placed on either the first to develop or (where infrastructure cannot be developed incrementally) delayed until demand becomes critical and the infrastructure burden passes to the 'next to develop'.

The Western Australia planning system has attempted to address this issue via a Developer Contribution Plan ("DCP"), which is a statutory mechanism for sharing the cost of infrastructure requirements between landowners in a catchment area. DCPs are widely used in the Perth metropolitan area in high-growth areas with rapid development on the suburban fringe.

In a DCP the overall cost of the required infrastructure is apportioned between the landowners or developers that will benefit from the new infrastructure, with each paying their 'share' at the time development occurs. A DCP must be incorporated into the Local Planning Scheme to have effect, and its format and ongoing management must be in accordance with the Planning and Development Act (Local Planning Schemes) Regulations 2015 and State

(To be confirmed 13 November 2018)

Planning Policy 3.6 Development Contributions for Infrastructure (“SPP 3.6”) and associated guidelines. Note that SPP 3.6 is currently under review, with a draft revised policy and guidelines having been advertised for public comment in late 2016.

The use of DCP’s to overcome the challenge of infrastructure funding in an infill scenario is only now being explored by State and Local Governments. In an infill scenario, there is typically an existing infrastructure demand which may be fully met or partly unmet and in need of an upgrade. Greenfield scenarios are simpler because the pre-development infrastructure demand is negligible in comparison to the post-development demand and it is generally fair and simple to apportion all infrastructure requirements to the developer and/or end-user.

The Town has therefore assessed the suitability of a DCP as well as other alternative funding pathways as a mechanism to fund the identified infrastructure improvements in the BSE precinct.

2. Methodology for assessing the suitability of a Developer Contribution Plan

In assessing the suitability of a DCP the following methodology was utilised.

Phase 1: Information

- a. A review of all technical reports and master planning documents to prepare a comprehensive inventory of all required infrastructure items.
- b. A desktop study of other Local Government statutory frameworks and relevant components of the state government statutory framework to identify DCP parameters and potential alternative funding approaches.
- c. Informal interviews with officers from four Local Governments (City of Cockburn, City of South Perth, City of Kalamunda and City of Kalgoorlie-Boulder) to understand their experiences with administering a DCP and alternative funding approaches.
- d. Informal interviews with relevant Town staff (including Technical Services, Project Management, Finance, Urban Planning and Community Development) to better understand infrastructure demand, delivery challenges and refine potential solutions.

Phase 2: Preliminary Analysis

- a. A broad assessment of infrastructure items against the key principles of the DCP planning framework. This assessment is in a comparative matrix that illustrates which items might potentially be funded by a DCP.
- b. A broad assessment of the suitability of alternative funding options against infrastructure items.
- c. The high level costing of infrastructure items potentially suitable for a DCP utilising high-level advice previously provided.

Phase 3: Peer Review

- a. Consultant to review the works undertaken by the Town in the first two phases and provide a critique.
- b. Consultant to identify any gaps in the work undertaken by the Town in the first two phases and assist in addressing these.
- c. Consultant to provide recommendations on infrastructure funding options for the BSE precinct.

(To be confirmed 13 November 2018)

Phase 4: Final Analysis

- a. Preparation of a final report including peer review consultant report and recommendations.

3. Overview of Infrastructure Requirements in the BSE Neighbourhood

The existing condition and context of the BSE neighbourhood is an important factor when considering future infrastructure requirements for the neighbourhood and the way in which they may be funded. These include:

- a. The existing urban structure requires no modification to facilitate future development (ie. the streets, lanes and lot pattern is already set and does not need to be modified);
- b. The neighbourhood has highly fragmented land ownership;
- c. There is existing urban infrastructure (roads, servicing, footpaths, street trees, etc) already in place; and
- d. The existing relationship with the surrounding area.

The following infrastructure categories are identified in the supporting technical reports as potentially being needed for the BSE neighbourhood.

Burswood Station East Infrastructure Inventory

A review of all existing BSE technical documents and Town of Victoria Park strategies was undertaken to prepare a comprehensive list of all proposed works that might have a community benefit and be considered as infrastructure servicing the BSE neighbourhood. The process identified 59 potential infrastructure items and a further 11 items related to further planning and the administration of a DCP.

For some infrastructure items, the existing strategic documents provided conflicting proposals or did not fully resolve the actual infrastructure requirement. Where an unresolved item could potentially be included in a DCP, further internal investigations were made to gain a basic understanding of how these should be resolved to the extent possible for completing this DCP project. The types of infrastructure required and assumptions made in relation to unresolved infrastructure are described below:

Utilities Infrastructure

Utilities infrastructure refers to the infrastructure required to provide basic services to properties. This infrastructure is the responsibility of statutory authorities or private providers who design, install and maintain the service network. In the Burswood Station East neighbourhood, utilities infrastructure includes:

- a. power;
- b. potable water;
- c. waste water;
- d. reticulated gas; and
- e. communications networks.

Power infrastructure is provided by Wester Power; potable and waste water infrastructure by the Water Corporation; and reticulated gas by ATCO Gas. NBN is available in the BSE precinct.

(To be confirmed 13 November 2018)

Local Government Services Infrastructure

This category comprises the service infrastructure that is provided by the Local Government, primarily stormwater drainage and works to local roads.

Community Infrastructure

The Town's Social Infrastructure Plan ("SIP") was received by the Council on 12 September 2017, but not formally adopted. While the Western Australian planning framework contemplates inclusion of community infrastructure in a DCP, the Town would need to provide further detail of the proposed infrastructure and formally adopt the SIP. For the purpose of this assessment, it was assumed that all required documentation would be resolved as part of the preparation of any future DCP.

The SIP provides a broad overview of community infrastructure forecast for several catchments within the Town of Victoria Park. Burswood Station East is located within the Burswood Catchment, comprising all of Burswood including the Burswood Peninsula. The SIP does not provide proposed locations for the identified infrastructure, with the exception of a future primary school in the future Burswood Station West neighbourhood, and it is therefore unclear which of the proposed community infrastructure items should be accommodated within the BSE neighbourhood.

The draft BSE Master Plan and supporting technical reports contemplate a community centre within the BSE neighbourhood. It is possible for this community centre to be located within either the existing Public Open Space (POS) on Stiles Avenue (referred to as Burswood Common), or the existing drainage sump at 16 Stiles Avenue. Neither of these sites is ideal due to the loss of either open space or drainage (or the expense of providing open space or drainage elsewhere).

The nearby Belmont Park Racecourse Redevelopment Structure Plan (also within the Burswood catchment) includes a multi-purpose community facility within the old grandstand building. This facility is expected to be complete within 15 years of development commencement. In the interim, the developers will be providing a temporary community facility within Belmont Park Precinct D, which is located in the south eastern corner of the Structure Plan. The SIP flags that only one community centre is required for the Burswood catchment, indicating that an additional community centre within BSE is not required.

It is recommended that the Town explores the provision of community facilities within private development, such as a library shopfront or "maker spaces". If this approach is followed, it will not be necessary to fund either land acquisition or the construction of community facilities through the BSE Local Structure Plan.

Public Open Space Improvements

The Master Plan designates approximately 3% of the project area as POS, which is well below the general 10% standard in Western Australia. To balance this deficit, the Town will be exploring the following options in the Local Structure Plan:

- Enhanced public realm to encourage street-life and provide opportunities for small-scale, outdoors social and recreational activity;
- Enhanced provision of communal outdoor living spaces in large mixed-use developments, such as roof gardens, on-site recreation facilities and landscaped forecourts; and

(To be confirmed 13 November 2018)

- Strong pedestrian and cycle linkages with POS and recreation facilities in nearby areas, in particular Belmont Park and the Swan River foreshore.

Place Infrastructure

The supporting technical reports outline a series of strategies and actions to develop a unique place character within the BSE neighbourhood, including urban infrastructure that will improve user experience. Place infrastructure includes items such as a public art trail, seating, water fountains, bicycle parking and intergenerational play equipment.

An analysis of the 59 infrastructure and their eligibility to be included in a DCP is outlined in the Comments Section below.

Legal Compliance:

Nil.

Policy Implications:

Nil.

Risk Management Considerations:

Risk & Consequence	Consequence Rating	Likelihood Rating	Overall Risk Analysis	Mitigation / Actions
Major (Not having a DCP will mean the Town will need to fund \$3.5 million of infrastructure items over the course of the development, but avoid \$2.7 million of DCP related administrative fees. This results in an overall extra cost of \$800,000 to the Town to deliver infrastructure in BSE over the life of the development.	Major	Likely	High	Careful forward planning to deliver infrastructure improvements identified as the Town's responsibility.

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.

(To be confirmed 13 November 2018)

Civic Leadership

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

Financial Implications:

See section 2 and 3 in the Comments section below.

Sustainability Assessment:External Economic Implications:

The decision not to proceed with a DCP is not expected to be a barrier to development within the BSE neighbourhood. Many of the infrastructure items will be delivered as part of the normal planning approval process or be incrementally upgraded as development intensifies.

Social Issues:

Nil.

Cultural Issues:

Nil.

Environmental Issues:

Nil.

COMMENT:

The 59 infrastructure items outlined in the Details section above were analysed against specific DCP eligibility criteria. This analysis is provided below along with a final recommendation and commentary on the appropriateness of other possible funding mechanisms.

Analysis on the viability of a Developer Contribution Plan

SPP3.6 provides eight principles that underpin the preparation and administration of any DCP. The principles and their relationship to this review project are summarised in Table 1.

Table 1: Principles of a Developer Contribution Plan

SPP3.6 PRINCIPLE
1. NEED AND NEXUS <i>Demonstrated need for the infrastructure and connection to the proposed development</i>
2. TRANSPARENCY <i>Clear, transparent and simple method for calculating contributions</i>
3. EQUITY <i>All developments should be levied based on their relative contribution to need</i>
4. CERTAINTY <i>All development contribution items are clearly identified and methods of accounting for escalation are agreed upon</i>
5. EFFICIENCY <i>Contributions are justified based on a whole of life capital cost basis</i>
6. CONSISTENCY <i>Contributions are applied uniformly across a DCA and methodology is consistent</i>

(To be confirmed 13 November 2018)

7. RIGHT OF CONSULTATION AND ARBITRATION <i>Affected parties are consulted and have the opportunity to seek independent review</i>
8. ACCOUNTABLE <i>Accountability in the determination and expenditure of contributions</i>

The Draft Guidelines for SPP3.6 emphasise that a DCP should be just one tool within a broader funding strategy. Where a DCP is necessary and desirable, it should only be used for:

- a. Infrastructure required at the earliest stages for liveability; and
- b. Infrastructure needs arising from new growth, not existing unmet demand.

In order to understand which of the 59 items are capable of being funded by a DCP an assessment was undertaken against the following categories outlined in the Draft Guidelines for SPP3.6.

Table 2: Infrastructure Items and DCP Categories

Category A	Infrastructure required as standard (as identified at Appendix 1 of SPP 3.6) and essential for subdivision or development - can be required directly as a condition of subdivision/development	Inclusion in DCP not required
Category B	Infrastructure required as standard (as identified at Appendix 1 of SPP 3.6) and essential for subdivision or development, in limited circumstances of fragmented landownership or non-frontal development, where cost redistribution is necessary	Inclusion in DCP required (if development contribution for item is to be sought)
Category C	Infrastructure important for liveability from the earliest stages of development	Inclusion in DCP required (if development contribution for item is to be sought)
Category D	Administrative items associated with preparation of a DCP	Inclusion in DCP required (if development contribution for item is to be sought)
Category E	Infrastructure optional for liveability, generally found in mature communities; or where need and nexus cannot be demonstrated. Delivery of these items should be at the discretion of the relevant developer or government agency	Inclusion in DCP not appropriate

After comparing the 59 identified infrastructure items against the DCP eligibility criteria it was revealed that only 8 of the 59 of the identified infrastructure items are capable of being funded by a DCP. Table 3 below provides an outline of the items capable of being funded by a DCP and the impact these items have on immediate development in the BSE neighbourhood.

(To be confirmed 13 November 2018)

Table 3: Summary of DCP Analysis

Item	Responsible Authority	Estimated Cost	Impact on Development
1. Augmentation to power network	Western Power	\$3,000,000	• Not an immediate barrier to development • Timing will depend upon development uptake • Further market analysis required
2. New wastewater drain	Water Corporation	\$1,200,000	
3. New sewer pump station	Water Corporation		
4. Modification to cul-de-sac for pump station site	Town of Victoria Park	\$80,000	
5. Burswood Common POS upgrades	Town of Victoria Park	\$258,700	
6. Stiles Avenue Sump POS	Town of Victoria Park	\$421,418	
7. Stormwater Management	Town of Victoria Park	\$1,700,000	Design : <5 years Construction: <10 years
8. Griffiths Street Intersection Upgrade	Town of Victoria Park	\$1,000,000	Construction: <2 years
TOTAL		\$7,660,118	

Only \$7,660,118 of the total \$40.3 million of required infrastructure is capable of being funded by a DCP. Approximately \$3.5million of the total \$7,660,118 are attributed to items that would normally be the Town's responsibility.

It is estimated that the DCP would cost approximately \$2.7million to administer over the life of the redevelopment. Given the complexity of preparing and administering a DCP and the administrative costs, the Town will not progress with the preparation of a DCP for the BSE neighbourhood.

Furthermore, the infrastructure items that could be potentially funded by the DCP are not considered to be barriers to redevelopment, and can therefore occur incrementally over the life of the development (ie. Are not required immediately to unlock development potential).

There is also merit in allowing the place to develop incrementally in response to changing market conditions.

1. Financial Impact to the Town without a Developer Contribution Plan

As outlined above the title cost for the identified 59 infrastructure items is \$40.3million dollars. This overall cost will be spread amongst service authorities and developers. It is estimated that the cost to the Town (over the life of the redevelopment) will be in the order of \$14.1million. As outlined above the Town is able to attribute infrastructure items to the value of \$3.5million that would normally be its responsibility via a DCP.

(To be confirmed 13 November 2018)

However, the complexity and cost of preparing, maintaining and administering a DCP is not considered good value for money, and is not needed to unlock development potential.

2. Analysis of Alternative Funding Options

Following the Town's analysis of a DCP as a potential funding mechanism further investigation was undertaken to understand alternative funding options for the identified infrastructure items.

Table 4 below provides a summary of this investigation, including the relevant items capable of being funded and the Town's recommendation.

Table 4: Alternate funding options

Funding Options	Potential Items	Recommendation
Developer Incentive Schemes	This creates a 'bonus standard' to development in exchange for infrastructure identified to be funded by the Town of Victoria Park. Will be explored during the preparation of the Local Structure Plan.	Recommended as a funding mechanism for securing better community outcomes (ie. Community meeting spaces, shopfront library, etc). This mechanism is not recommended for funding basic infrastructure but as a means to incentivising the delivery of desirable infrastructure.
Developer Contribution Policy	Drainage, local movement network upgrades, community facilities and POS	Not recommended at this time. This approach could be used for infrastructure typically funded by Local Government, although the legitimacy of the approach is under question after a recent State Administrative Tribunal. Further legal advice must be sought before this option could be recommended.
Cash-In-Lieu for POS	POS	Not recommended
Percent for Art	Public Art	Recommended in line with standard process.
Local Government/Service Authority Pays	All items that are not linked to a condition of planning approval	Recommended – however further investigation into rates apportionment required.

(To be confirmed 13 November 2018)

Specified Area Rate	Drainage, local movement network upgrades, community facilities and POS	Not recommended. To implement a SAR the Town would need to establish a base level of service provision to compare the additional standard too; determine the higher standard of infrastructure that would be funded by the SAR and how this would benefit the rate payers in BSE; and gain rate payer support for the proposed works. The standard of infrastructure provided by the Town is unlikely to significantly exceed the usual standard and is therefore not recommended. This option could be revisited if landowner and resident expectations in this area significantly shift.
Grants	Drainage, local movement network upgrades, community facilities and POS	Partly recommended. The Town should apply for grants when opportunities arise but this should not be relied upon as the primary source of funding.

3. Local Structure Plan Project Schedule – Project Update

The Local Structure Plan project schedule has been updated to account for a DCP **not** being prepared. An update to the indicative timeframes for the completion of the BSE Local Structure Plan and other associated works are outlined in the appendix.

The Town will now proceed with finalising the Local Structure Plan and accompanying Town Planning Scheme Amendment and Local Planning Policy.

CONCLUSION:

Following an in depth analysis of the identified 59 infrastructure items against SPP3.6 the Town has decided not to use a DCP as a funding mechanism. Based on this decision the Local Structure Plan project schedule has been updated and the Town will now proceed with finalising the Local Structure Plan and accompanying Town Planning Scheme Amendment and Local Planning Policy.

(To be confirmed 13 November 2018)

RESOLVED BY EXCEPTION RESOLUTION:

Moved: Cr Oliver

Seconded: Cr Jacobs

That Council supports the recommendation to not proceed with a Developer Contribution Plan for Burswood Station East.

The Motion was Put and

CARRIED (9-0)

In favour of the Motion: Mayor Vaughan; Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon

(To be confirmed 13 November 2018)

COMMUNITY DEVELOPMENT COMMITTEE**14.5 Recommendation from the Community Development Committee: Commemorative Recognition Application - Arms Memorial Sculptures**

File Reference:	CMR/3/8
Appendices:	1. Maintenance Plan 2. Engineer's Report 3. GEN4 Commemorative Recognition
Attachments:	No

Date:	24 August 2018
Reporting Officer:	B. Rockett
Responsible Officer:	K. Griggs
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council approve the application for Commemorative Recognition from Association Representing Mothers Separated by Adoption Inc be approved to install the sculptures at Read Park.

- ARMS have made a Commemorative Recognition application to donate a set of memorial sculptures to the Town to commemorate the 2010 Western Australian Parliament's apology to those affected by past forced adoptions practices.
- The application was assessed by the Local History Coordinator against the criteria set out in the Town's Commemorative Recognition guidelines.
- The Local History Coordinator recommends that the application for Commemorative Recognition be approved, with Read Park determined as the most suitable location.

TABLED ITEMS

Nil.

BACKGROUND:

The Town has a Commemorative Recognition Policy (GEN4) in place to honour individuals, organisations or events that have made a significant contribution to the Town or the development of Western Australia.

The Association Representing Mothers Separated from their Children by Adoption Inc (ARMS) have made a Commemorative Recognition application to donate a set of memorial sculptures to be placed in a park in the Town of Victoria Park. The memorial commemorates an event in Western Australian (WA) history - the WA Parliament's formal apology in 2010 for the 'Removal of Children from Unmarried Mothers'. The Commemorative Recognition application was assessed by the Local History Coordinator against the criteria set out in the Town's Commemorative Recognition guidelines.

(To be confirmed 13 November 2018)

DETAILS:

A Commemorative Recognition application has been received from ARMS to donate a set of memorial sculptures to the Town. The applicants have suggested McCallum Park as the ideal location for the memorial to be placed.

The Local History Coordinator spoke to the Manager Infrastructure Operations to ascertain if this was a possible location for the memorial but McCallum Park is undergoing a major redesign process that has already gone through the public consultation stage. Therefore the Town would need to find a suitable location for the memorial before the application can be approved. In conversation with both Parks and Planning, Read Park was determined to be the most suitable location for the memorial.

The ARMS memorial commemorates an event in WA history - the 2010 WA Parliament's apology to those affected by past forced adoptions practices. This apology was the first in Australia. A national apology followed in 2013.

The application refers to one of the largest mother and baby homes in WA and states that it was situated within the Town of Victoria Park. This refers to *Ngala* (then known as *Ngala-a* Mothercraft Home and Training Centre Inc) and *Ngala* has issued a statement supporting the WA and national apologies for forced adoption practices.

Ngala is located in Kensington but lies within the City of South Perth boundaries rather than the Town of Victoria Park.

Therefore, the Town would be accepting the donation of the memorial not as a reflection of past forced adoptions practices in the Town but instead as a statement of goodwill to those affected Australia wide. It would also serve as an acknowledgement to those in the Town who have been affected by past forced adoptions practices and commemorate the State and National apologies.

Legal Compliance:

Nil.

Policy Implications:

Policy GEN 4 – Commemorative Recognition

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Reputational. Negative public perception towards the Town – there may be the perception that that is a waste of funds.	Minor	Unlikely	Low	Communications strategy explaining that the sculpture has been donated by ARMS and not funded by the Town.

(To be confirmed 13 November 2018)

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Reputational. Negative public perception towards the Town - that the Town is complicit in past forced adoption practices.	Minor	Unlikely	Low	Communications strategy explaining that the memorial is a statement of goodwill to those who have been affected by past forced adoption practices in WA and a commemoration of the State and National apologies.

Strategic Plan Implications:

The Town's vision is a dynamic place for everyone.

Social – to promote sustainable, connected, safe and diverse places for everyone.

- 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.

Financial Implications:Internal Budget:

The cost of the memorial sculptures has been funded by a grant received by ARMS from the Forced Adoption Support Services small grants fund which is funded by the Department of Social Services.

The grant received by ARMS will also cover the delivery and installation costs of the memorial sculptures, including the footings recommended in the Structural Engineer report.

Total Asset Management:

According to the maintenance plan submitted as part of the application, the ongoing maintenance costs will be minimised by having a non-sacrificial coating applied to the sculptures. The funding received by ARMS will cover this cost. The maintenance plan states that this coating would only need to be replaced if the sculptures are chemically cleaned several times.

ARMS have indicated they will cover the maintenance costs in the event that the sculptures either need to be chemically cleaned or the coating reapplied if they have the funds available. If the funds are not available then they will apply for a grant to cover such costs.

Sustainability Assessment:External Economic Implications:

Nil.

(To be confirmed 13 November 2018)

Social Issues:

The sculptures are as pictured below:



The applicants' proposed wording for the plaque is as follows:

A Quarter of a Million Mothers

On 19 October 2010 the State Parliament of Western Australia apologised for past adoption practices. This was the first apology offered by a government anywhere in the world for the practice of taking babies from single mothers and putting them up for adoption. Following this a nationwide Senate Inquiry found that past adoption practices had been cruel, punitive and illegal. On 21 March 2013 the Commonwealth Government apologised for past policies and practices that forced the separation of mothers from their babies and created a lifelong legacy of pain and suffering.

This memorial is dedicated to those who have been separated by adoption.

As stated in the Commemorative Recognition guidelines, the Town will have standard templates in regards to the wording and will have the final say on approval of any plaque/signage.

(To be confirmed 13 November 2018)

The map showing the location of Read Park:



Cultural Issues:

Unknown

Environmental Issues:

Nil.

COMMENT:

The purpose of the Commemorative Recognition application by ARMS is to donate a set of memorial sculptures to be placed in a park in the Town. This memorial is to commemorate the 2010 WA Parliament's apology to those affected by past forced adoptions practices. The application includes the structural engineer report to guarantee the safety of the memorial in a public space; the maintenance plan that outlines the potential upkeep costs of the memorial and six letters of support, including a letter of support from the Manager Forced Adoption Support Service – Relationships Australia WA.

CONCLUSION:

The application for Commemorative Recognition by ARMS to donate a set of memorial sculptures to the Town meets the criteria set out in the Commemorative Recognition Guidelines.

(To be confirmed 13 November 2018)

RESOLVED:

Moved: Cr Ife

Seconded: Cr R Potter

That Council approve the application for Commemorative Recognition from Association Representing Mothers Separated by Adoption Inc be approved, with the most suitable location being Read Park on Albany Highway in the Town.

The Motion was Put and

CARRIED (8-0)

In favour of the Motion: Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon

15 APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED:

Moved: Cr Oliver

Seconded: Cr Ammons Noble

That Council approve leave of absence for:

1. Cr Julian Jacobs from Wednesday 10 October 2018 to Monday 5 November 2018, inclusive; and
2. Deputy Mayor Vicki Potter from Tuesday 4 December 2018 to Tuesday 11 December 2018, inclusive.

The Motion was Put and

CARRIED (8-0)

In favour of the Motion: Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon

16 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

None.

17 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Cr R Potter

1. Since being elected, I have noticed that there have been many questions from Mr Maxwell, who I acknowledge is in the gallery tonight; have staff been spending a disproportionate amount of time answering his questions, in comparison to other members of our community? Can we collate the amount of time spent on Mr Maxwell's questions and have that answer being brought back to Council?
- R. Deputy Mayor Vicki Potter took that on notice.

18 NEW BUSINESS OF AN URGENT NATURE

None.

19 PUBLIC QUESTION TIME

Vince Maxwell

1. How much of the parking revenue comes from fines for people parking in areas that are not covered by parking meters?
- R. The Chief Financial Officer, Mr Nathan Cain took the question on notice.

(To be confirmed 13 November 2018)

2. Are the Town's parking meters leased or purchased outright?
R. The Chief Financial Officer, Mr Nathan Cain said that he believed they are purchased, but took the question on notice.
3. If they are leased, and machine is replaced due to damage or malfunction, is the cost of the machine fully expensed or is it added to the lease if there such a lease?
R. Deputy Mayor Potter took the question on notice, as per the previous response that Mr Cain was not sure if they were leased or purchased.
4. On the four committees there are members of those committees that are not Councillors; do all those Independent Members live in or are ratepayers in the Town of Victoria Park (ToVP)?
R. Deputy Mayor Potter said that she believed that not all of them are members or ratepayers of the ToVP.
5. They are given a decision making position of a committee of which they have no vested interest in so what is their title?
R. Deputy Mayor Potter said they were specialist members. They are on those committees because they have specialist information and job experience, in most cases, that is providing information to the committee because of their backgrounds.
6. Does that include people who do not live in or ratepayers of the Town but they are employees of other local council, like public servants of other councils?
R. Deputy Mayor Potter said that off the top of her head she couldn't recall if any of them are employees of other Councils and took the question on notice.

Sam Zammit

1. If I was to purchase a shop along Albany Highway, could I turn that into a small car yard?
R. Deputy Mayor Potter said no, you couldn't unless it was already operating as a car yard.
2. If it was operating like a workshop for cars, could I turn that into a display room?
R. Deputy Mayor Potter said no you couldn't, because there was an amendment in the Town Planning Scheme that would stop you from doing that.
3. How come John Hughes was allowed to turn a part of his office come workshop, into an MG display yard behind a glass front?
R. Deputy Mayor Potter said she wasn't aware of that, and took the question on notice.

The Manager Development Services, Mr Robert Cruickshank added that it was his recollection that there was an approval granted prior to the amendment coming into place, however, Mr Cruickshank did offer to speak to Mr Zammit the following day to confirm that.

(To be confirmed 13 November 2018)

John Gleeson

1. Does this Council have an actual policy book with all the policies that the Community can get and find out what the policies are and how often it's changed? If so, is that available to the public?
- R. Deputy Mayor Potter said that there were policies in a book and confirmed that it is on the website, however, the Administration would provide Mr Gleeson with a copy.

20 PUBLIC STATEMENT TIME

Vince Maxwell

Made a statement following on from a number of Councillors that expressed their concerns with the draft Food Truck policy that was on the agenda tonight and said that the policy was developed by four (4) of the members of Council in the room tonight as members of the Future Planning Committee, and said it was concerning that after working on that policy for a year, that they are only just hearing about the concerns of the business owners and said that these committee should be opened to the public.

Mike Lanternier

Thanked the Elected Members for making a fair and reasonable decision on the Lathlain traffic calming and made comments following statements made by Elected Members during the meeting and disagreed with some of the comments. Mr Lanternier also made a statement regarding the food policy and said that Council should be looking after their ratepayers.

John Gleeson

Made a statement saying that the ratepayers own the Council and deserve more respect. The reason we elected Councillors is to look after our interests and it is very important that the ratepayers get to say their say in these meetings. He also mentioned the calming devices, and said the roads belong to everybody.

Sam Zammit

With regards to the spraying that the Town does he wanted to remind the Town of its legal requirements and its duty of care, saying the Town is spraying, without notifying the public. It is down on public record from me, that I was in my front garden when I smelt the chemical and turned around and it was being sprayed in the front on my property. During last week, they were in front of my property again; they don't let you know that they are spraying and it is being breathed in. What are the chances of the Town not using this next year?

Vince Maxwell

Made a statement agreeing with the Deputy Mayor regarding the food trucks and agrees that there needs to be a policy. Mr Maxwell made a further statement referring to Cr R Potters question earlier in the meeting.

21 MEETING CLOSED TO PUBLIC

RESOLVED:

Moved: Cr Ife

Seconded: Cr R Potter

1. In accordance with clause 5.2(2) of the *Town of Victoria Park Standing Orders Local Law 2011* and Section 5.23(2) of the *Local Government Act 1995* resolves to close the meeting to members of the public to consider Item 21.1.1 which is a confidential matter at 8:21pm.
2. In accordance with clause 5.2(3) of the *Town of Victoria Park Standing Orders Local Law 2011* permits Town Officers to remain in the Chamber during discussion while the meeting is sitting behind closed doors.

Note:

While a decision is made to meet behind closed doors Clause 6.10 of the *Town of Victoria Park Standing Orders Local Law 2011* limiting the number of speeches a member of the Council may make, is suspended.

The Motion was Put and

CARRIED (7-1)

In favour of the Motion: Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon

Against the motion: Cr Ammons Noble.

21.1 Matters for Which the Meeting May be Closed

- 21.1.1 Victoria Park Youth Accommodation Inc. 8 Kent Street, East
Victoria Park – Outstanding Lease Matters – *Confidential Item*

RESOLVED:

Moved: Cr Ife

Seconded: Cr R Potter

In accordance with clause 5.2(7) of the *Town of Victoria Park Standing Orders Local Law 2011*, the Council meeting be reopened to the public at 8:27pm.

The Motion was Put and

CARRIED (8-0)

In favour of the Motion: Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon

21.2 Public Reading of Resolutions That May be Made Public

Deputy Mayor Potter read out the resolution for Item 21.1.1, being:

RESOLVED:

Moved: Cr Ife

Seconded: Cr R Potter

That Council resolves that the report and resolution remain confidential in line with s5.23(d) of the *Local Government Act 1995*.

The Motion was Put and

CARRIED BY AN ABSOLUTE MAJORITY(8-0)

In favour of the Motion: Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon

22 CLOSURE

There being no further business, Deputy Mayor Potter closed the meeting at 8.28pm.

I confirm these Minutes to be true and accurate record of the proceedings of the Council.

Signed:

Deputy Mayor Potter

Dated this: Day of 2018