

agenda

Ordinary Meeting of Council



TOWN OF
VICTORIA PARK

To: His Worship the Mayor and Councillors

Please be advised that an Ordinary Council Meeting will be held at **6.30pm** on **Tuesday 13 November 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

9 November 2018

TABLE OF CONTENTS

ITEM	TITLE	PAGE NO
1	OPENING	4
2	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	4
3	ATTENDANCE	5
	3.1 Apologies	5
	3.2 Approved Leave of Absence	5
4	DECLARATIONS OF INTEREST	5
5	PUBLIC QUESTION TIME	7
	5.1 Responses to Questions Raised and Taken on Notice at the Ordinary Council Meeting held on Tuesday 9 October 2018	7
	5.2 Responses to Questions Raised at the Ordinary Council Meeting held Tuesday 9 October 2018	8
6	PUBLIC STATEMENT TIME	8
7	CONFIRMATION OF MINUTES	9
8	PRESENTATIONS	9
	8.1 Petitions	9
	8.2 Presentations (Awards to be given to the Town)	9
	8.3 Deputations (Planning / External Organisations)	9
9	METHOD OF DEALING WITH AGENDA BUSINESS	9
10	CHIEF EXECUTIVE OFFICER REPORTS	10
	10.1 Adoption of the 2019 Meetings of Council Schedule	10
	10.2 Annual General Electors' Meeting 2018	16
11	CHIEF COMMUNITY PLANNER REPORTS	21
	11.1 547-553 (Lot 929) Albany Highway, Victoria Park – Retrospective Approval for Alterations to Building Façade and Proposed Signs	21
	11.2 35 (Lot 263, Plan 757) Enfield Street, Lathlain – Application for Residential Building (Short Term Accommodation)	47
	11.3 51 Streatley Road, Lathlain - Perth Royals Football Club (Inc), Application For An Extended Trading Permit- January To March	58
	11.4 295-299 (Lot 47, Strata 34199) Albany Highway, Victoria Park – Change of Use from 'Shop' to 'Unlisted Use (Amusement Parlour)' and associated Signage	65

11.5	Report on Submissions - Amendment 78 to Town Planning Scheme No. 1 to Recode No. 384 (Lot 3) Berwick Street, East Victoria Park from Residential R30 to R40/R60	81
12	CHIEF OPERATIONS OFFICER REPORTS	92
12.1	Tender TVP/18/14 for Air Conditioning Maintenance Services for Council Owned Buildings	92
13	CHIEF FINANCIAL OFFICER REPORTS	99
13.1	Adoption and Gazettal of Town of Victoria Park Dog Local Law 2018	99
13.2	Policy review – EM6 Fees, Expenses and Allowances – Elected Members	104
13.3	QTVP/18/13 - Library Management System	110
14	COMMITTEE REPORTS	117
14.1	Recommendation from the Finance and Audit Committee: Schedule of accounts for 30 September 2018	117
14.2	Recommendation from the Finance and Audit Committee - Financial statements for the month ending 30 September 2018	123
14.3	Recommendation from the Community Development Committee: Town of Victoria Park- Reflect Reconciliation Action Plan	165
14.4	Recommendation from the Future Planning Committee: Proposed Local Planning Policy 38 'Signs' and Associated Actions	170
15	APPLICATIONS FOR LEAVE OF ABSENCE	177
16	MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	177
17	QUESTIONS FROM MEMBERS WITHOUT NOTICE	177
18	NEW BUSINESS OF AN URGENT NATURE	177
19	PUBLIC QUESTION TIME	177
20	PUBLIC STATEMENT TIME	177
21	MEETING CLOSED TO PUBLIC	177
21.1	Matters for Which the Meeting May be Closed	177
	21.1.1 Chief Executive Officer Key Performance Indicators 2018/19	
21.2	Public Reading of Resolutions That May be Made Public	177
22	CLOSURE	177

1 OPENING

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

And to Thee, be all blessing and glory forever.

AMEN

Acknowledgement of Country (by Mayor)

I acknowledge the traditional custodians of this land 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

2.4 Town of Victoria Park Standing Orders Local Law 2011

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

3 ATTENDANCE

Mayor:	Mr T (Trevor) Vaughan
Banksia Ward:	Cr C (Claire) Anderson Cr J (Julian) Jacobs Cr R (Ronhhda) Potter Cr K (Karen) Vernon
Jarrah Ward:	Cr J (Jennifer) Ammons Noble Cr B (Bronwyn) Ife Cr B (Brian) Oliver Cr V (Vicki) Potter (Deputy Mayor)
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
Secretary:	Mrs A (Alison) Podmore
Public:	

3.1 Apologies

Senior Governance Officer:	Ms D (Danielle) Uniza
-----------------------------------	-----------------------

3.2 Approved Leave of Absence

4 DECLARATIONS OF INTEREST

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

Declaration of Financial Interests

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

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

Declaration of Proximity Interest

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

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

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

Declaration of Interest affecting impartiality

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

Name/Position	Robert Cruikshank – Manager Development Services
Item No/Subject	Item 11.3 - 51 Streatley Road, Lathlain – Perth Royals Football Club (Inc). Application For An Extended Trading Permit – January to March
Nature of Interest	Impartiality
Extent of Interest	I was previously a member of the Perth Royals Soccer Club

Name/Position	Brian Oliver - Councillor
Item No/Subject	Item 11.5 Report on Submissions - Amendment 78 to Town Planning Scheme No. 1 to Recode No. 384 (Lot 3) Berwick Street, East Victoria Park from Residential R30 to R40/R60
Nature of Interest	Impartiality
Extent of Interest	I am friends with Paul Cunningham from Rowe Group who has written a report in question to the item.

5 PUBLIC QUESTION TIME

5.1 Responses to Questions Raised and Taken on Notice at the Ordinary Council Meeting held on Tuesday 9 October 2018

Vince Maxwell

- Q. How much of the parking revenue comes from fines for people parking in areas that are not covered by parking meters?
- R. Approximately 34%, or \$565,000, of the total parking infringement revenue was derived from infringements unrelated to parking meters in the 2017-2018 financial year. Unfortunately we cannot readily extract the information relating to the location of infringements in a timely manner.
- Q. Are the Town's parking meters leased or purchased outright?
- R. The Town owns the parking meters outright.
- Q. 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 is such a lease?
- R. The Town owns the parking meters outright.
- Q. 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)? They are given a decision making position of a committee of which they have no vested interest - if so what is their title? 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. There are seven community members on the committees providing specialist information to the committee; of these seven specialist members there are four local residents, one member who works within the Town and one who works for Local Government.

Sam Zammit

- Q. 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. Development approval was granted in March 2010 for the use of the site as a Motor Vehicle Sales Premises, with this being an 'AA' (discretionary) use at this time under Town Planning Scheme No. 1 (TPS 1). TPS 1 Amendment 60, which would now prohibit Motor Vehicle Sales Premises on the subject property was gazetted in 2014.

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?
- R. The information you have requested is restricted by legislation, however a breakdown of the number of employees with a salary in excess of \$100,000 is provided below. This information is also published each year in the Annual Report.

Salary Band \$	2018	2017	2016
100,000 - 109,999	5	6	0
110,000 - 119,999	0	0	0
120,000 - 129,999	3	0	8
130,000 - 139,999	10	9	0
140,000 - 149,999	0	0	0
150,000 - 159,999	0	0	0
160,000 - 169,999	0	0	1
170,000 - 179,999	0	3	4
180,000 - 189,999	3	0	0
190,000 - 199,999	0	0	0
200,000 - 209,999	0	0	0
210,000 - 219,999	0	0	0
220,000 - 229,999	0	0	0
230,000 - 239,999	0	0	0
240,000 - 249,999	0	0	0
250,000 - 259,999	0	0	1
260,000 - 269,999	1	1	0
Total	22	19	14

Christina Harding

- Q. 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. The standard practice of the Town, which is an occupational health and safety requirement, is to operate a minimum of two officers within a visual and audible distance from each other. On occasion, two officers will train another officer, as has been the case recently with new employees commencing with the Town. This is the only reason we have operated three officers together recently. This practice is likely to continue into the future.

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

6 PUBLIC STATEMENT TIME

7 CONFIRMATION OF MINUTES

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on Tuesday, 9 October 2018 be confirmed.

8 PRESENTATIONS

8.1 Petitions

8.2 Presentations (Awards to be given to the Town)

8.3 Deputations (Planning / External Organisations)
--

9 METHOD OF DEALING WITH AGENDA BUSINESS

10 CHIEF EXECUTIVE OFFICER REPORTS

10.1 Adoption of the 2019 Meetings of Council Schedule

File Reference:	COR/10/0004
Appendices:	No
Attachments	No

Date:	26 October 2017
Reporting Officer:	D. Uniza
Responsible Officer:	A. Vuleta
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council adopts the 2019 Monthly Meeting Schedule.

- Since its introduction in 2011, the Town has implemented a monthly meeting cycle with the Elected Member Briefing Session (EMBS) and Ordinary Council Meeting (OCM), falling on the first and second Tuesday of each month respectively.
- While it is believed that the monthly council meeting cycle still provides the most appropriate decision-making timeframe, it is recommended that the day of the OCM be delayed by a week, from the second to the third Tuesday of each month, to allow additional time for community consultation, and for any research arising from questions posed at the EMBS.
- In the same manner of providing regularity in scheduled meetings of Council, it is further proposed that Committee meetings be held on designated Mondays of each month, where possible.

TABLED ITEMS:

Nil

BACKGROUND:

In accordance with Regulation 12 of the *Local Government (Administration) Regulations*, Council is required to provide local public notice at least once each year regarding the dates and location of its Council and Committee meetings to be held in the next 12 months.

At current, Elected Member Briefing Sessions (EMBS) and Ordinary Council Meetings (OCM) are held on the first and second Tuesday of each month, respectively. This monthly meeting cycle was first trialled by the Town as a result of a Council decision made at its meeting held on 28 June 2011. At the time, Council decided to trial this new meeting cycle for a period six (6) months from October 2011 to April 2012.

Prior to the trial, the Town held its OCMs on a three-weekly basis. This cycle, whilst resulting in a quicker decision-making process, impeded good governance practice by limiting time for consultation, and causing a continuous administrative overlap between determination of reports and preparation of reports for the following OCM. Further details are outlined in [Item 10.1 Council Meeting – Review of Monthly Cycle](#) presented in April 2012.

At the end of the trial period, the report concluded that moving from a three-weekly to a monthly OCM cycle not only allowed more time for consultation and research in the preparation of reports, but created a sense of regularity through the designation of OCMs to be held on the second Tuesday of each month.

At its meeting held on 10 April 2012, Council resolved to formally adopt the monthly meeting schedule. This meeting cycle has since been in place, with the last review and adoption of EMBS and OCM dates reflecting this structure, being made at its meeting held on 10 October 2017.

In general, Committee meetings are held on different days of the week dependent on each Committee. The exact dates of meetings are adopted by resolution of each Committee on an annual basis.

DETAILS:

While the monthly meeting cycle is considered the most appropriate timeframe for decision-making, it has since been suggested that a minor adjustment be considered for the 2019 Council Meeting cycle.

The 2019 Schedule of Council meetings proposes that the EMBS continue to be held on the first Tuesday of each month, with the OCM being held on the third Tuesday, allowing for a two-week period between the EMBS and OCM.

It is believed that including an additional week between the EMBS and OCM will foster better decision-making. On one hand, this will provide Elected Members additional time to engage with their community prior to making a decision, and vice versa. On the other, it will result in better provision of information by allowing officers to conduct further research on any additional detail resulting from the EMBS.

The proposed EMBS and OCM dates for 2019 are as follows:

	Elected Session	Member	Briefing	Ordinary Council Meeting
	1st Tuesday			3rd Tuesday
January	No meeting.			No meeting.
February	5 February 2019			19 February 2019
March	5 March 2019			19 March 2019
April	2 April 2019			16 April 2019
May	7 May 2019			21 May 2019
June	4 June 2019			18 June 2019
July	2 July 2019			16 July 2019
August	6 August 2019			20 August 2019
September	3 September 2019			17 September 2019
October	8 October 2019			15 October 2019*
November	5 November 2019			19 November 2019
December	3 December 2019			17 December 2019

*Second Tuesday of the month

While the exact dates of each meeting are still to be adopted by resolution of each Committee, it is proposed that each Committee meeting be held on a designated Monday as follows:

Designated Monday	Committee
1 st Monday of the Month	Community Development Committee
2 nd Monday of the Month	Future Planning Committee
3 rd Monday of the Month	Economic Development Committee
4 th Monday of the Month	Finance and Audit Committee

Due to the occurrence of public holidays on some Mondays, impacted Committee meetings may be held on either an alternate Monday, or a Wednesday, as appropriate. Similar to meetings of the full Council, there will be no Committee meetings held in January.

Legal Compliance:

Section 5.3 of the *Local Government Act 1995* states that:

“Ordinary and Special Council meetings:

- (1) A Council is to hold ordinary meetings and may hold special meetings;*
- (2) Ordinary meetings are to be held not more than three months apart; and*
- (3) If a Council fails to meet as required by subsection (2) the Chief Executive Officer is to notify the Minister of that failure.”*

Regulation 12 of the *Local Government (Administration) Regulations 1996* states that:

“12. Public notice of council or committee meetings — s. 5.25(1)(g)

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
 - (a) the ordinary council meetings; and*
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months;*
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).”*

Policy Implications:

Nil

Risk Management Considerations:

The risks have been identified as outlined below:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Compliance: Failure to set and advertise Council's meeting dates will contravene the requirements of the Act	Minor	Unlikely	Low	The Council needs to determine its EMBS and OCM meeting dates for 2019 and advertise them in the Southern Gazette prior to January 2019.
Reputational: Inability to thoroughly consider concerns of the community due to strict timeframes between EMBS and OCM	Moderate	Likely	Low	Amending the OCM meeting schedule to include an extra week between EMBS and OCM to allow for further community engagement, where necessary.

Strategic Plan Implications:

S2 – An informed and knowledgeable community.

CI1 – Everyone receives information in the most efficient and effective way for them.

CI18 – Visionary civic leadership with sound and accountable governance that reflects objective decision-making.

Financial Implications:

Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Including an additional week between the EMBS and OCM will foster better decision-making by allowing Elected Members additional time to engage with the community they represent, whilst also ensuring that the public has an additional week to contact their representatives regarding any concerns on a report presented. Administratively, this will also result in better provision of information where additional detail is requested from the EMBS.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

For a number of years, the designated Tuesdays in which the EMBS and OCM are held have remained unchanged. While certainly an improvement from the previous three-weekly meeting cycle, it is posited that there are further benefits to be gained from delaying the designated OCM dates by a week.

Still within the original monthly meeting cycle, moving the OCM from the second Tuesday to the third Tuesday will allow the Town to further its commitment in truly engaging with its community. While the current meeting cycle is satisfactory, there have been a number of cases where the community, Elected Members and staff would have benefited from an additional week between the EMBS, the forum for seeking further details regarding reports, and the OCM, the official decision-making forum. This is especially true of reports that are more complex in nature and have significant community impact.

While the Town's officers conduct community engagement prior to presenting a report for a decision, often times potentially impacted/ concerned community members only communicate issues/feedback once a report has been made publically available for questioning at the EMBS. Both Elected Members and the Town's administration endeavour to thoughtfully consider such points, and any other such requests for further information, prior to a decision being made at the OCM. At current, the one-week turnaround time results in a tight timeframe in conducting further consultation and/or research required prior to a decision being made at the OCM.

The intent of allowing for an extra week between the EMBS and OCM is to support better community engagement, decision-making and provision of information. It is anticipated that this amendment to the OCM dates will allow Elected Members to make more informed decisions, whilst fostering greater transparency and engagement in the process. Further to this, allowing an extra week would mean that the OCM Agenda can be made available sooner than the current Friday distribution before the Tuesday meeting. This will allow both Elected Members and the public to review the information with ample time.

For Committee meetings, ensuring that meetings are held on a designated Monday each month will mandate a more consistent and regular approach, similar to whole-of-Council meetings. This will allow staff to better plan and administer meetings of both Council and Committee, whilst allowing Elected Members to better manage their meeting times.

CONCLUSION:

To allow for better community engagement, provision of information and informed decision-making, it is recommended that the proposed 2019 Schedule of Council Meeting be approved.

FURTHER COMMENT:

Resulting from discussion at the Elected Member Briefing Session regarding the proposed EMBS and OCM meeting schedule for 2019, the date for the October 2019 OCM has been amended from the third Tuesday, 22 October to the second Tuesday, 15 October. As the 2019 Local Government election will be held on 19 October 2019, the reason for this change is to ensure that the sitting Council that will discuss report items during the October EMBS is the same Council that will be making decisions at the subsequent OCM.

RECOMMENDATION/S:

That Council

- Adopts the schedule of Elected Member Briefing Session and Ordinary Council Meetings, for 2019, as presented:**

	Elected Member Briefing Session	Ordinary Council Meeting
	1st Tuesday	3rd Tuesday
January	No meeting.	No meeting.
February	5 February 2019	19 February 2019
March	5 March 2019	19 March 2019
April	2 April 2019	16 April 2019
May	7 May 2019	21 May 2019
June	4 June 2019	18 June 2019
July	2 July 2019	16 July 2019
August	6 August 2019	20 August 2019
September	3 September 2019	17 September 2019
October	8 October 2019	15 October 2019*
November	5 November 2019	19 November 2019
December	3 December 2019	17 December 2019

*Second Tuesday of the month

- Provides local public notice of its meetings for the 2019 calendar year in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1995*.**
- Supports that Committee meetings be held on designated Mondays of each month, where possible, as follows:**

Designated Monday	Committee
1 st Monday of the Month	Community Development Committee
2 nd Monday of the Month	Future Planning Committee
3 rd Monday of the Month	Economic Development Committee
4 th Monday of the Month	Finance and Audit Committee

10.2 Annual General Electors' Meeting 2018

File Reference:	COR/10/0003~02
Appendices:	No
Attachments:	No

Date:	31 October 2018
Reporting Officer:	N. Cain
Responsible Officer:	A. Vuleta
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council, subject to acceptance of the annual report, determines that the meeting date for the 2018 Annual General Electors' Meeting be 18 December 2018.

- The Administration is nearing completion of the annual report and is awaiting the final Auditor's Report for incorporation into the document.
- The auditors have advised that their report is likely to be available towards the middle of November 2018.
- The annual report should be finalised in time to be presented to the Finance and Audit Committee in November 2018, for Council to consider and accept in December 2018.
- In order to provide the public with an extended notice of the Annual General Electors' Meeting, it is recommended that Council determines the date for the meeting earlier than legislatively required.

TABLED ITEMS:

Nil.

BACKGROUND:

The *Local Government Act 1995* requires every local government to prepare an annual report and to hold an Annual General Electors' Meeting. The annual report reflects the Town's achievements during the previous financial year, and provides an overall assessment of the management of the Town's finances.

Section 5.27 of the *Local Government Act 1995* requires that the Annual General Electors' Meeting be held on a day and at a time selected by the local government, but not more than 56 days after the annual report is accepted. It is anticipated that Council will accept the annual report at its ordinary meeting, to be held on 11 December 2018.

DETAILS:

The receipt of the Town's annual report by Council, and the holding of an Annual General Electors' Meeting, are both statutory requirements of the *Local Government Act 1995*.

It is a statutory requirement that Council accepts the annual report and for the report to be presented to the Annual General Electors' Meeting.

If the Council does not accept the annual report in any given year, it will result in non-compliance with the requirements of the *Local Government Act 1995*.

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

In order for the Council to hold the Annual General Electors' Meeting prior to the Christmas recess of the Council and comply with the statutory advertising and notice requirements, it will be necessary for Council to set the date for the Annual General Electors' Meeting prior to acceptance of the annual report.

Legal Compliance:

Section 5.27 of the *Local Government act 1995* states the following in relation to the holding of electors' general meetings:

5.27. Elector's general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general elector's meetings are to be those prescribed.*

Regulation 15 of the *Local Government (Administration) Regulations 1996* details the matters for discussion at the Annual General Electors' Meeting. They are the contents of the annual report for the previous financial year and then any other general business.

Section 5.53 of the *Local Government Act 1995* states the following in relation to the contents of the annual report:

5.53. Annual reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain —*
 - (a) *a report from the mayor or president; and*
 - (b) *a report from the CEO; and*
 - [(c), (d) deleted]*
 - (e) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and*
 - (f) *the financial report for the financial year; and*
 - (g) *such information as may be prescribed in relation to the payments made to employees; and*
 - (h) *the auditor's report for the financial year; and*
 - (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
 - (hb) *details of entries made under section 5.121 during the financial year in the register of complaints, including —*
 - (i) *the number of complaints recorded in the register of complaints; and*
 - (ii) *how the recorded complaints were dealt with; and*

- (iii) *any other details that the regulations may require;*
and
- (i) *such other information as may be prescribed.*

Section 5.54 of the *Local Government Act 1995* states the following in relation to the acceptance of the annual report:

5.54. Acceptance of annual reports

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*
** Absolute majority required.*
- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

Section 5.55 of the *Local Government Act 1995* states the following in regard to the notice regarding the availability of the Annual Report:

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Policy Implications:

Nil.

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Compliance: Council not setting an appropriate date for the Annual General Electors' Meeting.	Minor	Possible	Moderate	Timely and informative agenda item to set meeting date.
Reputational: Community perception of insufficient advertising time for the meeting.	Minor	Possible	Moderate	Timely and informative agenda item to set meeting date.

Strategic Plan Implications:

The following Strategic Outcomes from Council's Strategic Community Plan are applicable:

- CL2 – A community that is authentically engaged and informed in a timely manner; and
- CL10 – Legislative responsibilities are resourced and managed appropriately, diligently and equitably.

Financial Implications:Internal Budget:

Sufficient funds have been allocated in Council's budget to cover all costs associated with the preparation of the annual report and the holding of the Annual General Electors' Meeting.

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

The advertising of the date of the Annual General Electors' Meeting earlier than is legislatively required is likely to provide an increased opportunity for the community to attend the meeting, should they so desire.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The annual report is nearing completion and is awaiting the final Auditor's Report for incorporation into the document.

It is envisaged that the Auditor's report is likely to be available towards the middle of November 2018.

The annual report should be finalised in time to be presented to the Finance and Audit Committee in November 2018, for Council to consider and accept in December 2018.

The timing of Council meetings, the Christmas recess, and the legislative timing needed to hold the Annual General Electors' Meeting is often the subject of logistical difficulties.

Determining the meeting date for the Annual General Electors' Meeting earlier than is legislatively required will allow for greater advertising opportunities and therefore, in all likelihood, greater community awareness of the meeting date.

CONCLUSION:

In order to comply with its statutory obligations, and to ensure the Annual General Electors' Meeting occurs prior to the Christmas recess, it is recommended that the Council sets the date for the Annual General Electors' Meeting to be on Tuesday 18 December 2018, commencing at 6:00pm, subject to acceptance of the annual report at its ordinary meeting held on 11 December 2018.

By making this determination now, it will enable a notice period greater than what is legislatively required for advertising of the Annual General Electors' Meeting.

RECOMMENDATION/S:

That Council, pursuant to Section 5.27 (Electors' general meetings) of the *Local Government Act 1995*, and subject to acceptance of the annual report at the 11 December 2018 Ordinary Council Meeting, confirms the details for the Annual General Electors' Meeting as being held on Tuesday 18 December 2018, commencing at 6:00pm, in the Council Chambers (99 Shepperton Road, Victoria Park WA 6100), for the purpose of consideration of the annual report and then any other general business.

11 CHIEF COMMUNITY PLANNER REPORTS

11.1 547-553 (Lot 929) Albany Highway, Victoria Park – Retrospective Approval for Alterations to Building Façade and Proposed Signs

File Reference:	PR719
Appendices:	1. Extract of Minutes of Ordinary Council Meeting dated 12 September 2017. 2. Copy of development approval and plans dated 12 September 2017. 3. Applicant justification report 4. Applicant's Heritage Impact Statement 5. Submitted plans 6. Heritage Impact Statement Review
Landowner:	Sugarloaf Landholdings Pty Ltd
Applicant:	Formscape
Application Date:	31 July 2018
DA/BA or WAPC Ref:	5.2018.585.1
MRS Zoning:	Urban
TPS Zoning:	Commercial
TPS Precinct:	Precinct P11 'Albany Highway'
Use Class:	Showroom and Warehouse
Use Permissibility:	'P' use

Date:	18 October 2018
Reporting Officer:	A. Thamm
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – Approval, subject to conditions

- In 2017, an application was received seeking to modify the existing building façade by removing a number of windows, entrances and repainting the façade. The matter was referred to the September 2017 Ordinary Council Meeting in light of the applicant proposing the removal of shopfront windows to the building façade.
- Council resolved to approve the application, with condition 1 of the approval requiring the retention of the existing windows facing Albany Highway, and condition 2 detailing that the approval does not include signs.
- It was brought to Council's attention earlier this year that windows facing Albany Highway have been removed contrary to Council's approval of September 2017, as well as signs being erected without approval.
- As a result, an application has now been submitted for retrospective approval of the removal of windows facing Albany Highway, and prospective approval of signs in a modified form to the signs that have already been erected.
- The building has heritage significance as identified by the Town's Municipal Heritage Inventory;
- The modification of a number windows to obscure the majority of the shopfront is not supported as it is contrary to the objectives and policy provisions in the Town's Local Planning Policy 17 'Street Frontage Design Guidelines for District Centres and Commercial Areas Along Albany Highway';

- With respect to the proposed signage, the applicant has presented two options, described as Option 1 and Option 2. The proposed 'Option 1' signage is deemed to meet the provisions of the Town's Signs Local Law 2006 and Draft Local Planning Policy – Signs;
- The application is recommended for Approval, subject to conditions.

TABLED ITEMS:

Nil.

BACKGROUND:

An application for development approval was submitted in 2017 seeking approval for Additions and Alterations to the existing building façade as a result of a Change of Use to 'Showroom' and Warehouse'.

The nature of the proposed works and land use was described in the Officer's report to the Ordinary Council Meeting on 12 September 2017 as follows:

"The applicant has provided the following advice regarding their business and operations:-

- *The proposal is to convert the existing building into a 'Showroom' and 'Warehouse' for the purpose of a single tenant displaying and selling beds, mattresses and associated furniture;*
- *A reconfiguration of the internal layout, the front portion is to be used as a showroom and the rear portion is to be used as a warehouse/storage;*
- *A truck is required to access the site for delivery purposes;*
- *11 existing car bays on site, including 1 disabled bay;*
- *A maximum 3 employees will be on-site at any one time; and*
- *The applicant seeks to operate from 9am to 5pm Monday to Friday, 9am to 4pm Saturday and 10am to 4pm Sunday.*

The Development Application proposes the following Façade Changes:-

- *Permanently remove 4 windows facing Albany Highway;*
- *Permanently remove 4 windows facing Rathay Street;*
- *Permanently remove 1 window facing the existing rear carpark;*
- *Modification to the entrance on Rathay Street;*
- *A roller door is proposed to the existing rear car park;*
- *The building is proposed to be repainted green; and*
- *No signage is proposed as a part of the application."*

In this same report, the Officer's commented as follows:

"It is considered that the proposal in its current form is not designed to be in sympathy with the style of the traditional character of the building. The positive streetscape contribution that the building makes will be weakened by removing a substantial amount of windows that are fundamental to the aesthetic significance of the building. As such the removal of windows along Albany Highway is not supported and the windows should be reinstated to their original form. In addition the façade facing Rathay Street can be improved by providing additional windows to provide further activation and surveillance."

The application was approved at the Ordinary Council Meeting on 12 September 2017 ([Appendix 1](#)) subject to conditions including the following:

1. *In relation to the existing windows facing Albany Highway:*
 - 1.1 *All windows are to be retained in their current size and height with no windows to be removed or boarded up as proposed.*
 - 1.2 *All windows are to have clear glazing, with any existing painting or obscuring of windows to be removed, and the windows not being subsequently obscured by signage or internal shelves.*
 - 1.3 *Those windows described on the approved plans to be boarded up or removed shall be retained as per item (i) but may be internally screened through curtains or blinds.*
 - 1.4 *The internal screening permitted in (iii) above only relates to this planning application.*
2. *This approval does not include the approval of any signage. Any signage for the development to be the subject of a Development Application, in accordance with Council's Signs Local Law.*

See [Appendix 1](#) and [Appendix 2](#) for relevant documents relating to the Council's approval.

It came to the Town's attention earlier this year that unauthorised building works had been undertaken including the removal of windows facing Albany Highway contrary to the Council's development approval and building permit, and the erection of signs without approval.

Compliance letters were sent to the landowner in February and March 2018 by the Town. A formal application has now been submitted seeking retrospective approval for the alterations to the buildings shopfront and prospective approval of signage with two options proposed as part of the application to replace the existing unauthorised signage.

DETAILS:

The application seeks retrospective approval for the alterations to the façade of the heritage listed building. Additionally, the application proposes to install five (5) signs along the Albany Highway, Rathay Street and internal carpark façade. The existing signage is to be removed and replaced by the proposed signage, if approved by Council.

Site Context

The total land area of the subject site is 1002m². The site is bounded by mostly motor vehicle sales premises, however falls within the Commercial zone between the Victoria Park and East Victoria Park District Centre zones. A diverse number of land uses fall in close proximity of the site, including:

- Single storey residential group dwellings to the north east and south west;
- Commercial properties (Restaurants and Shops) to the north west and south east along Albany Highway;

The subject property is zoned Commercial and is located at the corner of Albany Highway and Rathay Street and comprises of a single storey heritage listed commercial building constructed circa 1939.

Proposed Development

The development can be summarised as follows:

- Retrospective approval for alterations to the windows facing Albany Highway. Alterations include the boarding up of one window in full (comprising three panels) and the boarding up of two high level portions of other windows.
- Two options for signage, each proposing five (5) types of signage and the removal of the existing unauthorised signs.
- Option 1 includes the following signage:
 - Two (2) Flag Signs – Location: Adjacent to the entry door to Albany Highway;
 - One (1) A-Frame ‘Easel’ Sign - Location: Albany Highway;
 - One (1) Verandah Sign - Location: Truncation;
 - One (1) Wall Sign – Location: Rathay Street;
 - One (1) Above Verandah Sign - Location: Facing 529-541 Albany Highway; and
 - One (1) Wall Sign – Location: Facing 529-541 Albany Highway.
- Option 2 includes the following signage:
 - Two (2) Flag Signs – Location: Albany Highway;
 - One (1) A-Frame ‘Easel’ Sign - Location: Albany Highway;
 - One (1) Above Verandah Sign - Location: Truncation;
 - One (1) Wall Sign – Location: Rathay Street;
 - One (1) Above Verandah Sign - Location: Facing 529-541 Albany Highway; and
 - One (1) Wall Sign – Location: Facing 529-541 Albany Highway.

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:

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

Statement of Intent contained in Precinct Plan P11 – ‘Albany Highway Precinct’

The Statement of Intent for the Precinct states the following part:-

“The Albany Highway Precinct will be revitalised and consolidated as a major urban/shopping commercial axis incorporating the “strip” imagery of its past development along the length of Albany Highway”

The text associated with the 'Commercial Zone' section of the Precinct reads:

"Medium scale general commercial uses. Ultimately, the area shall develop as a high quality commercial area predominantly occupied by office uses, serving as the 'gateway' (together with the Causeway Precinct), to the Precinct and to the city centre from the south."

Local Planning Policies:

- Local Planning Policy 17 – Street Frontage Design Guidelines for District Centres and Commercial Areas along Albany Highway (LPP 17); and
- Draft Local Planning Policy 38 - Signs

Local Laws:

- *Signs Local Law 2006.*

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

Planning Assessment

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

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

Local Planning Policy 17 'Street Frontage Design Guidelines for District Centres and Commercial Areas along Albany Highway' (LPP17)

<i>LPP 17 Policy Provisions</i>	<i>Summary of applicants assessment</i>	<i>Officer Comment</i>
6.3 Activities Adjacent to the Frontages i. All street level frontages should provide displays or visible activity and a high degree of architectural design detail at a pedestrian scale.	Refer to Appendix 1	Not Compliant – requires Council discretion The application seeks retrospective approval for the boarding up of windows along Albany Highway.
6.6 Windows/Glazing i. At least 60% of the total length of the façade along the footpath should be transparent. The continuity of	53.3% of façade to be transparent. Purpose of obscuring the shopfront windows is explained by the applicant as follows:	Not Compliant – requires Council discretion It is proposed to reduce the potential window transparency to 43% of the total length of the façade along Albany Highway.

<i>LPP 17 Policy Provisions</i>	<i>Summary of applicants assessment</i>	<i>Officer Comment</i>
glazing should be broken to provide interest by solid (opaque) vertical panels, framework and/or strong visual displays. ii. A high level of detailing or decoration in design, structure, colour and materials, should be provided to enhance the interest from the street. iii. Windows, including shop windows, should be designed in the style of the building and detailed to provide interest for the pedestrian. Interesting stall risers, fascia and shopfront frame work should be provided. iv. Roller doors of solid material, including see through acrylic are not acceptable. v. Reflective or heavily tinted glazing is not encouraged on any building.	• The store counter is located immediately behind these windows. Opening up these windows will severely compromise the security of the tenancy. • Disallowing these windows to be boarded up will not allow for any window shopping as it will merely show a store counter. • Enforcing the boarding to be removed will severely compromise the privacy of employees standing behind the counter. • Removal of the boarding will allow a level of light towards the interior of the building which is unacceptable given the need to enable customers to test out bedding products. • Many windows of the building had already blocked either completely or partially prior to the establishment of the mattress shop. The most recent development application which was approved had reinstated 50% of the transparent glazing which had been painted over when the	With the addition of the window along the truncation, total transparency is increased to 61%. However it is acknowledged an existing unauthorised window sign wholly obscures the window along the truncation. Recommend condition for window along truncation to be transparent and free of any signage.

LPP 17 Policy Provisions	Summary of applicants assessment	Officer Comment
	building operated as a pharmacy. - The proposed extent of glazing is generously sized and appropriately located to facilitate window shopping. Please refer to the following figure in this regard. - Further comments provided, Refer to Appendix 3.	
6.7. Entrance i. Entrances to a building or shop should be clearly visible and should not be obscured by columns, planting or other features. Major doorways should be evident as such, with minor entrances also easily seen. ii. Predominant traditional entrance patterns in any street should be maintained and reinstated. Access to all new buildings should reflect the traditional access pattern of the street. iii. Any existing front access to floors above ground level or to basements should be retained to encourage	Refer to Appendix 3	Compliant The entrance to the showroom from Albany Highway is not obstructed or obscured. The entrance is consistent with previous businesses and has not been relocated. Existing building is only single storey. As such, provision (iii) is not applicable. Entrance from the public walkway is flat allowing for universal access.

LPP 17 Policy Provisions	Summary of applicants assessment	Officer Comment
potential residential and/or mixed uses on these floors and enhance the integration of different uses by easy access. iv. Major entrances should include access for people of limited mobility. Access will be required as under the Building Code of Australia.		
6.11 Heritage Buildings i. All recognised heritage buildings should retain any original shopfronts, entries or foyers. Front entries and stairs to floors above or to basements below a shopfront should be retained to encourage an appropriate mixing of activities, particularly residential on the upper floors. ii. Notable building facades should be treated with the same respect accorded a heritage building, including treatment of shopfronts. iii. Should it be necessary to replace or insert a shopfront, or other	The United Friendly Society Building 'Lodge Room', which has been retained, will be highly visible from both Albany Highway and Rathay Street. Please refer to the Heritage Impact Statement (Appendix 4) provided for further information in regards to how the proposal relates to the building heritage and streetscape character. The proposal restores the architectural character of the building through the creation of 'blind openings' over the boarded up windows towards the north west portion of the Albany Highway façade. Please refer to the Heritage Impact Statement (Appendix 4) The proposal allows for visibility to the preserved	Not Compliant – requires Council discretion The subject site is listed within the Town of Victoria Park Municipal Heritage Inventory. The application proposes to remove original shopfronts by removing a number of windows on both Albany Highway and Rathay Street. The proposed modifications to the shopfront facing Albany Highway contradicts the provisions of Clause 6.11 (i) and are not supported. Existing unauthorised signage covering the original heritage 'United Friendly' signage is to be removed. The original facade is to be re-instated with a yellow paint treatment to accentuate the lines of the Art Deco building. No additions are proposed. As such Clause 6.11(iii) is not applicable.

<i>LPP 17 Policy Provisions</i>	<i>Summary of applicants assessment</i>	<i>Officer Comment</i>
part of the facade, to a heritage or notable building then that shopfront/part should be designed to be in sympathy with the style, proportions, scale (both vertical and horizontal), materials, detailing and use of materials in and of that building.	'Lodge Room' to be maintained. This extent of visibility and showcasing of materials is greater than the state of the building prior to its restoration/conversion into the current mattress shop. Please refer to the Heritage Impact Statement (Appendix 4).	
6.13. Colours I. buildings that impinge on a landscaped 'natural' environment such as the Swan River foreshore or Read Park, should seek to complement the landscape with colour. II. colour should be used so that every building is different and interesting but not at the expense of its neighbours. III. unpainted brick walls on heritage and notable buildings should not be painted. V. on older buildings, including heritage buildings, where a brick facade has been previously painted, any new colour scheme should differentiate between brick,	No glazed surfaces of the heritage component of the building have been bricked up. These have been preserved and boarded up instead. The heritage building prior to its restoration/conversion to a mattress store did not feature any colour differentiation between painted windows and the rendered portions of the façade. The proposal seeks to instate 'blind openings' over the currently boarded set of windows to the north west of the Albany Highway façade in order to differentiate between the brick and glazed component of the building in its prior state.	Compliant in so far as the 2017 approval included approval for painting of the building in a green colour.

<i>LPP 17 Policy Provisions</i>	<i>Summary of applicants assessment</i>	<i>Officer Comment</i>
render and wood surfaces. Thus the original pattern of the façade can be reinstated through the use of colour.		
6.14. Signage i. <i>all buildings should clearly display their street numbers, in a large typeface, as required under the Local Government Act.</i> ii. <i>all signs should be in keeping with the character of the building and the surrounding locality.</i> iii. <i>signs should not obscure:</i> • <i>architectural detailing including windows;</i> • <i>views of the buildings to which they are attached; or</i> • <i>views of neighbouring buildings.</i> iv. <i>signs attached to a building should be restricted to ground floor level, under verandahs and the fascia of an verandah. A sign above this level might be approved, if it is in keeping with the architecture; does not obscure or duplicate existing signs; and allows</i>	Refer to Appendix 3	Not Compliant – requires Council discretion While not currently provided, the applicant states the land owner is open to displaying street numbering. This improves way finding to the business. Advice note recommended informing landowner of their obligations under the <i>Local Government Act 1995</i>. The 'Option 2' signage is considered excessive and detracts from the heritage building and streetscape. The proposed 'Option 1' signage reduces the scale of signage and relocates the above verandah sign to the verandah. The branding remains, and in combination with the unique colour scheme, distinguishes the business.

LPP 17 Policy Provisions	Summary of applicants assessment	Officer Comment
space on the frontage to accommodate the identity of other occupiers. v. roof top signs are generally not acceptable. vi. signs on heritage and other notable buildings above ground floor level may be permitted if the sign occupies an architectural space, such as a window or recessed area, traditionally used for signs. The sign should look as if it is made in the traditional manner. vii. signs attached to heritage buildings should be erected with extreme care so as not to damage old brick, render or timber work, whether painted or not. viii. neon and animated light signs may be appropriate in areas where night-time entertainment is a major use but not in or close to other areas where neighbouring residential amenity could be		

LPP 17 Policy Provisions	Summary of applicants assessment	Officer Comment
<i>adversely affected.</i> <i>ix. all signs require a licence from the Council's Building Department</i> <i>Signage should comply with the relevant Bylaws and Policies.</i>		

As referenced in the applicant's comments above, a Heritage Impact Statement (HIS) is included as part of the application ([Appendix 4](#)). The HIS summarises that changes made to the subject heritage building in 1970 removed the original façade. The HIS states: "As a result, the window and door arrangement and styles were significantly altered, thus changing the emphasis of the façade". The HIS considers the Art Deco Character is only present above the verandah canopy, along the parapet.

A report accompanying the Development Application ([Appendix 3](#)) further justifies the proposal and includes assessment against the relevant local planning policies and local laws. The following statements have been made by the applicant to justify the proposed alterations and signage:

"The most recent development approval granted in regards to the restoration/reconfiguration of the building into a mattress store, including the conditions imposed, were based on the since debunked assumption that the previous façade of the building had been the original façade. In this manner, the notion that the original heritage character of the building had been compromised as a result of any retrospective works, or any of the proposed works, is disputed.

This is supported by the Heritage Impact Statement prepared in relation to this development proposal, which considers the development on-site to have ceased being a good example of Art Deco architecture after it had been altered during the 1970's, 1980's.

The signage facing Rathay Street is located and dimensioned in congruence with the approved plans. Although the signage along the north western facing façade had not been specified within the original development approval, it is understood to have been installed to make best use of a previously blank façade.

Such signage had been required in order to address any confusion with the restored 'United Friendly Society Building' sign, which had been retained. However, given that this sign remained the most visible, given that it is located on the main façade and facing Albany Highway, confusion in regards to business identification was still an issue. As a result, an additional sign was added to be placed over the 'United Friendly Society Building' sign in a way which preserved that sign, but enabled pedestrians to be able to identify the business. It was also to the landowner's understanding that retaining the visibility of the 'United Friendly Society Building' sign was not a condition of the Development Approval.

Notwithstanding, Makin Mattresses would like to rectify the matter by applying for retrospective development approval for the signage, and follow it up with a signage application (which had previously did not occur given the nascent stage of the business operating at the site)."

Signs Local Law 2006

The application puts forward two options for signage ([Appendix 5](#)). Each option proposes five (5) types of signage and the removal of the existing unauthorised signs.

- Option 1 includes the following signage:
 - Two (2) Flag Signs – Location: Albany Highway;
 - One (1) A-Frame 'Easel' Sign - Location: Albany Highway;
 - One (1) Verandah Sign - Location: Truncation;
 - One (1) Wall Sign – Location: Rathay Street;
 - One (1) Above Verandah Sign - Location: Facing 529-541 Albany Highway; and
 - One (1) Wall Sign – Location: Facing 529-541 Albany Highway.
- Option 2 includes the following signage:
 - Two (2) Flag Signs – Location: Albany Highway;
 - One (1) A-Frame 'Easel' Sign - Location: Albany Highway;
 - One (1) Above Verandah Sign - Location: Truncation;
 - One (1) Wall Sign – Location: Rathay Street;
 - One (1) Above Verandah Sign - Location: Facing 529-541 Albany Highway; and
 - One (1) Wall Sign – Location: Facing 529-541 Albany Highway.

Each option has been assessed against the requirements of the Town's *Signs Local Law 2006* below to determine whether the signs are exempt from development approval:

Signage Assessment - Option 1:

Frontage: Albany Highway		
Sign Type - Flag		
Required	Proposed	Compliant?
The aggregate area of surfaces that provide advertising is 0.2m ² per 1m of street frontage of the subject tenancy (up to a maximum aggregate area of 2m ²);	Aggregate: 0.468m ² (2x 0.234m ²) Frontage = 21.41m ²	Yes
They have a minimum ground clearance of 2.4m;	2m & 2.15m	No
Their maximum height is less than 3m above ground level; and	2.5m & 2.65m	Yes
They project less than 0.6m from the facade of the building.	Approximately 0.8m	No
Signage is not exempt		

Frontage: Albany Highway		
Sign Type – A-Frame ‘Easel’ Sign		
Required	Proposed	Compliant?
No provisions within Local law state requirements for this type of signage	1.7m x 0.9m A-Frame Sign	N/A
Sign type is not identified under the Town’s Local Law for Signs		

Frontage: Internal Carpark		
Sign Type – Above Verandah		
Required	Proposed	Compliant?
No requirements, signage is not exempt under Local Law	5.19m ² (1.1m x 4.725m) with a minimum ground clearance of 3.64 metres	No
Signage is not exempt under the Town’s Local Law for Signs		

Frontage: Internal Carpark		
Sign Type - Wall		
Required	Proposed	Compliant?
A wall sign is exempt where it is an aggregate area of 0.4m ² per 1m of street frontage of the subject tenancy (up to a maximum aggregate area of 10m ²).	0.78m ² (0.3 m x 2.6m) with a minimum ground clearance of 3.34 metres	Yes
Signage is exempt		

Frontage: Truncation		
Sign Type – Verandah		
Required	Proposed	Compliant?
There is only one such sign per street frontage of the subject tenancy;	Only 1 sign is located on this street frontage	Yes
It has an area of 0.4m ² per 1m of street frontage of the subject tenancy (up to a maximum area of 10m ²) and	0.84m ² Frontage = 7.3m ²	Yes
It is contained within the width of the building.	Sign is to be located within the awning	Yes
Signage is exempt		

Frontage: Rathay Street		
Sign Type - Wall		
Required	Proposed	Compliant?
A wall sign is exempt where it is an aggregate area of 0.4m ² per 1m of street frontage of the subject tenancy (up to a maximum aggregate area of 10m ²).	9.87m ² (2.1m x 4.7m) with a minimum ground clearance of 2.7 metres	Yes
Signage is exempt		

It is concluded that the above assessment has identified two (2) signs forming part of 'Option 1' which are not considered exempt from development approval under the Town's *Signs Local Law* 2006. As such, Council is to have regard to Clause 30A(1)(a-e) of the Town's Local Planning Scheme.

Signage Assessment - Option 2:

Frontage: Albany Highway		
Sign Type - Flag		
Required	Proposed	Compliant?
the aggregate area of surfaces that provide advertising is 0.2m ² per 1m of street frontage of the subject tenancy (up to a maximum aggregate area of 2m ²);	Aggregate: 0.468m ² (2x 0.234m ²)	Yes
they have a minimum ground clearance of 2.4m;	Frontage = 21.41m ²	
they have a minimum ground clearance of 2.4m;	2m & 2.15m	No
their maximum height is less than 3m above ground level; and	2.5m & 2.65m	Yes
they project less than 0.6m from the facade of the building.	Approximately 0.8m	No
Signage is not exempt		

Frontage: Albany Highway		
Sign Type – A-Frame 'Easel' Sign		
Required	Proposed	Compliant?
No provisions within Local law state requirements for this type of signage	1.7m x 0.9m A-Frame Sign	N/A
Sign type is not identified under the Town's Local Law for Signs		

Frontage: Internal Carpark		
Sign Type – Above Verandah		
Required	Proposed	Compliant?
No requirements, signage is not exempt under Local Law	5.19m ² (1.1m x 4.725m) with a minimum ground clearance of 3.64 metres	No
Signage is not exempt under the Town's Local Law for Signs		

Frontage: Internal Carpark		
Sign Type - Wall		
Required	Proposed	Compliant?
A wall sign is exempt where it is an aggregate area of 0.4m ² per 1m of street frontage of the subject tenancy (up to a maximum aggregate area of 10m ²).	0.78m ² (0.3 m x 2.6m) with a minimum ground clearance of 3.34 metres	Yes
Signage is exempt		

Frontage: Truncation		
Sign Type – Above Verandah		
Required	Proposed	Compliant?
No requirements, signage is not exempt under Local Law	8.84m ² (1.7m x 5.2m) with a minimum ground clearance of 5 metres	No
Signage is not exempt under the Town's Local Law for Signs		

Frontage: Rathay Street		
Sign Type - Wall		
Required	Proposed	Compliant?
A wall sign is exempt where it is an aggregate area of 0.4m ² per 1m of street frontage of the subject tenancy (up to a maximum aggregate area of 10m ²).	11.47m ² (1.21m x 10.36m) with a minimum ground clearance of 3.3 metres	No – Variation of 1.47m ² proposed
Signage is not exempt		

It is concluded that the above assessment has identified four (4) signs forming part of 'Option 2' which are not considered exempt from development approval under the Town's *Signs Local Law* 2006. As such, Council is to once again have regard to Clause 30A(1)(a-e) of the Town's Local Planning Scheme.

Draft Local Planning Policy - Signs

Proposed draft Local Planning Policy 38 'Signs' appears as a separate item on the agenda of the Ordinary Council Meeting. This document is considered as 'seriously entertained', as such Council is to have due regard for the provisions contained within the draft policy.

Community Consultation:

The Town's LPP 37 – Community Consultation on Planning Proposals does not require public consultation pertaining to alterations to existing shopfronts or signage. As such, no consultation was undertaken as part of the application.

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 objection. A sign license would need to be granted under the Town's <i>Signs Local Law</i> 2006. A Building Approval Certificate is also required.

External Referrals

The Town engaged a Heritage Consultant to review the proposal and associated Heritage Impact Statement. The objective of the review was to ensure the Town received an informed professional opinion for the proposed alterations to the Heritage Listed Building at the subject site. A Heritage Impact Statement Review (Appendix 6) was provided to the Town and states the following:

“The three key elements of the façade of this building are:

- The Art Deco parapet;*
- The Art Deco signage; and*
- The Windows.*

The original design intent was an art deco building with a decorative parapet, deco signage and various uses.

The original building contained 3 shops, a lodge room, dispensary, office, kitchen, conveniences and living quarters. The building design utilised the parapet and horizontal lining to tie the different elements of the building together, whilst the windows were utilised in the design to indicate the different uses of each section of the building. Large shop front windows for the 3 shop areas, a smaller set of windows for the dispensary that allowed for more privacy but still ample light and then smaller domestic scale windows for the residential unit and office. Smaller and high level windows were then used for the conveniences.

It is acknowledged that some of the windows (in particular the shop fronts) have been altered over time. However the fundamental design principle of the different windows identifying the different original uses in the building has not been lost.

The Heritage Impact Statement Review ([Appendix 4](#)) puts forward five (5) recommendations which are as follows:

- 1. “The original conditions with regards to the windows remain in place:*
 - a. All windows are to be retained in their current size and height with no windows to be removed or boarded up as proposed.*
 - b. All windows are to have clear glazing, with any existing painting or obscuring of windows to be removed, and the windows not being subsequently obscured by signage or internal shelves.*
 - c. Those windows described in the approved plans to be boarded up or removed shall be retained as per item 1.1 but may be internally screened through curtains or blinds.*
 - d. The internal screening permitted in 1.3 above only relates to this planning application.*
- 2. The signage be redesigned and the location of the large ‘Makin Mattresses’ sign be reconsidered to be more in keeping with the Art Deco design of the building. The size, design, font and location require redesign. Signage to be kept away from the corner of the building and not protrude above the parapet. Note that the verandah may be a more appropriate location for signage (See images below).*
- 3. The original building name signage be reinstated.*
- 4. The paint colour scheme of the building be revised to more appropriately enhance the art deco design of the building (colour contrast for verandah elements and window frames as a minimum).*
- 5. Further investigation be undertaken into the extent of the yellow line beneath the canopy.”*

Policy Implications:

Nil.

Risk Management Considerations:

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

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:Alterations to Windows Facing Albany Highway

As specified in policy provision 6.3 of LPP17:- *“all street level frontages should provide displays or visible activity and a high degree of architectural design detail at a pedestrian scale.”* Despite the proposal retaining some windows along Albany Highway and the truncation, removing or wholly obscuring any windows will permanently reduce the level of activation for current and future uses. While the application puts forward treatments to add mouldings over the boarded windows to match the window frames, the intent of the above policy provision is to maintain active shop frontages which is dependent on window transparency.

The application in its current form is considered regressive and will not maintain a high degree of displays and visible activity between shops and the street and vice versa, which contradicts the statement of intent for the Commercial Zone within the Albany Highway Precinct.

As specified in policy provisions 6.6 of LPP17:-

“At least 60% of the total length of the façade along the footpath should be transparent. The continuity of glazing should be broken to provide interest by solid (opaque) vertical panels, framework and/or strong visual displays.”

It is proposed to reduce the potential window transparency to 43% of the total length of the façade along Albany Highway. It is considered that any reduction in visual displays will further reduce the level of activation and surveillance required for a main street environment.

The proposal demonstrates the window along the truncation is to be transparent. The total transparency along Albany Highway with the inclusion of the truncation window is increased to 61%. However it is acknowledged that an existing unauthorised window sign wholly obscures the window along the truncation. Conditions relating to the window along the truncation being transparent and free of any signage is recommended.

In this instance given the aesthetic and heritage significance of the building, it is considered appropriate that a higher standard of glazing be maintained.

As specified in policy provision 6.13 of LPP17:-

- i. *“All recognised heritage buildings should retain any original shopfronts, entries or foyers. Front entries and stairs to floors above or to basements below a shopfront should be retained to encourage an appropriate mixing of activities, particularly residential on the upper floors.*
- ii. *Notable building facades should be treated with the same respect accorded a heritage building, including treatment of shopfronts.*
- iii. *Should it be necessary to replace or insert a shopfront, or other part of the facade, to a heritage or notable building then that shopfront/part should be designed to be in sympathy with the style, proportions, scale (both vertical and horizontal), materials, detailing and use of materials in and of that building.”*

The subject site is listed on the Town of Victoria Park Municipal Heritage Inventory, which states the following in relation to the building:-

- The site is known as the 'United Friendly Societies Building';
- This building has aesthetic, historical and social heritage significance;
- It is an example of an Art-Deco design that maximises a corner location;
- Its historic significance lies in its association with the Victoria Park and Districts' United Friendly Society;
- It was purpose built as a dispensary for the group in 1940. The Friendly Society provided members with a range of benefits; and
- The building has become an important part of the commercial streetscape of Albany Highway.

The HIS submitted by the applicant and included as part of the application disputes the heritage significance of the shopfront component of the building, referring to modifications made circa 1970's to the original façade. The HIS justifies the window treatments (blind openings) as an interpretation of the most current windows and provide articulation to the façade, breaking up building mass along the Albany Highway interface.

However, the review of the proposal and HIS conducted by an external heritage consultant contradicts the above findings of the HIS. While altered, the intent and fundamental design principles of the windows of this shopfront facing Albany Highway assisted in identifying the different uses in the building. It can be considered the above findings of the HIS review identify the windows as the main contributing factor in engaging pedestrians with the building and businesses located within. This finding aligns with the intent of clause 6.6 of LPP17 and the statement of intent of the Commercial Zone within the Albany Highway Precinct.

The primary interest of LPP17 is to maintain attractive and activated streetscapes, and a proposal demonstrating a high proportion of blank walls/facades to street fronts (in lieu of windows/glazing) is not considered to align with the intent of the zone.

Signage

The applicant proposes two (2) options for signage. Each option proposes five (5) signs to be installed along three (3) facades of the building, and removal of the existing unauthorised signs.

Option 1 includes the following signage:

- Two (2) Flag Signs – Location: Albany Highway;
- One (1) A-Frame 'Easel' Sign - Location: Albany Highway;
- One (1) Verandah Sign - Location: Truncation;
- One (1) Wall Sign – Location: Rathay Street;
- One (1) Above Verandah Sign - Location: Facing 529-541 Albany Highway; and
- One (1) Wall Sign – Location: Facing 529-541 Albany Highway.

Option 2 includes the following signage:

- Two (2) Flag Signs – Location: Albany Highway;
- One (1) A-Frame 'Easel' Sign - Location: Albany Highway;
- One (1) Above Verandah Sign - Location: Truncation;
- One (1) Wall Sign – Location: Rathay Street;
- One (1) Above Verandah Sign - Location: Facing 529-541 Albany Highway; and
- One (1) Wall Sign – Location: Facing 529-541 Albany Highway.

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

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

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

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

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

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

On review of the Above Verandah Sign proposed as part of ‘Option 1’, the sign is professionally constructed, integrates with the façade of the existing building and is considered to not detract from the streetscape character as it faces the internal carpark of the subject site. However, the signs content duplicates other proposed signage.

Further review of the Above Verandah sign(s) proposed as part of ‘Option 2’ identifies the same sign as proposed in ‘Option 1’ with the addition of another sign along the truncation facing Rathay Street and Albany Highway. The Above Verandah sign facing the internal carpark is unchanged when compared to ‘Option 1’ and is once again recommended that Council approve this aspect of the proposal subject to conditions limiting the ground clearance of any wall sign along this aspect to a maximum of 3.4 metres.

However, the Above Verandah sign located along the truncation does not integrate with the façade of the existing building and is considered to detract from the streetscape character contrary to Clause 30A of the Scheme Text. Additionally, the signs contents duplicate other proposed signage. As the above verandah sign does not satisfy the relevant provisions of LPP 17, it is considered that approval should not be granted for the proposed ‘Option 2’.

Each option proposes non-compliant signage and therefore requires Council’s discretion, however it is considered ‘Option 1’ would generate the least impact to the streetscape while still allowing for sufficient identification of the business. It is recommended that ‘Option 1’ be granted approval subject to conditions.

With respect to an assessment of the proposed signage against the draft Local Planning Policy 38 'Signs', the objectives of the policy include, but are not limited to:

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

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

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

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

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

It is considered that the proposed above verandah sign for 'Option 2' would not satisfy the proposed provisions outlined within the draft Local Planning Policy – Signs due to its size, orientation and location. As 'Option 1' proposes only one (1) above verandah sign, it is considered to meet the standards for above verandah signs within the draft policy.

The proposed A-Frame 'Easel' sign has no requirements outlined within the Towns *Signs Local Law* 2006, however provisions are included within the draft Local Planning Policy for Portable ground based signs. The provisions for such signage include:

- a) Limited to one sign per tenancy on a lot;
- b) Is no higher than 1.2 metres above ground level;
- c) Does not exceed 2.2m² in total area with a maximum of 1.1m² on any one side;
- d) Is only to be displayed during normal business hours of the business to which the sign related;
- e) Is to be wholly located within the boundaries of the subject lot; and
- f) Is to be secured and stabilised.

The proposed portable ground based sign demonstrates the following:

- g) One portable ground based sign is proposed;
- h) Has a maximum height of 1.27m above ground level;
- i) Has a total area of 2.16m² with an area of 1.08m² on each side;
- j) Is to be displayed during normal business hours of the business to which the sign related; and
- k) Is located outside the boundaries of the subject lot;

Council is to have due regard for these provisions however the impact of this specific sign is consider negligible. The proportions of the sign are considered acceptable and similar signage can be found along Albany Highway. Such signage, when managed effectively, adds to the streetscape linking active business with the pedestrian walkways. The pedestrian walkway measures 4.8 metres at its narrowest point along Albany Highway. This provides ample room for such signage without impeding or obstructing pedestrian movement.

CONCLUSION:

It is acknowledged the business operators wish to achieve a degree of privacy and security for staff. However, it is considered the retrospective alterations are inconsistent with the statement of intent for the Commercial Zone within the Albany Highway Precinct. The alterations also demonstrate inconsistency with relevant provisions within the Town's LPP 17. The removal of windows does not achieve the desired intent for retail businesses fronting Albany Highway and is contrary to Crime Prevention Through Environmental Design (CPTED principles), street activation and passive surveillance outcomes. Furthermore in this case the removal of windows from a heritage listed building detracts from the aesthetics of the building and the original fundamental design principle for the inclusion of such windows in the design of the building.

In regards to the proposed signage, both options put forward non-compliant signage. 'Option 1' is considered to have the least impact. While the above awning sign proposed as part of 'Option 1' does not meet the provisions of the Towns *Signs Local Law* 2006, it is considered to be meet the provisions of the draft Local Planning Policy 'Signs'. It is intended for the Local Law to be rescinded and the draft LPP will provide a new framework for the assessment of signage.

Having regard to the above, it is recommended that the application be approved subject to conditions, including the need for all existing windows along the Albany Highway frontage to be retained and reinstated, for the windows located along the truncation to be transparent unless future approval is issued by the Town for any window signage or alterations, and for signage to be approved as per 'Option 1' submitted by the applicant.

It is very concerning that despite the Council's previous decision of September 2017 that all existing windows fronting Albany Highway be retained, that the works were undertaken to board up the windows in contravention of the Towns approval. In determining this application, it is open to Council to also consider whether or not to undertake prosecution action for the breach of the previous development approval issued by Council, and building permit.

RECOMMENDATION/S:

That Council, in accordance with the provisions of the Town of Victoria Park Town Planning Scheme No.1 and the Metropolitan Region Scheme, approves the application submitted by Formscape (DA Ref: 5.2018.585.1) for Retrospective Approval for Alterations to the Existing Building Façade and Proposed Signage at 547-553 (Lot 929) Albany Highway, Victoria Park, as indicated on the plans dated received 31 June 2018, subject to the following conditions:

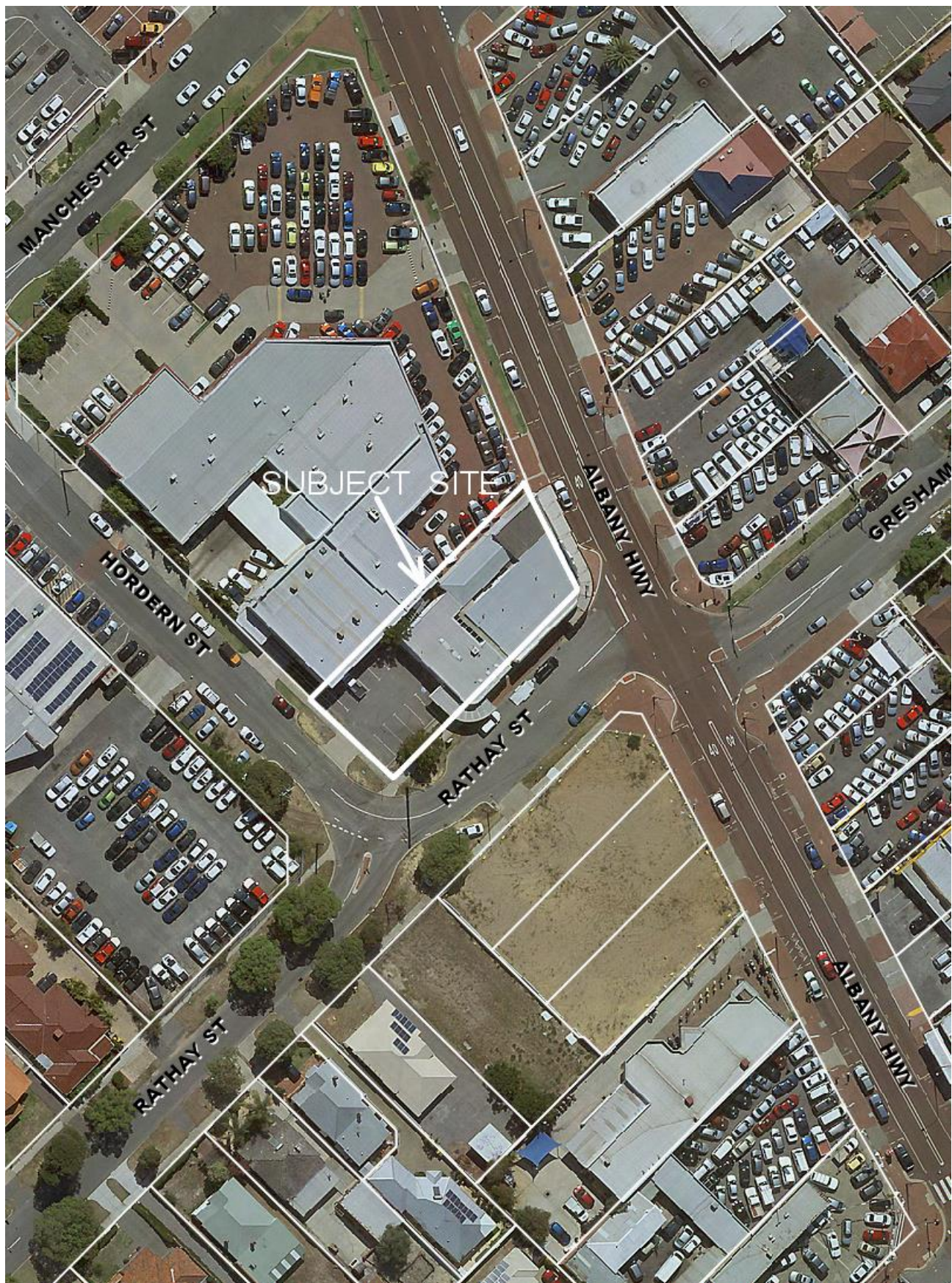
1. Within 60 days of the date of this approval, the building façade is to be modified to the satisfaction of the Town, to comply with condition 1 of the Council's development approval dated 12 September 2017 as follows :

“In relation to the existing windows facing Albany Highway:

- 1.1 All windows are to be retained in their current size and height with no windows to be removed or boarded up as proposed.
 - 1.2 All windows are to have clear glazing, with any existing painting or obscuring of windows to be removed, and the windows not being subsequently obscured by signage or internal shelves.
 - 1.3 Those windows described on the approved plans to be boarded up or removed shall be retained as per item (i) but may be internally screened through curtains or blinds.
 - 1.4 The internal screening permitted in (iii) above only relates to this planning application.”
2. Within 60 days of the date of this approval the signage obscuring the existing window along the truncation between Albany Highway and Rathay Street is to be removed to the satisfaction of the town, and thereafter the window is to remain transparent unless otherwise subsequently approved by the Town.
 3. All windows and doors to street frontages are to be provided with clear glazing, and are not to be subsequently obscured by alternative window treatments, painting, signage or internal shelves, unless approved in writing by the Town.
 4. This approval relates to the proposed ‘Option 1’ signage. The ‘Option 2’ signage does not form part of this approval.
 5. The location and details of the sign(s), and any supporting structure, as shown on the approved plans as ‘Option 1’, must not be altered without the written consent of the Town.
 6. Within 60 days of this approval, all unauthorised signage is to be removed to the satisfaction of the Town.
 7. The approved signs must not contain any flashing lights.

Advice to Applicant

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.
9. Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.
10. Any amendments or modifications to the approved drawings forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.



11.2 35 (Lot 263, Plan 757) Enfield Street, Lathlain – Application for Residential Building (Short Term Accommodation)

File Reference:	PR5850
Appendices:	1. Development application plans 2. Revised Management Plan dated 25 September 2018
Landowner: Applicant:	Anthea Martin Density Alliance
Application Date: DA/BA or WAPC Ref: MRS Zoning: TPS Zoning: TPS Precinct: Use Class: Use Permissibility:	22/08/2018 5.2018.650.1 Urban Residential R20 Precinct P7 'Lathlain' Residential Building (Short Term Accommodation) 'AA' (Discretionary) use

Date:	8 November 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. - One (1) submission was 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 35 Enfield Street, Lathlain was constructed in circa 1981.

Earlier this year it was brought to the Town's attention that the dwelling was being used for short-term accommodation without Council approval. Following investigations by the Town and contact with the property owner, the use has ceased and this application for approval has been submitted.

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:

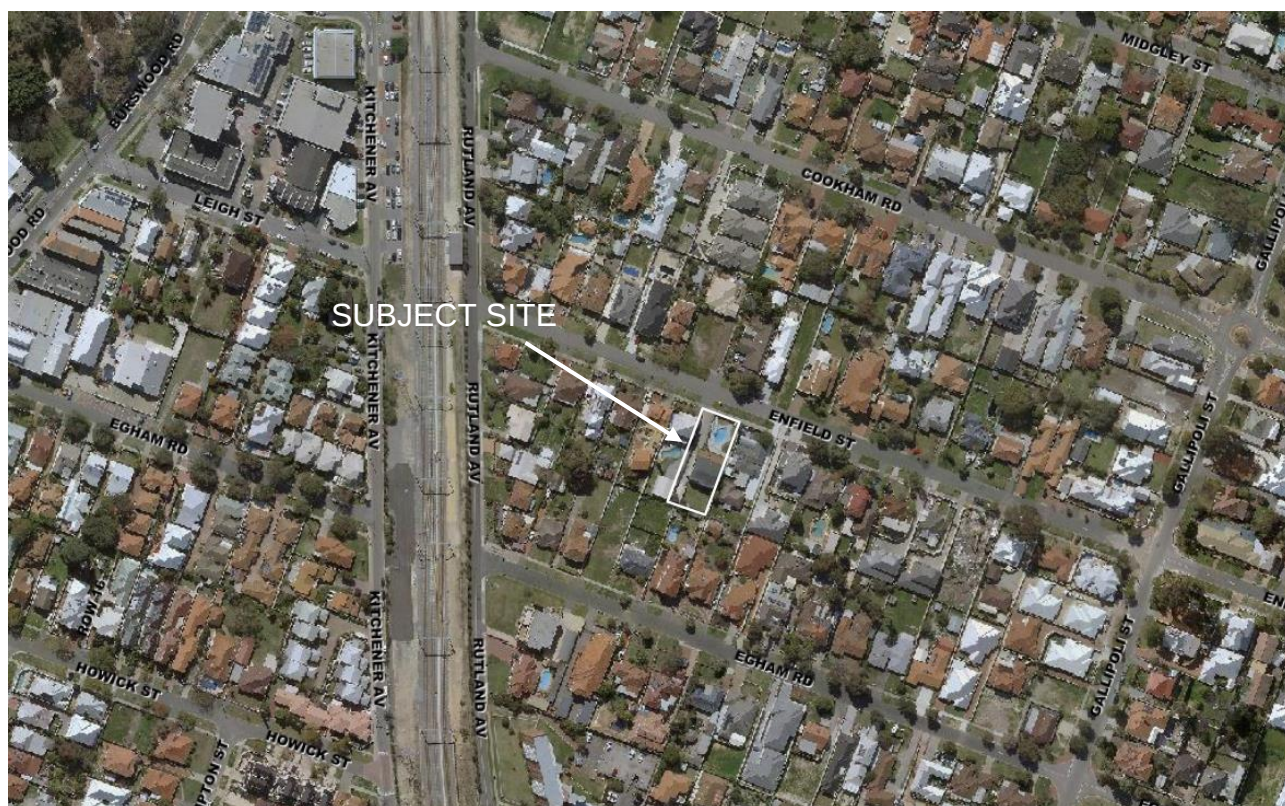
- temporarily by two or more persons; or*
- permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a person, a hotel, a motel or a residential school."*

Site Context

The existing two storey building on the subject site is approved as a 'Single Dwelling' and has vehicle parking for several vehicles in a tandem formation along the driveway.

The surrounding sites are largely residential in nature and comprise of single and double storey single dwellings. The subject site is located approximately 630m south-east from the Crown complex.

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



Proposed Development

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

- Floor Plan – Three (3) bedrooms, a lounge room, dining area, kitchen, laundry, ensuite, upstairs family room, study, store, bathroom and water closet as well as a balcony.
- Site Plan – One (1) vehicular crossover accessed from Enfield Street and a large enclosed front yard area which includes a pool.

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;
- A code of conduct is provided to the guests upon arrival. These include: Noise restrictions before 7am and after 10pm; no visitors; no parties; no pets unless permitted by manager; no smoking; a request to respect the neighbours and the house.
- The property is managed by Easy Home Rentals and the specific property manager will be Phoebe Ho, who is based in Bassendean, being an approximate 15 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.
- Parking arrangements for one (1) car bay within the single carport and an additional four (4) car bays along the driveway, which can accommodate side-by-side and tandem parking.
- Health and safety details, including security, hygiene and compliance requirements; and
- Neighbours can contact the property manager should any issues arise. The property manager will investigate a complaint and respond as soon as possible.

Legal Compliance:

Relevant General Provisions of Town Planning Scheme No. 1

In assessing and determining this application, Council is to have regards 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:

- (a) 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.*

Compliance with Development Requirements

- TPS 1 Scheme Text and Precinct Plan P7;
- Residential Design Codes (R Codes);
- 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 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 the 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 470 metres from a high frequency bus route stop on Great Eastern Highway and 600 metres from Victoria Park Train Station.	Non-compliant
LPP31 Clause 2.2.2 Design	The existing building is approved (excluding a Multiple Dwelling) but meets the visual privacy, open space and outdoor living area requirements of the Residential Design Codes that apply to a Single House or Grouped Dwelling constructed on the site.	The existing dwelling does not comply with the required 7.5m setback for an unenclosed outdoor active habitable space under clause 5.4.1 C1.1 of the R-Codes regarding visual privacy. The Applicant has advised that they are willing to accept a condition requiring permanent privacy screening to a height of 1.6m being erected on the balcony to address this.	Non-compliant To be addressed by condition of approval

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.	One (1) car bay provided within the existing carport and available space for four (4) car bays within the driveway.	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 on the above assessment, the proposed use does not comply with the preferred location criteria under LPP31. Notwithstanding this, the subject site is considered to be an acceptable location and the applicant has demonstrated within the management plan that the use can be appropriately managed.

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 5 September 2018 to 19 September 2018, with letters being sent to owners and occupiers of surrounding properties.

During the advertising period, one (1) submission supporting the proposed development was received by the Council as outlined below:

CONSULTATION SUBMISSIONS	
Comments Received	Officer's Comments
<i>Submission 1 – Submission from owner/occupier of property on Enfield Street</i>	
• Support the proposal	• 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.
Building	No objections.

Policy Implications:

Nil

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation / Actions
Compliance : 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.

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 (LPP31) with respect to most provisions, however, it is noted that the site is outside of the preferred locational criteria and the existing building does not meet the visual privacy requirements of the Residential Design Codes that apply to a Single House.

In terms of the criteria for preferred locations, LPP31 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 any of these criteria, with the site being only marginally in excess of 400m from a high frequency bus route (470m 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.

With respect to compliance with the visual privacy requirements, the existing dwelling, with specific regard to the front balcony, does not comply with the required 7.5m setback for an unenclosed outdoor active habitable space under clause 5.4.1 C1.1 of the R-Codes. Notwithstanding this, the Applicant has advised that they are willing to accept a condition requiring permanent privacy screening to a height of 1.6m being erected on the balcony to address this and no objections were received by the affected landowners and occupants.

In terms of the appropriateness of the use and potential amenity impacts, the applicant in their correspondence dated received 22 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 25 September 2018, which provided updated sections on hygiene and comfort and health and safety as well as specific details regarding the property manager. 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.

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.

FURTHER COMMENTS

At the Elected Members Briefing Session on 6 November 2018, Council Officers were asked when the Town received a complaint regarding the use of the dwelling for short-term accommodation, and how long it had been operating without approval. In response, the complaint was received in April 2018. At the time of writing this report, no information is available in relation to how long the dwelling was being used for short-term accommodation.

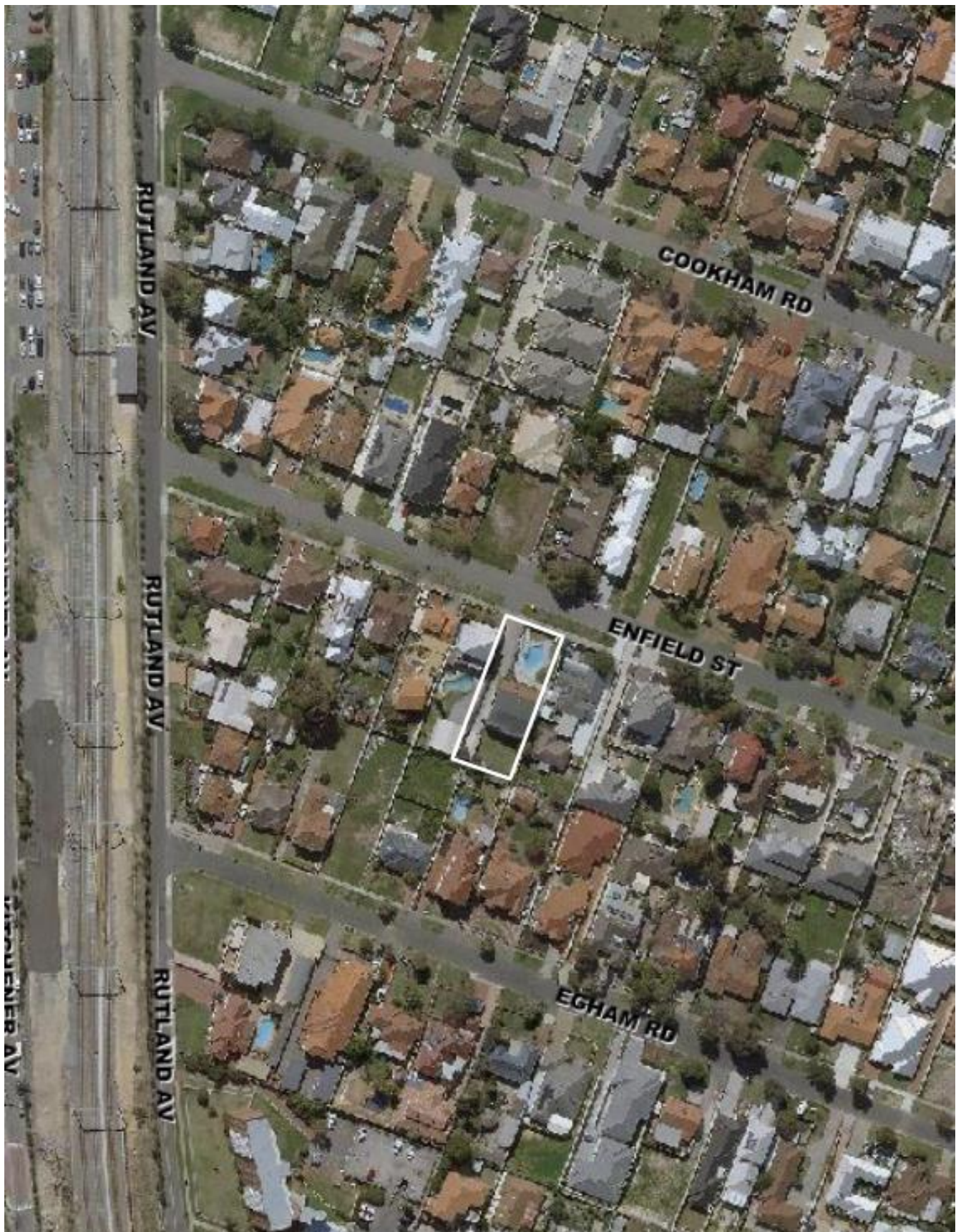
RECOMMENDATION/S:**That Council:**

- 1. In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, approves the application submitted by Density Alliance (DA Ref: 5.2018.650.1) for Change of Use from 'Single House' to 'Residential Building (Short Term Accommodation)' at No. 35 (Lot 263) Enfield Street, Lathlain as indicated on the plans dated received 22 August 2018, 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.**
 - 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.**
 - 1.7 In order to comply with Clause 5.4.1 of the Residential Design Codes, prior to commencement of the use, the north-western and south-eastern side of the balcony having fixed obscure screening to a minimum height of 1.65 metres above the finished floor level as shown in red on the approved plans to the satisfaction of the Town.**

Advice to Applicant

- 1.8 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.**

- 1.9** 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.
 - 1.10** 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.
 - 1.11** 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.
 - 1.12** Sound levels created are not to exceed the provisions of the *Environmental Protection (Noise) Regulations 1997*.
- 2.** Advises persons who have lodged a submission regarding the application of Council's decision.



11.3 51 Streatley Road, Lathlain - Perth Royals Football Club (Inc), Application For An Extended Trading Permit- January To March

File Reference:	LAW/6/0001~05
Appendices:	1. Public submissions received 2. Response received from applicant
Attachments:	No

Date:	29 October 2018
Reporting Officer:	S.Kipkurgat
Responsible Officer:	N. Martin Goode
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – Council support Perth Royals Football Club application for an Extended Trading Permit subject to conditions including that the approval initially be for January to March 2019 only.

- Perth Royals Football Club currently has a Club Restricted Licence.
- They now seek Council's support in an application for an Extended Trading Permit (ETP) to be lodged at the Department of Racing Gaming and Liquor (RGL), so as to extend the trading times in the January to March period annually.
- Public Consultation was undertaken in accordance with Council Policy HLTH3 'Extended Trading Permit Applications – Licensed Premises'. Six (6) individual submissions were received with four (4) objecting and two (2) being in support, and additionally a notice of objection has been received signed by 16 persons.
- According to Council Policy HLTH3, any application that requires consultation with the community will be reported to Council.

TABLED ITEMS:

Nil.

BACKGROUND:

Perth Royals Football Club (inc.) currently operates from JA Lee Reserve located at 51 Streatley Road, Lathlain. The club was established in 1976 when the Postal Institute (Royal Mail) and Belgrade Soccer Club merged. The club has a Restricted Liquor Licence Authorising the sale of liquor at the following times:

January to March each year:

- Tuesday, from 6.30pm to 8pm
- Thursday, from 6.30pm to 8pm
- Sunday, from 11.30am to 5pm

April to September each year:

- Tuesday, from 6.30pm to 10pm
- Thursday from 6.30pm to 10pm
- Sunday from 11.30am to 10pm

No trading is permitted on Good Friday or before noon on Anzac Day.

DETAILS:

A request for an approval for an Extended Trading Permit (ETP) was lodged by the operator of the club. ETP is a permit issued by the Department of Gaming, Racing and Liquor (RGL). Section 60 of the Liquor Control Act 1988 allows extended trading permits to be issued to licensees to authorise the sale and supply of liquor at times outside of normal trading hours.

The ETP seeks approval to extend the trading times during the January to March period annually to the following:

- a) Tuesday from 6.30pm to 10pm (currently 6.30pm to 8.00pm);
- b) Thursday from 6.30pm to 10pm (currently 6.30pm to 8.00pm); and
- c) Sunday from 11.30am to 10pm (currently 11.30am to 5.00pm).

Perth Royals' main reason for their application is that the current licenced hours for the period January to March do not work as training is from 6.30 – 8pm, and any preseason matches on a Sunday are likely to finish around 4.45pm.

They also submit that during that time of the year, they bring in new members to the club, and so it is important for them to be able to socialise and also do the required administration after training and also on Sundays. They say that the new hours will bring them into line with the new trading hours they already have from April- September.

Section 61 of the Liquor Control Act 1988 provides a direct power for local governments to influence any application for the grant of an extended trading permit to allow the sale of liquor in an extended area outside of the premises.

Local governments are able to recommend conditions of approval so as to comply with specified trading restrictions. Usually, any trading restrictions specified by a local government would be imposed by a licensing authority as conditions on any permit issued.

If an applicant cannot establish that the local government has been consulted, or the local government does not give approval, the licensing authority would not allow the application to proceed any further.

Section 64(3)(ba) of the Liquor Control Act provides power for the licensing authority to impose conditions on an existing licence, which it considers to be in the public interest, or desirable to ensure that the local laws of a local government under the Local Government Act 1995 are complied with.

There is often public confusion about who to contact regarding complaints relating to licensed premises. In the past, this has resulted in the Town not being aware of community or individual concerns about proposed or existing licences or liquor related issues.

By informing the public within the vicinity of an impending application, the Town is better placed to assist the applicant as well as take the adjoining neighbour's concerns. The Town will be able to also forward any concern to the liquor licensing authority.

SubmissionsCommunity Consultation

In accordance with Council's Health Policy HLTH3, community consultation for the Extended Trading Permit was undertaken for a period of 26 days from 26 July 2018 to 20 August 2018,

with letters being sent out to owners and occupiers of the surrounding properties. Due to the nature of the application and potential noise issues, a radius greater than 60 metres (as per Council Policy HLTH 3) was utilised to ensure a greater number of community members were consulted in regards to the proposal. As such, a total of 68 letters were sent out as part of the consultation process.

Six (6) submissions were received during the consultation period, of which two (2) submissions were in support and four (4) submissions against. Additionally, a notice was received signed by 16 persons outlining their opposition to the proposal.

The issues raised by the objecting submissions can be summarised as follows:

- Issues relating to the current operations of the club include :
 - Excessive noise;
 - Anti-social behaviour;
 - Extended operating times;
 - Ongoing impacts upon residential neighbours;
 - Illegal parking;
 - Littering;
 - Inadequate management of club members.
- Existing adverse impact upon the amenity of surrounding residential properties, which will be exacerbated by the proposed extended hours.

A copy of the public submissions received appear in full in [Appendix 1](#).

Legal Compliance:

Legislation

Liquor Control Act 1988 ("the Act")

Council Officers consider that the granting of an ETP satisfies the requirements of the *Liquor Control Act 1988* and is acceptable, subject to conditions.

Policy Implications:

Council Policy HLTH3 'Extended Trading Permit Applications – Licensed Premises' includes the following provisions:

1. *Applications will be assessed taking into consideration any previous application(s), and noise problems or complaints and any previous objections.*
2. *The Town will consult with the owners and occupiers of residential premises and businesses within a radius of 60 metres from the boundaries of the subject site where an application seeks to extend trading past the permitted time in the Liquor Licensing Act 1988.*

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Reputational The amenity, quiet or good order of the neighbourhood of the licensed premises may be disturbed by any activities occurring on the licensed premises. The noise coming from the licensed premises may be unduly offensive, annoying, disturbing or inconvenient to neighbours	Moderate	Possible	Moderate	Ensure that Council is provided with information to make a sound decision based on relevant information from the Town's internal departments and the Department of Racing Gaming and Liquor and the Town's Health Policy 3 (HLTH3). Ensure that any breaches of Regulations and/or approvals are actioned.

Strategic Plan Implications:

Social - To promote sustainable, connected, safe and diverse place for everyone.

- S3 An empowered community with a sense of pride, safety and belonging.

Economic - To promote sustainable, diverse, resilient and prosperous place for everyone.

- Ec2 A clean, safe and accessible place to visit.

Environment - To promote sustainable, liveable, healthy and clean places for everyone.

- En4 A clean place where everyone knows the value of waste, water and energy.

Financial Implications:Internal Budget:

There are no budget implications that arise from approving this request for an Extended Trading Permit.

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Consideration needs to be given to any additional impacts upon the amenity of the surrounding residential area.

Cultural Issues:

Nil

Environmental Issues:

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

COMMENT:

The proposed request for an Extended Trading Permit (ETP) by Perth Royals Football Club gives Council an opportunity to influence liquor decisions through the various provisions of the *Liquor Control Act*, which provides power to local governments to recommend approval or refusal liquor licensing applications.

The Town sent 68 letters to surrounding residents and asked them for their comments. A total of six (6) individual submissions were received with four (4) people objecting to the application and two (2) being in support. Additionally a notice of objection containing 16 signatures was also received. A map has been provided to Elected Members by way of a confidential memorandum, depicting the location of the objectors.

The Town's internal departments were consulted i.e. Parking Services, Rangers Services, Compliance Services, Community Services and Environmental Health Services, with the conclusion being that there have been no major complaints raised during the time that Perth Royals has been operating on this site.

Department of Racing, Gaming and Liquor (DRGL) was also contacted. They advised that they had not received any complaints from the residents that live around JA Lee Reserve with respect to issues associated with the Perth Royals Football Club.

However, the Town's records indicate that in October 2017, there was a complaint that was lodged by a resident with the Department of Racing Gaming and Liquor. Following this complaint, a meeting was convened and in attendance were Perth Royals licensee, the Town's staff and a staff from the Department of Racing Gaming and Liquor. The licensee was issued a verbal warning by DRGL staff

The applicant was given a chance to respond to the concerns that were raised by the residents during the consultation period (see Appendix 2). The applicant says that they have been at Lee Reserve for 39 years and have had a good relationship in general with residents and park users, and that during that time, they have received two complaints regarding noise and their operations at the reserve. The two complaints were from the same resident. They also indicated that they haven't breached their terms of liquor license conditions of approval.

The Club say that they will do all it can to limit noise as they do not want to ruin the amenity of that area for the residents. The applicant was aware that there was a complaint from a resident to the Town which was dealt with. In their submission, they indicated that they were aware of the need to have a code of conduct for members in relation to alcohol, smoking and language around that area.

It was also sighted by the applicant that it was in the public interest for the club to remain financially viable so that they can continue to provide a healthy outdoor recreation for all at a lower cost.

In their response, the applicant says that the police had never been called to the club due to the members' actions. The Town had input in the original application and gave them both Planning and Health Department approval.

CONCLUSION:

Council Policy HLTH3 states that any ETP application that requires consultation with the community will be reported to Council. The Town can influence whether or not an Extended Trading Permit is issued and any conditions of approval imposed by DRGL.

In this respect, the concerns expressed by a number of residents are acknowledged. It is claimed that the current operations of the club have negatively impacted upon nearby residential properties. However this is not supported by records of complaints to the Town or DRGL.

The Club's comments that they wish to maintain good relationships with their neighbours is noted. This should be reflected through the implementation of appropriate measures by the club including:

- Signage to identify the boundaries of the licensed area.
- Preparation and implementation of a Code of Conduct that all members should agree to at the time of their registration with the club.
- Providing all surrounding residents with a contact phone number in the event of any noise or anti-social behaviour occurring.
- An agreement to inform the Town of any complaints received within 24 hours, and to work with the Town to resolve any complaints that may arise.

Rather than supporting an indefinite ETP, it is considered reasonable that the Extended Trading Permit be issued for the January to March period in 2019 only. This will provide opportunity for the Club and the Town to evaluate the effectiveness of these measures in 2019, and inform a future decision as to whether the Town would support an Extended Trading Permit for the January to March period in future years.

FURTHER COMMENTS

At the Elected Members Briefing Session on 6 November 2018 a question regarding how many sporting clubs in the Town have an ETP. The following information was available on the Department of Racing Gaming and Liquor's (the Department) website regarding the current permanent Liquor Licenses (not including occasion licenses) of sporting clubs in the Town.

1. Carlisle Football Club
2. Carlisle Cricket Club
3. Victoria Park Xavier Hockey Club
4. Perth Cricket Club
5. Perth Royals
6. Perth Football Club (No ETP)
7. Curtin Victoria Park Cricket Club – (No ETP)

Note that ETP's are not a separate liquor licence category but an extension to an approved license. The Department's website however does not detail instances where an ETP was granted. At the time of writing this report the Town was able to get in contact with the Perth Football Club and Curtin Victoria Park Cricket Club who confirmed that they did not have an ETP.

Clarification has been sought from the Department as to whether the other clubs have an ETP and this will be circulated to Elected Members if this information is received prior to the Ordinary Council Meeting.

Another question was raised at the Elected Members Briefing Session regarding condition 4 whereby the Code of Conduct was proposed to only apply to members. It is agreed that the Code of Conduct should apply to anyone attending the premises and not just members therefore condition 4 has been modified accordingly.

RECOMMENDATION/S:

That Council advises the Department of Racing Gaming and Liquor that it supports Perth Royals Football Club's application for an Extended trading Permit in accordance with Section 60 of the *Liquor Control Act 1988* subject to the following conditions:

1. **The Extended Trading Permit applies from 1 January 2019 to 31 March 2019 only.**
2. **The Club is to supply all residents adjacent to JA Lee Reserve, with a contact phone number for the person to be contacted at any time in the case of any noise or anti-social behaviour occurring. The phone number will have to be a mobile number that can be answered and not an answering machine.**
3. **The Club put up signs that indicate the boundaries of the licensed area.**
4. **The Club prepare and implement a Code of Conduct that all attendees are to agree to. The Code of Conduct is also to be displayed in a prominent position in the clubrooms.**
5. **The Club agreeing to inform the Town of any complaints received within 24 hours, and to work with the Town to resolve any complaints that may arise.**

11.4 295-299 (Lot 47, Strata 34199) Albany Highway, Victoria Park – Change of Use from ‘Shop’ to ‘Unlisted Use (Amusement Parlour)’ and associated Signage

File Reference:	PR15811
Appendices:	1. Site plan and floor plan 2. Applicant cover letter 3. Signage proposal
Landowner: Applicant:	Assetwise Australia P/L VR-Arrival
Application Date: DA/BA or WAPC Ref: MRS Zoning: TPS Zoning: TPS Precinct: Use Class: Use Permissibility:	21/09/2018 5.2018.751.1 Urban District Centre Precinct P11 ‘Albany Highway’ Unlisted Use ‘AA’ (Discretionary) use

Date:	25 October 2018
Reporting Officer:	J. Arnott
Responsible Officer:	R. Cruickshank
Voting Requirement:	Absolute Majority

Executive Summary:

Recommendation – Approval by Absolute Majority subject to conditions

- The application seeks to change the use of an existing commercial tenancy from ‘Shop’ to an ‘Unlisted Use (Amusement Parlour)’, with associated signage.
- The intent is for the tenancy to be used as a Virtual Reality Centre for the purposes of gaming.
- The proposed Virtual Reality Centre is an ‘Unlisted Use’ and is therefore considered a discretionary use under the Town Planning Scheme No. 1 (TPS1).
- Six (6) 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.
- A condition is also recommended requiring the deletion of three (3) proposed signs.
- The proposal is recommended for Approval subject to conditions and advice notes.

TABLED ITEMS:

Nil

BACKGROUND:

The broader site at No. 293-307 Albany Highway, Victoria Park was granted development approval in 1995 as part of the larger development of 45 residential units, restaurant and retail tenancies. The subject site at No. 295 Albany Highway, Victoria Park, which is one of the retail tenancies that fronts Albany Highway was approved as a ‘Shop’ and previously operated as a beauty salon.

DETAILS:

The proposed Virtual Reality (VR) Centre will be used for the purposes of gaming with each patron using a cubicle having a visor and headphones as well as handheld remotes that will allow for full immersion within a game. As a result of this form of gaming, there will be limited noise or light emissions from the site.

The Virtual Reality Centre will consist of nine (9) open plan cubicles which will be occupied by a maximum of one (1) patron at any given time, allowing for a maximum occupancy of nine (9) patrons within the premises. The proposed operating times of the Virtual Reality Centre will be as follows:

Day	Time
Tuesday – Thursday	11am-8pm
Friday	11am-9pm
Saturday – Sunday	10am-9pm

The proposed Virtual Reality Centre will have a maximum of two (2) staff members on-site at any time.

The development application proposes a change of use from a 'Shop' to an 'Unlisted Use (Amusement Parlour)' for the purposes of operating a Virtual Reality Centre.

The proposed use does not fall under any of the land use definitions of TPS1 and is therefore classified as an 'Unlisted Use'. Under the TPS1, the following provisions apply to applications for an 'Unlisted Use':

"If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use class categories the Council may:

- (1) Determine that the use is consistent with the objectives and purposes of the particular Zone and is therefore permitted; or*
- (2) Determine that the proposed use may be consistent with the objectives and purposes of the Zone and thereafter follow the advertising procedure of clause 37 in considering an application for development approval; or*
- (3) Determine that the use is not consistent with the objectives and purposes of that particular Zone and is therefore not permitted."*

Under the model provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations), an Amusement Parlour is defined as premises:

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

Site Context

The subject site is part of a larger strata development consisting of 45 residential units, a restaurant and retail tenancies. The development has 95 on-site car bays, which are residential bays associated with the residential units and visitor bays. There are no car bays associated with the subject tenancy itself.

The surrounding developments consist of a mixture of residential and commercial uses, with commercial and retail businesses along Albany Highway and residential properties in the form of single houses, grouped dwellings and multiple dwellings along McMaster Street and King George Street.

Figure 1 below shows the subject site (highlighted in red) within the broader site of 293-307 Albany Highway (outlined in white) and the surrounding locality.



Proposed land use

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

- Floor Plan – Nine (9) gaming cubicles, a reception desk, a staff room with powder room and two (2) unisex disabled toilets.

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

- The VR centre will consist of nine (9) individual room-scale areas that will allow for a maximum of 9 individual clients at any one time, with a typical one (1) hour booking period per client.
- The individual VR systems will include state of the art VR systems (HTC Vive Pro) with wireless (untethered) capabilities and will be the most advanced of its kind in Perth.

- The immersive nature of these systems, with inbuilt headphones, means that noise levels from the centre will be very limited.
- The fit-out of the centre will be largely open-plan with a modern, family-friendly atmosphere.
- A maximum of nine (9) customers can use the centre at any one time, with a target relative booking rate of 55% (approximately 45-50 customers per day).
- The minimum age for use of the centre will be 11 years and older.
- Up to two (2) staff members will be on site at any time, with all staff members being encouraged to use public transport as a mode of commuting to the site.

Proposed Signage

The application proposes a total of nine (9) signs as follows:

Frontage	Sign	Type of Sign	Max sign height (m)	Max Length /Width (m)	Max Area (m ²)	Min Ground Clearance	Projection Max (mm)
Albany Highway	Aluminium composite panel. White background with blue lettering notating 'VR-ARRIVAL' with business logo.	Awning Sign	0.6m	7.3m	4.38 m ²	3m	Details not provided
Albany Highway	Aluminium composite panel. White background with blue lettering notating 'www.vr-arrival.com' with business logo.	Awning Sign	0.6m	8.8m	5.28 m ²	3m	Details not provided
Albany Highway	Transparent acrylic. White background with blue letter notating 'VR-ARRIVAL' with business logo.	Wall Sign above doorway	0.45m	2.4m	1.08 m ²	2.1m	Details not provided

Albany Highway	2 x temporary or promotional posters covered by Perspex. Details regarding text and design not provided.	Wall Sign	1.4m	1m	2.8m ² (combined)	N/A	Details not provided
N/A	Transparent acrylic on existing hanging sign. White background with blue letter notating 'VR-ARRIVAL' with business logo.	Under Verandah Sign	0.5m	1.8m	0.9m ²	2.3m	Within existing hanging sign box
Albany Highway	Printed window sign. Black background with blue design.	Window sign (occupies 50% of window)	1.85m	0.9m	1.66 m ²	N/A	Within window frame
Albany Highway	2 x printed window sign. White background with design.	Window sign (occupies 33% of window)	2.05m	0.9m	3.69 m ²	N/A	Within window frame

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

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

- Deemed Clause 67 'Matters to be considered by Local Government' of the *Planning and Development (Local Planning Scheme) Regulations 2015*;
- Statement of Intent contained in Precinct Plan P11 'Albany Highway Precinct';
- Clause 30A 'Determination of Application for Advertisement'.

Compliance with Development Requirements

- TPS 1 Scheme Text and Precinct Plan P11;
- Local Planning Policy 11 'Control and Location of Amusement Centres';
- Local Planning Policy 23 'Parking Policy';

- Signs Local Law 2006; and
- Draft Local Planning Policy 38 'Signs'.

Town of Victoria Park Town Planning Scheme No. 1:

The Statement of Intent for Precinct P11 is as follows:

"The Albany Highway Precinct will be revitalised and consolidated as a major urban/shopping commercial axis incorporating the "strip" imagery of its past development along the length of Albany Highway.

The precinct has three retail nodes connected by general commercial areas. A wide range of uses serving both the local and regional populations shall be permitted, with emphasis on the consolidations and intergration of existing uses."

The text associated with the "Victoria Park Shopping Area" section of the Precinct plan reads the following:

"This area is to retain its strong shopping character, accommodating a wide range of activities, concentrated at pedestrian level. Non-retail uses, including residential accommodation area appropriate behind and above the street level will be encouraged."

The proposed development addresses the intent for the Albany Highway Precinct by way of offering a wider variety of commercial uses and being located within one of the three nodes. Furthermore, it is considered that the proposed use of 'Amusement Parlour' falls within the objective of the 'District Centre' zone, especially within this part of the Albany Highway Precinct.

Local Planning Policy 11 – Control and Location of Amusement Centres

Local Planning Policy 11 – Control and Location of Amusement Centres (LPP11) details the requirements regarding the location of amusement centres within the Town. The following parts of LPP11 are considered relevant to the subject site:

- (a) *The Council will not grant planning approval to the establishment of amusement centres where the activity will be detrimental to the amenity of, and out of character or harmony with the locality, by reason of its appearance, its environmental impact, its character or the likelihood of its generating behaviour offensive to others in the area.*
- (b) *In the District Centres and Local Centres:*
 - i. *Amusement centres shall retain the appearance of a traditional shop front (that is, fixed glazing and single or double or self-closing entry/exit doors; and*
 - ii. *The council shall not support the clustering of amusement centres and similar activities.*

The proposed development is located within the 'District Centre' zone and is considered appropriately located along Albany Highway within the Victoria Park Shopping Area and amongst other compatible uses such as restaurants, cafes and retail establishments. Notwithstanding this, it is acknowledged that there are residential apartments both above and directly behind the subject site, however, the applicant has identified that there will be little noise emitted from the site as part of the proposed use due to the nature of virtual reality gaming.

Local Planning Policy 23 – Parking Policy

Local Planning Policy 23 – Parking Policy (LPP23) details car parking requirements for specified uses within the Town. The relevant car parking standard for the proposed use of Amusement Centre is one (1) parking bay for every 10m² of net floor area. This results in a total of 18 car parking bays required for the proposed development.

Further to the provisions of LPP23, the Town's Local Planning Policy 30 – Car Parking Standards for Developments along Albany Highway (LPP30) outlines historical dispensations for car parking requirements. As such, LPP30 stipulates that all ground floor development approved prior to 30 September 1998 within the 'District Centre' zone will be assessed on the basis that the approved use for the purpose of parking is 'Shop'. As a result, proposed change of use was approved in April 1995 as a retail tenancy (shop) and is therefore subject to the provisions of LPP30. In this regard, the following table outlines the car parking assessment:

Parking Standards	Required (No. Bays)
Proposed Use: Amusement Centre	
1 bay for every 10m ² net floor area 176.7m ² floor area excluding staff room and toilets	18
Total Parking Requirement	18
Previous Use: Shop	
1 bay for every 10m ² of retail floor area 185m ² floor area excluding staff room and toilets	19
Total	19

As demonstrated in the table above, the parking requirement for the subject tenancy reduces as a result of the proposed change of use.

Signs

In considering the proposed signs, Council is to have regard to a range of matters including those detailed in Clause 30A of the Scheme Text such as the number of signs, the impact on the quality of the streetscape etc. and relevant Design Guidelines.

An assessment of the acceptability of the signs is contained below in the Comments section.

Submissions:

Community Consultation:

As the proposed use is an 'Unlisted Use' under the TPS1, in accordance with Local Planning Policy 37 'Community Consultation on Planning Proposals' the application was required to be the subject of consultation for a 21-day period to owners and occupiers of properties within a 100m radius of the site. The consultation period commenced on 1 October 2018 and concluded on 22 October 2018.

A total of six (6) submissions were received as follows:

CONSULTATION SUBMISSIONS	
<i>Submission from owner/occupants</i>	
Submission 1	
Comments Received	Officer's Comments
Fantastic to see some variety in the commercial strip to compliment all the great food and beverage offerings. I have done this type of thing in Japan and it will be a great additional to the Victoria Park area, increasing vibrancy and interest as it is pretty unique for Perth. The use speaks to the fantastic diversity in the population that live in Vic Park, which should be celebrated and supported, with these types of things. I would love to see the windows fronting Albany Highway to be clear so people walking by can watch people playing inside, this would add a lot of interest and humour to the area (a bit of street theater) as well as vibrancy and interest for pedestrians. I also love the late opening hours as together with other good land uses like the gym up the road create more people in the area later at night, which makes the place feel a lot safer, Vic Park needs this as at times it can feel very unsafe at night - due to a lack of people out and about. Any concerns people have with parking are ridiculous as no one shop should be required to provide parking, parking in this area should be considered as a whole and the Town should create a holistic strategy if they think parking is an issue, which I do not.	Submission noted.
Submission 2	
There's already been an increase of dodgy people lurking at the King George Street car park recently. Just yesterday, there was a group of teenagers throwing bottles at a car which sped off after a seemingly dispute. This development is quite likely going to be potentiate the issue. We do not need another Northbridge in Vic Park.	Submission noted. The clientele likely associated with, or generated by the proposed use is not a planning consideration. The applicant has advised that the business will be operated as a family friendly establishment.

Submission 3	
We bought an apartment in Paramount Apartments last year and of course were aware of the commercial stratas included in the lot, we object to the change of use of to amusement parlour as it will increase the noise factor and unsociable behaviour by the mainly youthful element who will no doubt use it. We have in the last 12 months had at least 3 intrusions onto the premises and into the basement garage, and all were described as youths by the witness, the last 2 weeks ago when 2 locked and changed to the wall bicycles belonging to us were stolen from the garage, this has been reported to Kensington Police. This change of use will decrease our enjoyment of the many pleasant things we treasure in Victoria Park	Submission noted. The applicant has advised that there will be limited noise emissions as part of the proposed use due to the VR equipment, which involves headphones and visors. In this regard the centre will be different to traditional amusement parlours that can have noise and light emissions that could adversely impact surrounding residents. The clientele that is attracted by such a venue is not a planning consideration. The applicant has advised that the venue will be a family friendly establishment.
Submission 4	
There are many older people living in this Strata long term and a Virtual reality centre is not conducive to the environment we wish to live in. It would encourage too many young men to hang around on this corner at all hours. Victoria Park Council is already promoting Connect for over 55's and a village atmosphere to help each other. This is just commercialism not in keeping with policies already in place	Submission noted. The proposed use is considered to align and be compatible with surrounding land uses along this portion of Albany Highway. Notwithstanding the amusement parlour land use, the venue itself will have limited noise and light emissions due to the nature of VR gaming and the equipment used. Additionally, the clientele that is attracted by such a venue is not a planning consideration. The applicant has advised the Town that the venue will be a family friendly establishment.
Submission 5	
I object to this proposal for the reason of the parking in the area. We already have parking issues (customers & employee's from this block of businesses parking in our allocated bays) and also for the reason of the noise. As well as living in the adjoining complex I also own a rental directly above this business and even though you say the sound will be at a minimal from the VR itself.. the noise from the customers, will be an issue.	Submission noted. The parking requirement for the proposed land use is the same as the approved shortfall for the previous 'Shop' land use. Notwithstanding this, it is envisaged that at full capacity, the proposed business will not generate any more parking than the previous day spa that operated from the site. Albany Highway is also considered to be a high frequency transport corridor which can accommodate and service land uses such as this. The noise from the customers is not expected to be much different from that of Dome Café situated on the corner of Albany Highway and McMaster Street.

Submission 6	
My concerns are as follows: 1) Where will customers of this establishment park their vehicles? I can see them illegally parking in the resident's car park front and rear of Paramount apartments. 2) Antisocial behavior - loitering in and around a residential complex. 3) Noise associated with such a venue, in particular to the residential apartments directly above and adjacent to this lot.	Submission noted. The parking associated with the proposed use is less than that required for the previous 'Shop' use. In addition to this, the proposed land use is not envisaged to generate any more parking than the day spa that previously operated from the site. The off-street residential parking associated with the Paramount Apartments is appropriately sign posted. It is envisaged that patrons will park within the on-street parking along McMaster Street where available. The behavior of clientele or patrons associated with the business is not a planning consideration. The applicant has advised that the venue will be a family friendly establishment. As the business will be a VR centre, the noise emitted from the site will be limited and not to the same level or extent of a traditional amusement parlour.

Policy Implications:

Nil.

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation / Actions
Compliance: 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	Unlikely	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.

Strategic Plan Implications:

Environment:

Nil.

Economic:

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

Social:

S2 – An informed and knowledgeable community.

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:Car Parking and Traffic Implications

As outlined above, the proposed 'Amusement Parlour' generates a total car parking requirement of 18 car bays, which aligns with the existing parking shortfall approved for the site of 19 car bays. Further, the applicant justifies the parking situation as follows:

- The customer numbers envisaged for the VR centre is likely to be of a similar nature to that of the Day Spa previously operating from the tenancy.
- This portion of Albany Highway is heavily serviced by public transport with a bus stop just outside the premises which is serviced by 7 different bus routes (170,176,177,179,220,284,960).
- The Victoria Park train station is an 800m walk from the subject site.
- Initial discussions with the owner have indicated that discussions could be had with strata management regarding the possibility of installing accessible bike racks within the strata common area.

It is acknowledged that ordinarily an 'Amusement Parlour' could potentially result in a high number of vehicle visits by patrons. However, as demonstrated above, the maximum capacity of the centre is nine (9) patrons at any time, resulting in a relatively low number of private vehicle trips to the venue, of which a portion are assumed to be shared by multiple patrons. Additionally, the subject site is adequately serviced by public transport along Albany Highway, being in close proximity to a high frequency bus stop and within a manageable walking distance from Victoria Park train station.

Accordingly, as the proposal is not seeking a further variation to the approved parking shortfall and the proposed use is not considered to be a further intensification of the site compared to the previous use, the parking shortfall is considered acceptable.

Signage

The proposed signage is to be assessed against clause 30A of the TPS1 as well as Draft Local Planning Policy 'Signs', which is to be given due regard in accordance with clause 67(b) of the deemed provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

The proposed signage at the subject site is considered to be generally in accordance with the matters listed under clause 30A(1) of the TPS1 in relation to the impact and quality of the signage, its relationship with the architectural style of the building, colour scheme and materials and the compatibility with the immediate locality.

Notwithstanding the above, the Draft Local Planning Policy 'Signs' identifies that signage will be exempt where it does not result in more than three (3) advertising signs per tenancy. The applicant seeks approval for nine (9) signs on-site, which the Town considers to be excessive. It is considered that approval of six (6) of the nine (9) signs would be more appropriate and will still sufficiently identify the business, with the two (2) wall/poster signs and the one (1) above door sign being excluded from the development approval. Reducing the number of signs to six (6) brings the proposal more in line with the current Signs Local Law 2006 requirement of five (5) signs per tenancy for exempt signs.

In addition to the above, the Draft Local Planning Policy 'Signs' also identifies that window signs should not occupy more than 25% of the window to which they are associated. It is acknowledged that the window signs proposed occupy 33%-50% of associated windows. Notwithstanding this, the proposed window signs currently comply with the Signs Local Laws 2006 with regard to window signs (up to 50% coverage permitted) and are not considered to have an adverse impact on the tenancy frontage or the immediate streetscape.

With regard to the remainder of the signage proposed, it is not considered to clutter the site or appear in excess mostly due to the minimalistic design and provision of white space between text and logos. The proposed signage, if reduced to six (6) signs, is considered to be consistent with signage of other businesses along this portion of Albany Highway.

Deemed Clause 67

As the proposed development is an unlisted use, Council must be satisfied that the proposal meets the requirements listed under Clause 28 of the TPS1. In this respect:

- **The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area.**
The proposed 'Amusement Parlour' is considered to be in line with the statement of intent for the TPS1 Precinct Plan 11 'Albany Highway' with respect to offering a wide range of activities at pedestrian level within the Victoria Park Shopping Area.

- **Any local planning policy for the Scheme area.**

The proposed 'Amusement Parlour' is in line with the objectives and requirements of Local Planning Policy 11 - Control and Location of Amusement Centres and has been properly assessed against Local Planning Policy 23 – Parking Policy with regard to the provision of car parking and does not further vary the existing car parking shortfall approved for the site.

- **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.**

The proposed 'Amusement Parlour' is located within an existing building and does not propose any external alterations other than signage. With regard to the adjoining land uses, the proposed development is considered compatible with the commercial uses along Albany Highway and not considered to have an adverse impact on the residential apartments above and behind the tenancy because of the low noise emissions and relatively small maximum occupancy.

- **The amenity of the locality including the following –**

- **Environmental impacts of the development;**
- **The character of the locality**
- **Social impacts of the development.**

The proposal is unlikely to have a detrimental impact on the amenities of the locality. The proposed use will improve vitality in this particular part of the Precinct, and the use is expected to generate less, if not the same, parking as the day spa previously operating from the site.

- **The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.**

The Town notes the extremely high provision of public transport, access to cycling lanes and pedestrian paths in the area. Furthermore, the maximum capacity of the venue being nine (9) patrons, some of which will likely visit the site together, is deemed as being the primary basis for a minimal increase in traffic.

- **Any submissions received on the application.**

A number of submissions were received in relation to the proposed 'Amusement Parlour'. As detailed in the Community Consultation section of the Report, the Town is of the view that the amenity impact concerns have been adequately addressed.

CONCLUSION:

The proposal is considered to be consistent with the Statement of Intent and the objectives for Precinct P11 'Albany Highway' and the text associated with the 'Victoria Park Shopping Area' section. Additionally, the proposal is not considered to adversely impact on adjoining properties or the general character of the area.

Having regard to the above and deemed clause 67, it is recommended that the application be approved by Absolute Majority subject to conditions.

RECOMMENDATION/S:**That Council:**

- 1. In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, approves by Absolute Majority, the application submitted by VR-Arrival (DA Ref: 5.2018.751.1) for Change of Use from “Shop” to “Unlisted Use (Amusement Parlour)” and associated signage at No. 295-299 (Lot 47, Strata 34199) Albany Highway, Victoria Park, as indicated on the plans dated received 21 September 2018, subject to the following conditions:**
 - 1.1 The development, once commenced, is to be carried out in accordance with the approved plans at all times, unless otherwise authorised by the Town.**
 - 1.2 Operation of the approved “Amusement Parlour” to be in accordance with details provided in correspondence from the applicant date received 21 September 2018. Any changes to the operations will require lodgement of a new application for development approval for consideration by Council.**
 - 1.3 The location and details of the signs, and any supporting structure, as shown on the approved plans, must not be altered without written consent of the Town.**
 - 1.4 The signs must not contain any flashing light.**
 - 1.5 Any illuminated signage associated with the change of use may only be illuminated during the designated business hours.**
 - 1.6 The portion of the windows to the front façade that are not occupied by signage are to be translucent.**
 - 1.7 This approval does not include the approval of the following signs:**
 - the two (2) wall/poster signs; and
 - the above door sign.

Advice to Applicant

- 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 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.**

(Absolute Majority Required)

- 2. Advises those persons who have lodged a submission regarding Council's decision.**



11.5 Report on Submissions - Amendment 78 to Town Planning Scheme No. 1 to Recode No. 384 (Lot 3) Berwick Street, East Victoria Park from Residential R30 to R40/R60

File Reference:	PLA/7/78
Appendices:	Extract of Minutes of Ordinary Council Meeting dated 13 February - Scheme Amendment No. 78 (as initiated) Rowe Group submission, on behalf of the landowner requesting modifications to Amendment 78
Landowner:	Berwick EVP Pty Ltd (Previously Hawkins and Strickland)
Applicant:	I Birch
Application Date:	N/A
DA/BA or WAPC Ref:	N/A
MRS Zoning:	Urban
TPS Zoning:	Residential R30
TPS Precinct:	Precinct 12 – 'East Victoria Park'
Use Class:	N/A
Use Permissibility:	N/A

Date:	25 October 2018
Reporting Officer:	A. Groom
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – Council give in-principle support for Council Officers to review and modify the Amendment in a manner generally aligned with the submission from Rowe Group.

- Council resolved at its meeting in February 2018 to initiate Scheme Amendment 78 subject to the Amendment being advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* for 42 days. The Amendment was subsequently advertised with five (5) submissions being received.
- The subject property was sold mid-2018 after the initiation of the Scheme Amendment. Rowe Group, on behalf of the new owner has requested to modify the Amendment to rezone the property from 'Residential R30' to 'Residential R60', remove the requirement to provide aged care/multiple dwellings, and to remove the proposed built form controls and instead have this determined through the preparation of a Local Development Plan.
- The submission from Rowe Group includes the submission of a concept plan depicting lots for 52 grouped dwellings ranging in size from 120m² to 171m², as well as a Traffic Impact Statement.
- Council Officers are supportive in-principle of modifying the Amendment to facilitate the development of the land as per the current landowners aspirations and as detailed in the submission from Rowe Group. However there are matters of detail to be further assessed prior to presenting a modified Amendment to Council for adoption ie. vehicle access arrangements; appropriate R-Coding; any built form controls.
- It is requested that Council provide in-principle support for a modified Amendment rather than the Amendment as initiated.

TABLED ITEMS:

Nil.

BACKGROUND:

The existing two storey building on the site was built by the Commonwealth Government to house the National Archives in 1974. The government sold the property in 2001 and has continued on leasing the building since this time, with the lease set to expire in early 2019.

At the Ordinary Council Meeting on 10 October 2017, Council resolved to undertake preliminary community consultation on the potential recoding of the subject site from R30 to R40/R60. Council then considered the public submissions received at the Ordinary Council Meeting on 13 February 2018 and resolved as follows:

“1. Council resolve pursuant to Section 75 of the Planning and Development Act 2005 to initiate Amendment No. 78 to amend the Town of Victoria Park Town Planning Scheme No. 1 as follows:

1.1 Modify Town Planning Scheme No. 1 Precinct Plan P12 ‘East Victoria Park Precinct’ by recoding the property known as No. 384 (Lot 3) Berwick Street, East Victoria Park from R30 to R40/60.

1.2 Modify Town Planning Scheme No.1 Precinct Plan 12 ‘East Victoria Park Precinct’ by inserting the following development standards for development of the property at No. 384 (Lot 3) Berwick Street:

In relation to the land at No. 384 (Lot 3) Berwick Street, East Victoria Park, the following criteria are applicable to any development of the site:

- (a) Development shall consist of a series of individual buildings, clustered around a central, common courtyard;*
- (b) Separation between buildings shall be sufficient to reduce the overall perception of building bulk and to achieve acceptable levels of solar access and natural ventilation to each building;*
- (c) Dwelling design should achieve high design standards, as prescribed within Council’s Local Planning Policy 33 – ‘Guide to Concessions on Planning requirements for Mixed-Use, Multi Dwelling and Non-Residential Development’s or an adopted State Planning Policy relating to dwelling design;*
- (d) Development should follow the natural topography of the land and gradually step down in height from 3 storeys facing Berwick Street to 2 storeys on the remainder of the site;*
- (e) Car parking shall generally be below ground, largely concealed from view;*
- (f) Open space/landscaping should be provided in useable parcels;*
- (g) Boundary setbacks are to be generally in accordance with the R-Codes, however greater setbacks are to be provided where relevant, emergency vehicle access around the site and bushfire management measures;*

- (h) *Vehicle access to the site is to be the subject of a Traffic Impact and Road Safety Assessment. Vehicle access being to/from Berwick Street via a left-in/left-out arrangement, with the exception that Council may consider access to Baillie Avenue/Carson Street for emergency vehicles only.*

The site may be developed at the higher density code of R60, where the proposed use is Aged or Dependant Person's Dwellings, otherwise an R40 density coding prevails.

2. *The Chief Executive Officer and Mayor be authorised to execute the Town Planning Scheme No. 1 Amendment No. 78 documents.*
3. *A copy of Amendment No. 78 be referred to:*
 - 3.1 *The Environmental Protection Authority, in accordance with Section 81 of the Planning and Development Act 2005, prior to the commencement of advertising of the Amendment; and*
 - 3.2 *The Western Australian Planning Commission for information.*
4. *On receipt of advice from the Environmental Protection Authority under Section 48A of the Environmental Protection Act 1986 indicating that the Amendment need not be subject to an environmental assessment, the Amendment be advertised in accordance with the Town Planning Regulations for 42 days.*
5. *Those persons who lodged a submission on the request to amend the Town Planning Scheme be advised of the Council's decision."*

Following initiation by Council on 13 February 2018, the subject site was sold.

DETAILS:

The proposal requests a rezoning of the property located at No. 384 (Lot 3) Berwick Street, East Victoria Park (refer to map below, with the subject property being bordered by a red line and having the notation of R30 on it). The property has a land area of 11,029m² and while currently coded R30 is physically separated from other R30 coded land by other land uses.



The subject site is adjoined by:

- 'Parks and Recreation' land under the care of the Town of Victoria Park, along the south-east boundary (known as the 'Hillview Bushland');
- 'Public Purpose Use: Civic Use & Community Purpose' land (Edward Millen House and Park) including associated buildings occupied by the Disability Services Commission of WA, along the north-east boundary; and
- 'Public Purpose Use: Primary School' land to the north-west boundary (Carson Street Primary School).

The residential development on the opposite side of Berwick Street is zoned Residential R20.

The main access to the site (National Archives) is currently from/to Berwick Street with access also being to Carson Street/Bailie Avenue through a driveway located between the primary school and the Edward Millen House.

The Amendment, as initiated, was premised upon a concept plan prepared for the previous landowners depicting the development of the site with the following:

- two (2) and three (3) storey buildings in a number of separate building blocks in an apartment form (one unit above another);
- potentially comprising aged persons' dwellings, a nursing home and/or standard residential dwellings;
- approximately 120 dwellings.

The Amendment was advertised for public comments, with a total of five (5) submissions being received, as detailed below.

Most notably, this includes a submission from Rowe Group, acting for the new landowner, accompanied by a written planning justification, concept plans and a Traffic Impact Statement, which are described further below.

The submission from Rowe Group dated 11 October 2018 partially states:

- *"An indicative concept design and indicative built form sketches for the subject site comprising 52 grouped dwellings based on a density code of R60.*
- *The grouped dwellings are envisaged to be a mix of two (2) and three (3) storey townhouses and terrace dwellings, with a combination of front and rear loaded products in a strata configuration.*
- *Public open space (POS) is not provided...a "pocket" of POS in this locality would be a maintenance issue and a far better outcome would be for cash-in-lieu contribution to be made to the Town.*
- *The concept design proposes vehicular access and egress from Berwick Street and Bailie Avenue/Carson Street. It is not proposed that any restrictions be placed on the existing Bailie Avenue/Carson Street as is currently proposed in Amendment 78.*
- *The concept design has been prepared with the intent that development of the subject site is in accordance with an approved Local Development Plan (LDP), which would provide guidance on setbacks, garage locations, street frontage, landscaping and other elements which impact built form".*

The submission requests that the Town consider modifying Amendment 78 as follows:

- "1. Modifying Town Planning Scheme No. 1 Precinct Plan P12 'East Victoria Park Precinct' by recoding the property known as No. 384 (Lot 3) Berwick Street, East Victoria Park from R30 to R60.*
- 2. Modifying Town Planning Scheme No. 1 Precinct Plan P12 'East Victoria Park Precinct' by inserting the following development standards for development of the property at No. 384 (Lot 3) Berwick Street:*

In relation to the land at No. 384 (Lot 3) Berwick Street, East Victoria Park, the following criteria are applicable to any development of the site:

- a. Development shall be consistent with an approved Local Development Plan".*

The Traffic Impact Statement dated 4 October 2018 partially states:

- *"The development should generate in the order of 310 vehicular trips per day with 23 of these in the AM peak and 31 in the PM peak.*
- *There is a proposed internal pedestrian network on all streets which will connect to external footpaths on Berwick Street.*

- *Internal streets will be bike friendly with bike parking expected to be provided internally for each dwelling.*
- *Rubbish trucks used by the Town of Victoria Park will be able to collect rubbish from the internal streets at bin pad locations and street verges”.*

Legal Compliance:

Town Planning Scheme Amendments are required to be undertaken in accordance with the provisions set out in Part 5 ‘Local Planning Schemes’ of the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Following a statutory public consultation period, the Council is required consider any submissions received and determine whether to adopt the proposed amendment or recommend to the WAPC that the proposed amendment be modified or not supported.

The Hon. Minister for Planning is ultimately responsible for determining the Scheme Amendment.

Regulation 50 (1) contained within part 5 – Division 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires ‘Consideration of submissions on standard amendments’ as follows:

- (1) *“In this regulation -
Consideration period, in relation to a standard amendment to a local planning scheme, means that period ending on the latest of the following days –*
 - (a) *the day that is 60 days after the end of the submission period for the amendment;*
 - (b) *the period that is 21 days after the receipt of a statement in respect of the amendment delivered under section 48F(2)(a) of the EP Act;*
 - (c) *the day that is 21 days after the receipt of a statement in respect of the amendment delivered under section 48G(3) of the EP Act is that statement is in response to a request by the local government made under section 48G(1) of the EP Act before the later of the days set out in paragraphs (a) and (b);*
 - (d) *a day approved by the Commission;*
- (3) *Before the end of the consideration period for a standard amendment to a local planning scheme, or a later date approved by the Commission, the local government must pass a resolution -*
 - (a) *to support the amendment without modification; or*
 - (b) *to support the amendment with proposed modifications to address issues raised in the submissions; or*
 - (c) *not to support the amendment.”*

Regulation 51 (1)(b) ‘Local government may advertise proposed modifications to standard amendments’ states:

- (1) *“A local government may decide to advertise a modification to a standard amendment to a local planning scheme if –*
 - (b) *the local government is of the opinion that the proposed modification to the amendment is significant.”*

Submissions:**Community Consultation:**

In accordance with Council's resolution of 13 February 2018 and the Local Planning Schemes Regulations, the Amendment was advertised for 42 days. It should be noted that commencement of the advertising process was delayed given the transfer of land ownership and Council Officers seeking direction as to whether the new landowner wished to proceed with the Amendment. The consultation period commenced on 4 September 2018 and concluded on 16 October 2018. A total of five submissions were received, including one letter of support, one objection and one submission requesting modifications to the initiated Amendment.

CONSULTATION SUBMISSIONS	
Comments Received	Officer's Comments
One submission from nearby resident objecting to the three (3) storey height.	Not supported. A building of two (2) to three (3) storeys height is considered acceptable given the site context.
One submission from the Water Corporation stating that the proposed changes to the Scheme do not appear to impact on the Water Corporation's infrastructure or operations.	Noted.
One submission from the Department of Education raising concern with regards to overlooking to the school, vehicle access via Baillie Avenue/Carson Street and use of school car park outside of school hours.	Noted. The Department of Education has advised that they do not object to the proposal subject to ensuring that the development does not result in any overlooking to the school and a traffic management plan is imposed. This is a matter for consideration as part of a future development application for the site.
One submission from Rowe Group on behalf of the new landowner requesting modifications to Amendment 78 (see Appendix 2).	Noted. Please refer the Comments section below for further information.
One supporting submission from a nearby resident	Noted.

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation / Actions
Compliance : The Minister for Planning, Lands and Heritage is ultimately responsible for approving Scheme Amendments. It is possible that the Minister may decide	Moderate	Unlikely	Moderate	Provide sufficient justification for the proposed Amendment.

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation / Actions
to refuse or modify the Amendment notwithstanding Council's resolution				
Approval of the Amendment as initiated	Minor	Possible	Moderate	Further assess the merits and details of a modified Amendment

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.

Sustainability Assessment:External Economic Implications:

Nil.

Social Issues:

Nil.

Cultural Issues:

Nil.

Environmental Issues:

Nil.

COMMENT:

During the community consultation period, Rowe Group on behalf of the landowner made a submission proposing a number of modifications to Amendment 78, as initiated by Council at its 13 February 2018 Ordinary Council Meeting. The submission seeks to rezone the subject property from 'Residential R30' to 'Residential R60' to provide scope for the future development of the site with Grouped Dwellings.

Building height

The subject site is adjoined by Hillview Bushland, Edward Millen House and park and Carson Street Primary School. On the adjacent side of Berwick Street, the land is zoned Residential R20 and comprises single storey and two (2) storey single and grouped dwellings.

The existing site slopes down approximately seven metres from Berwick Street to the rear northern corner of the block. When reviewing the initial proposed concept development plans, the Town's Design Review Committee commented on the possible opportunity to increase the height of the proposed multiple dwellings interfacing with Berwick Street from two (2) storeys to three (3) storeys.

The concept plan submitted by Rowe Group details the building heights proposed for each lot. The majority of the lots have a two (2) storey height limit, with the 10 lots facing Hillview Bushland being three (3) storeys in height.

Having regard to the size and location of the property, including the property being directly adjoined on all boundaries by non-residential land uses, it is accepted that there is potential to accommodate additional height on the site than the two (2) storey height limit currently permitted with limited impact on surrounding properties.

Proposed modifications to Scheme Amendment 78

The modifications proposed seek to rezone the site to an R60 density for the construction of 52 grouped dwellings ranging in height from two (2) storeys to three (3) storeys. The R-Codes require a minimum and average lot size of 120m² and 150m² respectively for the R60 density. The concept plan proposes lots ranging in size from 120m² to 171m². Of the existing site area, a total of 6,659m² will be assigned exclusively to the 52 individual lots with the remaining 4,370m² being provided for new roads/laneways, footpaths, verges, bin collection points and 19 public visitor parking bays.

Rowe Group has advised that *“the concept design has been prepared with the intent that development of the subject site is in accordance with an approved Local Development Plan, which would provide guidance on setbacks, garage locations, street frontage, landscaping and other elements which impact built form.”*

The site is currently accessed from/to Berwick Street which is a Primary Distributor Road under the Town’s functional road hierarchy. In addition there is a secondary access, connecting the site with Carson Street and Bailie Avenue.

A Traffic Impact Statement has also been submitted by Rowe Group in support of the requested modifications. The Traffic Impact Statement has been undertaken based upon the retention of the 7.2 metre wide crossover on Berwick Street as a full movement crossover, and retention of the two-way access from Bailie Avenue/Carson Street. The traffic statement anticipates that the development should generate 310 vehicular trips per day with 23 of these in the AM peak and 21 in the PM peak, being 10-11 trips in the morning peak and 15 in the afternoon peak generated along the Baillie Avenue/Carson Street access. It is estimated that daily traffic generation for the previous use of the site by the National Archives, was comparable. The applicant also points out that the traffic generated by the modified proposal (approximately 310 vehicles per day) are considerably less than that as per the initiated Amendment (583-610 vehicles per day).

No public open space has been provided in the concept design. Rowe Group has advised that *“a “pocket” of POS in this locality would be a maintenance issue and a far better outcome would be for cash-in-lieu contribution to be made to the Town for the enhancement of existing local parks such as the adjacent Edward Millen Reserve (for example)”*.

CONCLUSION:

Overall it is considered that there is merit in modifying the Amendment to address the matters raised in the submission from Rowe Group. However there is further assessment to be undertaken by Council Officers in relation to some of the more technical aspects such as vehicular access to/from the site, the appropriate density coding (R40, R50, R60 or a split coding) and any other built form controls.

In relation to the further assessment to be undertaken by Council Officers, the matter of vehicular access and impact on the surrounding road network is a primary consideration. On this basis of the information submitted by Rowe Group, the modified development appears acceptable, however an assessment of vehicular access to from/from Berwick Street as well as to/from Baillie Avenue/Carson Street is required. Once this further detailed assessment has been conducted and the matter is reported back to Council, Council can determine preferred arrangements for vehicular access. Supporting the submission from Rowe Group in-principle, does not preclude Council from imposing restrictions on vehicular access once a technical assessment has been undertaken.

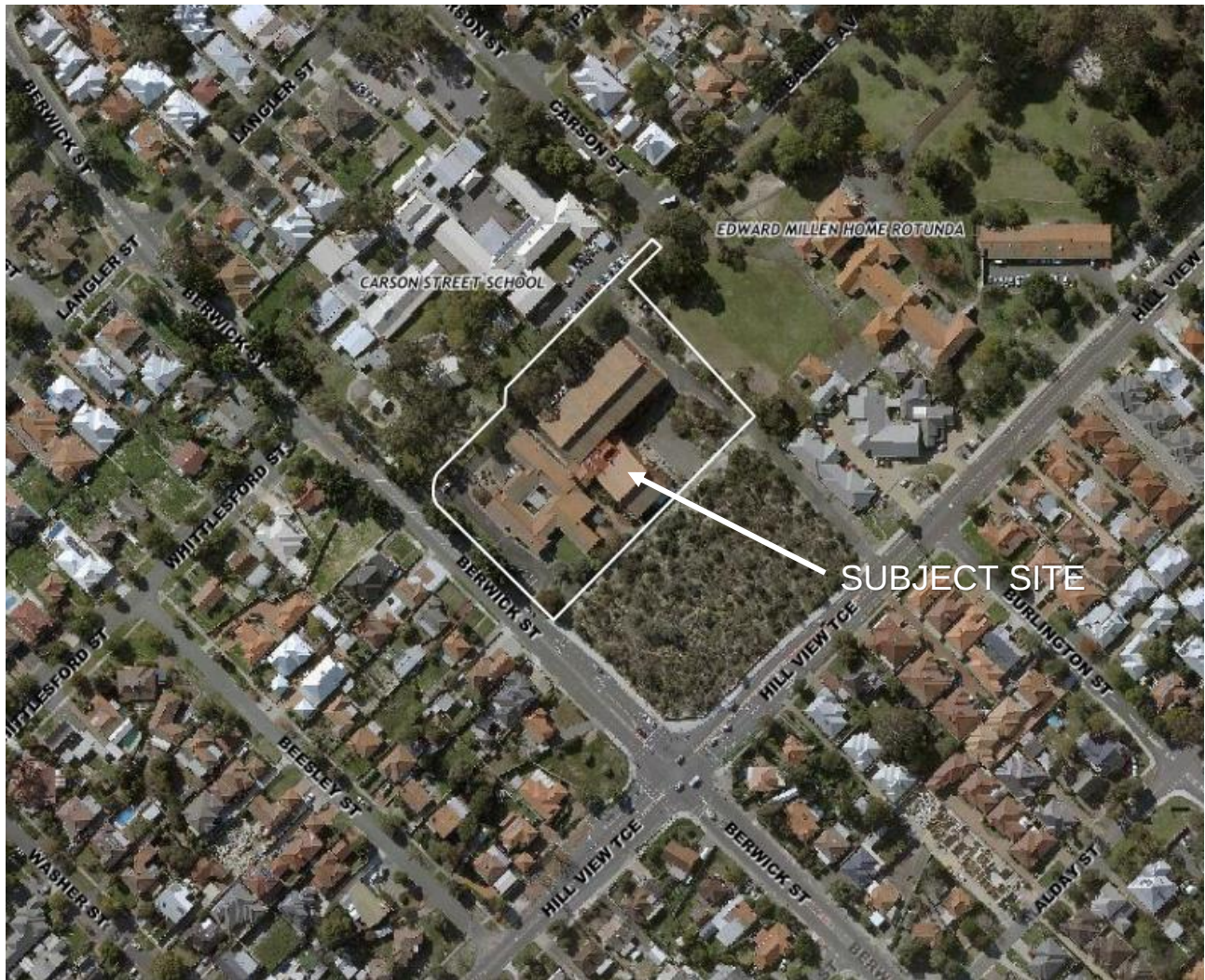
Direction is being sought from Council at this stage, to determine whether or not there is a need for Council Officers to spend time on reviewing and preparing a modified Amendment consistent with the submission from Rowe Group. If Council is of the view that that the alternative proposal prepared by Rowe Group has no merit, then Council Officers will proceed with progressing the Amendment on the basis of the Amendment as initiated.

Therefore, it is requested that Council give in-principle support for modifying the Amendment to facilitate a development of the site in a form generally consistent with the concept plan prepared by Rowe Group. Following this, Council Officers will undertake further assessment work, and then present a report to Council for formal adoption of a modified Amendment. It should be noted that it is then intended to advertise the modified Amendment for further public comments.

RECOMMENDATION/S:

That Council

- 1. Notes the public submissions received on Amendment 78 to the Town of Victoria Park Town Planning Scheme No. 1.**
- 2. Gives in-principle support, with respect to the submission from Rowe Group dated 11 October 2018, for Council Officers to review and modify Amendment 78 to facilitate the development of the site in a manner generally consistent with the concept plan submitted by Rowe Group.**
- 3. Receives a further report once Council Officers have completed undertaking further assessment, as per part 2, so that Council can formally resolve whether to support (with or without modifications) or not support Amendment 78.**
- 4. Advises the Western Australian Planning Commission of its resolution and requests that further time be approved for the Town to consider submissions in accordance with Regulation 50(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**



12 CHIEF OPERATIONS OFFICER REPORTS

12.1 Tender TVP/18/14 for Air Conditioning Maintenance Services for Council Owned Buildings

Tender Number:	TVP/18/14
Appendices:	No
Attachments:	No

Date:	24 October 2018
Reporting Officer:	J. Robbins/B. Holloway
Responsible Officer:	B. Killigrew
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council awards the tender TVP/18/14, Air Conditioning Maintenance Services for Council Owned Buildings, to Australian HVAC Services Pty Ltd (ABN: 62 576 188 263) with terms and conditions as outlined in the advertised tender specification and conditions of contract—as their offer has been evaluated as the most advantageous to the Town.

- Submissions were invited for the supply of services, qualified skilled labour and equipment for the installation, repair, servicing and maintenance of air conditioning assets of the Town of Victoria Park.
- Tenderers were requested to provide a lump sum cost and schedule of rates for air conditioning maintenance services as detailed in the price schedule.
- Twelve (12) submissions were received by the closing date.
- An evaluation of the tender submissions has been completed and it is recommended that Council accepts the submission from Australian HVAC Services Pty Ltd and enters into a contract with them.

BACKGROUND:

The Town of Victoria Park's current air conditioning maintenance service contract will formally expire on 27 November 2018. This contract term was for three (3) years.

The benefits to be gained by the Town through the engagement of maintenance service contractors include:

- Quality workmanship and a value for money approach to all maintenance work undertaken by specialists;
- Accurate and regular reporting of corrective maintenance to ensure efficient and sustainable operation of plant, minimising operating costs;
- Efficient response times to service requests minimising disruptions and maintaining comfortable and conducive conditions to building occupants; and
- Minimisation of the heavy burden on the Town's administration for ongoing procurement tasks involved in the sourcing of external services.

DETAILS:

The Town seeks to appoint, through this tender TVP/18/14, the services of a qualified and skilled air conditioning maintenance contractor to provide a single point of service provision responsibility for the maintenance of air conditioning units managed by the Town. The successful contractor is required to provide services including the following:

- rectification works in accordance with rectification schedules approved by the Town;
- monthly maintenance program implemented in accordance with manufacturers' operational and maintenance schedules/manuals (including preventative maintenance to avoid breakdowns);
- proactive and reactive inspections and servicing to ensure efficient operation of the mechanical components;
- effective breakdown call out response and rectification; and
- work documentation through a maintenance record system.

TVP/18/14 was advertised in the West Australian on 22 of September 2018 with the closing date being 2pm, Tuesday 9 October 2018, but was extended to Friday 12 October 2018, to allow the Town's Procurement Services adequate time to provide responses to enquiries received. A total of twelve (12) submissions were received.

This Contract requires the Contractor to, at all times, observe and comply with the requirements and provisions of all relevant Acts, Ordinances, Regulations, By-Laws, orders and rules and all requirements of any Authority that are applicable to the Work during the term of the contract.

Description of compliance criteria

Compliance criteria for TVP/18/14 included submissions being able to demonstrate the requirements below:

- Agreement to comply with the Contractual Conditions of the Request for Tender as provided in Part 4 – General Conditions of Contract;
- Provision of a minimum of three (3) references;
- Completion of the Offer Form and completion of pricing schedule submitted in the format required by the Principal;
- Submission of organisation profile;
- Provision of details of financial position;
- Advice of any potential conflict of interest;
- Provision of quality assurance position;
- Provision of insurance details; and
- Adoption of 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 was 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 Tenderer's offer 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/18/14 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	Weighting 20%
Current Capability: i) Organisation's capacity and capability ii) Organisation's structure iii) Organisation's vision and mission alignment iv) Plant, equipment and materials; and v) Any contingency measures or back up of resources including personnel (where applicable).	Weighting 20%
Demonstrated Understanding i) A project schedule/timeline (where applicable); ii) The process for the delivery of the goods/services; iii) Training processes (if required); and iv) A demonstrated understanding of the scope of work	Weighting 20%
Price Tenderers must complete the price schedule. A lump sum price should be included with a cost breakdown.	Weighting 40%

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

1. Building Asset Officer;
2. GIS Asset Officer; and
3. Mechanical Design Manager, BCA Consultants.

The Senior Procurement Officer of the Town was involved for advice and as internal probity throughout the process.

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

Company	Rank
Australian HVAC Services Pty Ltd	1
Fredon Industries Pty	2
BSA Limited	3
AMS Group	4
Australian Airconditioning	5

Australian HVAC Services Pty Ltd achieved the highest score in the assessment against the qualitative criteria and price and therefore is considered to be the best value for money.

Legal Compliance:

Local Government Act 1995 Section 3.57.

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

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

Policy Implications:

Council Policy FIN4 Purchase of Goods and Services 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 TVP/18/14 Air Conditioning Maintenance is likely exceed \$150,000 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 the awarding of contracts associated with all tenders exceeding \$200,000 to be determined by Council. The value of the total contract over three years with further extension 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

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Health – No direct access for air conditioning contractor for call out in acceptable response times causing occupants to be uncomfortable or affect well being	Minor	Unlikely	Low	Engage a mechanical services contractor that complies with service level response times.

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

Risk management covers all the processes involved in identifying, assessing and judging risks, assigning ownership, taking actions to mitigate or anticipate them, and monitoring and reviewing progress. Risk is now a major factor to be considered when preparing a report for Council's consideration.

Strategic Plan Implications:

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

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

Financial Implications:

Internal Budget:

The 2018/2019 operating budget has an expense allocation for each building for reactive and preventative maintenance of the Town's Facilities. Air conditioning maintenance work and repairs make up a portion of these expenses.

The previous air conditioning maintenance contract expenditure was approximately \$40,000 per annum for the preventive maintenance schedules, totalling approximately \$120,000 over the 3 year contract period. The additional call out rates for inspections and/or repairs were \$110 per hour for reactive maintenance and averaged an additional expenditure of approximately \$45,000 per year. The previous contract total average expenditure over 3 years was approximately \$85,000 per annum and therefore totalled \$255,000 over the 3 year period.

The preferred tenderer Australian HVAC Services, has offered a lump sum price for the planned preventative maintenance totalling \$74,610 for the 3 year contract (\$24,870pa). Should this contract extend to a 5 year period with the additional two plus 1 year options, then the preventative maintenance cost over the 5 years would total approximately \$125,000. On top of this lump sum payment the hourly rates were very competitive at \$95 per hour for a tradesperson. If the previous years' reactive maintenance expenditure is

considered at approximately \$45,000 then the expected average annual expenditure for this contract would be \$70,000 per annum. Over a 3 year contract this would total approximately \$210,000 and over 5 years potentially could total \$350,000. Therefore it is recommended to seek Council approval for authorisation of this contract.

Total Asset Management:

Scheduled maintenance and inspection schedules for the Town's assets including air conditioning plant ensure that they are regularly maintained/serviced and therefore reducing the likelihood of breakdowns and reactive works. Preventative maintenance and servicing of plant and equipment on a regular basis reduces operational costs and ensures the equipment provides the best efficiency over its useful life.

Sustainability Assessment:

External Economic Implications:

Nil.

Social Issues:

Nil.

Cultural Issues:

Nil.

Environmental Issues:

Nil.

COMMENT:

Following the Tender evaluation undertaken in accordance with the advertised qualitative criteria and price for TVP/18/14 Air Conditioning Maintenance for Council Owned Buildings, Australian HVAC Services Pty Ltd was determined to have submitted the best value for money and most advantageous tender for the Town. The services offered by this company will assist the Town to manage and maintain its air conditioning assets.

CONCLUSION:

It is recommended that the submission from Australian HVAC Services Pty Ltd be accepted as the most advantageous to the Town and that they are awarded the three year contract with an extension option totalling two more years.

RECOMMENDATION/S:

That Council:

- 1. Accepts the tender submitted by Australian HVAC Services Pty Ltd for TVP/18/14 Air Conditioning Maintenance for Council Owned Buildings as the most advantageous tender.**
- 2. Authorises the Chief Executive Officer to execute a contract with Australian HVAC Services Pty Ltd for Air Conditioning Maintenance for Council Owned Buildings under the following contractual arrangements:**

- 2.1 Pricing as contained within the price schedule submitted by Australian HVAC Services Pty Ltd; and**
- 2.2 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.**

13 CHIEF FINANCIAL OFFICER REPORTS

13.1 Adoption and Gazettal of Town of Victoria Park Dog Local Law 2018

File Reference:	COR/10/0008
Appendices:	1. Proposed Dog Local Law 2018 2. Proposed Dog Local Law 2018 (with tracked changes) 3. Public Submissions Summary
Attachments:	No

Date:	3 September 2018
Reporting Officer:	N. Ferridge
Responsible Officer:	G. Pattrick
Voting Requirement:	Absolute majority
Executive Summary: Recommendation – That Council adopts the <i>Dog Local Law 2018</i>, as included in the appendices. - The Town is required by legislation to review its local laws within an eight year period. - A review was undertaken of the current Town of Victoria Park Dog Local Law. - Significant operational amendments were made pursuant to changes to the <i>Dog Act 1976</i>, requiring the adoption of a new Dog Local Law. - It is recommended that Council adopt the new <i>Dog Local Law 2018</i>.	

TABLED ITEMS:

Nil.

BACKGROUND:

The Council, at its meeting held on the 14 November 2017, resolved in accordance with Section 3.16 of the *Local Government Act 1995*, that State wide and local public notice be given of its intention to review the *Town of Victoria Park Dog Local Law 2018*.

Section 3.16 of the *Local Government Act 1995*, requires that all of the local laws of a local government must be reviewed within an eight year period of their gazettal, to determine if they should remain unchanged, be repealed or amended.

After Council officers reviewed the current Dog Local Law, it was recommended by the Town's solicitors that the current dog local law should be repealed and replaced with a new *Dog Local Law 2018* (as contained within the Appendices). This is due to a significant number of operational changes made stemming from changes to the *Dog Act 1976*.

The Town has complied with the process set out in the *Local Government Act 1995*, with the proposed *Dog Local Law 2018* being advertised state wide, as well as local notice of the review being published in the Southern Gazette.

A copy of the proposed local law was forwarded to the Department of Local Government, Sport and Cultural Industries (the 'Department').

This report has considered the advice on behalf of the Department, and consequently proposes amendments to the local law, which are presented in the Details section of this agenda item.

DETAILS:

The following key points are presented for due consideration:

Purpose:

The purpose of this local law is to:

- regulate the management process of the Animal Care Facility when dogs are impounded;
- regulate the control of dogs in public places; and
- limit the number of dogs on private property.

Effect:

The effect of this local law is to control the behaviour of dogs in public places and to assist in the confinement of dogs on private property.

The proposed amendments to the current Dog Local Law, are as follows:

Part 1 - Preliminary

1. An additional clause 1.2 (Commencement) has been added. This clause is necessary to advise when the *Dog Local Law 2018* comes into operation.

Part 3 – Requirements and limitations on the keeping of dogs

2. An additional clause 3.2 (Notice to occupier) has been added. This clause is necessary to advise dog owners where their fences are not adequate to confine their dog/s and what specific measures are required to address the non-compliance.

The advice from the Department is detailed below:

1. **Clause 1.4 - Terms used**

In the definition for *Regulations*, it is suggested that “1976” be replaced with “2013” so that it refers to the most recent Regulations.

2. **Clause 2.4 – Interference with pound**

It is suggested that this clause be deleted along with item 1 of Schedule 2.

Section 43 of the Dog Act already provides for a similar offence. The Act also prescribes an extra high penalty of \$10,000 for situations involving dangerous dogs (which is twice as high as the maximum penalty allowable in local laws).

3. **Clause 3.1 – Confinement of dogs**

Clause 3.1(1)(c) provides that a gate of a dog enclosure must be closed at all times. This means that an offence will be committed every time someone opens the gate to see the dog or take it out of the enclosure.

In previous local laws, the Parliament’s Delegated Legislation Committee has requested that paragraph (c) be amended as follows:

(c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures that the dog remains confined) and is fitted with a proper latch or other means of fastening it.

4. **Clause 3.1 – Confinement of dangerous dogs**

Clause 3.1 provides that a failure to confine a dog may lead to a penalty of \$5,000.

While this is correct for general dogs, the Dog Act has specific rules and penalties for the confinement of dangerous dogs. To avoid confusion, it is suggested that the Town insert the following subclause:

(3) Notwithstanding subclause (1) and (2), the confinement of dangerous dogs is dealt with in the Act and the Regulations.

Part 5 - Dog exercise and dog prohibited areas

It is suggested that the Town delete clause 5.1, 5.2, Schedule 3 and item 4 of Schedule.

As a result of recent amendments to the Dog Act, local laws can no longer be used to prescribe dog exercise and dog prohibited areas.

Instead Councils now have the power to declare exercise areas and prohibited areas by passing an absolute majority resolution, subject to the process required in section 31 of the Act.

5. **Clause 6.1 - Maximum penalty**

The current penalty for clause 6.1 is \$5,000.

While this penalty is within the maximum permitted by the Dog Act, it may be seen as excessive by the Parliament's Delegated Legislation Committee due to the relatively minor nature of the offence.

6. **Minor edits**

The following minor edits are suggested:

- Clause 2.1 – Replace “6.16-6.19” with “6.16 to 6.19”
- Clause 2.3 – The citation of the local law should be in italics;
- Clause 6.2:
 - In subclause (2) replace “third column” with “fourth column”
 - In subclause (3) replace “fourth column” with “fifth column”.
- Clause 7.3 – Replace “the First Schedule” with “Schedule 1”.
- Clause 7.6(1) – Replace “the First Schedule” with “Schedule 1”.
- Schedules – After the title of each Schedule, insert a bracketed reference to the clause to which the Schedule primarily relates.
- Where a clause branches into paragraphs, it is advisable to indent the paragraphs slightly to the right to make them easier to distinguish.

The Town should ensure that clause numbers, cross references and the contents page are accurate, particularly if any clauses are deleted due to the Department's comments.

The public submission period yielded 11 responses from the community. Based on their comments (as outlined in the Appendices), no changes were made to the proposed Local Law.

Policy Implications:

Nil.

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Compliance: The Town would be in breach of the <i>Local Government Act 1995</i> by not adopting the recommendation.	Significant	Unlikely	Low	Section 3.16 of the <i>Local Government Act 1995</i> requires that all of the local laws of a local government must be reviewed within an eight year period of their gazettal.

Strategic Plan Implications:

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

Financial Implications:Internal Budget:

The cost of Gazettal for the *Dog Local Law 2018* is within the Annual Budget allocation.

Total Asset Management:

Nil.

Sustainability Assessment:External Economic Implications:

Nil.

Social Issues:

Nil.

Cultural Issues:

Nil.

Environmental Issues:

Nil.

COMMENT:

The *Town of Victoria Park Dog Local Law* has been reviewed with significant changes being made to warrant the repeal of the current *Dog Local Law* and the adoption of the *Dog Local Law 2018*.

The Department's advice has been reflected in the proposed *Dog Local Law 2018*.

CONCLUSION:

It is recommended that Council adopt the *Dog Local Law 2018*.

FURTHER COMMENTS:

The proposed changes are to a pre-existing version. The rangers have been managing the Dog Local Law as one of their core areas of business since the Town's commencement. There will be no additional resources required.

RECOMMENDATIONS:

That Council:

- 1. Acknowledges the submissions received from the Department of Local Government, Sport and Cultural Industries and public;**
- 2. By an absolute majority in accordance with Section 3.12 of the *Local Government Act 1995*, adopts the *Dog Local Law 2018* as contained within the appendices;**
- 3. Authorises the Chief Executive Officer to undertake statutory advertising, Gazettal and all other actions necessary to ensure the *Town of Victoria Park Dog Local Law 2018* comes into operation.**

(Absolute Majority Required)

13.2 Policy review – EM6 Fees, Expenses and Allowances – Elected Members

File Reference:	COR/13/0001~03
Appendices:	1. Proposed Policy EM6 Fees, Expenses and Allowances – Elected Members 2. Proposed Policy EM6 Fees, Expenses and Allowances – Elected Members with tracked changes
Attachments:	No

Date:	14 October 2018
Reporting Officer:	N. Cain
Responsible Officer:	N. Cain
Voting Requirement:	Simple Majority
Executive Summary: Recommendation – That Council rescind the previous wording within Council Policy EM6 (Fees, Expenses and Allowances – Elected Members) and determines a new title and new wording, which includes reference to Independent Committee Members, for the policy. • The Finance and Audit Committee has reviewed Council Policy EM6 (Fees, Expenses and Allowances – Elected Members). • Due to an administrative error the policy was not considered at the recent Finance and Audit Committee meeting and has been requested to be presented to this Ordinary Council Meeting. • Changes to the title and wording of the policy statement are recommended, as well as including reference to Independent Committee Members.	

TABLED ITEMS:

Nil.

BACKGROUND:

Council regularly reviews its policies to ensure that they continue to be relevant and appropriate.

The Finance and Audit Committee, with input from officers of the Town, reviewed Council Policy EM6 (Fees, Expenses and Allowances – Elected Members) and proposed changes to the wording of the policy.

DETAILS:

The Finance and Audit Committee recently requested a review of Council Policy EM6 (Fees, Expenses and Allowances – Elected Members) be undertaken with a view to ensuring that it:

1. is still relevant;
2. is still the preferred position of Council; and
3. includes reference to the newly appointed Independent Committee Members.

Accordingly, officers of the Town hosted a Finance and Audit Committee workshop discussion (27 August 2018) from which came the following key directions.

- A preference towards changing the current six-monthly payment to monthly payments, in arrears;
- Allowances and payments to be retained at the maximum levels, as determined;
- A preference to annual sitting fees, as opposed to “per meeting” payments;
- Independent Committee Members to be recognised to the extent that is legislatively allowable.

Policy wording was drafted and provided for discussion at the Finance and Audit Committee Workshop (10 September 2018) whereby the following was informally supported.

Elected council members and independent committee members are entitled to fee payments and/or reimbursements pursuant to those prescribed in the Local Government Act 1995.

All elected council members and independent committee members are to receive the maximum legislated dollar value of the applicable fees and/or reimbursements payable for holding their respective position and, where this is an annual fee payable, then this payment is to be made on a pro-rata basis, calculated daily, and paid monthly in arrears.

The calculation of applicable expense reimbursements are to be in accordance with the appropriate legislation at the time those expenses are incurred.

The title of the policy is also proposed to change to reflect the inclusion of the independent committee members.

Legal Compliance:

Section 2.7 (Role of council) of the *Local Government Act 1995* states:

- (1) *The council –*
 - (a) *governs the local government’s affairs; and*
 - (b) *is responsible for the performance of the local government’s functions.*
- (2) *Without limiting subsection (1), the council is to –*
 - (a) *oversee the allocation of the local government’s finances and resources; and*
 - (b) *determine the local government’s policies.*

Division 8 (Local government payments and gifts to its members) of the *Local Government Act 1995* sets out the fees and expenses an elected member and/or independent committee member is entitled to be paid as determined.

Section 5.100 (Payment for certain committee members) of the *Local Government Act 1995* states:

- (1) *A person who is a committee member but who is not a council member or an employee is not to be paid a fee for attending any committee meeting.*
- (2) *Where -*

- (a) *a local government decides that any person who is a committee member but who is not a council member or an employee is to be reimbursed by the local government for an expense incurred by the person in relation to a matter affecting the local government; and*
- (b) *a maximum amount for reimbursement of expenses has been determined for the purposes of section 5.98(3)(b), the local government must ensure that the amount reimbursed to that person does not exceed that maximum.*

The *Salaries and Allowances Act 1975* states that the Salaries and Allowances Tribunal will be the determining body for the setting of the dollar ranges each local government may apply when making payments and providing gifts to elected members.

Policy Implications:

The item makes recommendation that Council Policy EM6 (Fees, Expenses and Allowances – Elected Members) be updated.

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Compliance. Fees and reimbursements not made as per the dollar value levels, as determined by legislation and/or Council decision.	Minor	Possible	Moderate	Payment and accounting processes, and legislative updates, to be reviewed on a regular basis.

Strategic Plan Implications:

The following strategic outcomes of Council, as included in Council's Strategic Community Plan (2017-2032), are relevant;

CL8 - Visionary civic leadership with sound and accountable governance that reflects objective decision making.

CL9 - Appropriate devolution of decision making and service provision to an empowered community.

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

Financial Implications:

Internal Budget:

Elected member, and independent committee member, fees and reimbursements have been included in the 2018-2019 Annual Budget at the maximum determined dollar value.

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The proposed amended Council Policy EM6 (Fees, Expenses and Allowances – Elected Members) has been reviewed noting the desire of the Finance and Audit Committee to ensure the policy;

1. is still relevant;
2. is still the preferred position of Council; and
3. includes reference to the newly appointed Independent Committee Members.

Both the proposed policy (in the appropriate policy format) and a tracked changes version (showing the transition from the previous version to the proposed new version) of the policy are included in the Appendices.

The preparation of the policy serves to reflect the discussion held at Committee workshops.

CONCLUSION:

The proposed changes to Council Policy EM6 (which includes an amended title and policy wording) appropriately reflects Committee workshop discussion and is therefore recommended for determination.

FURTHER COMMENT:

Elected members requested further information with regard to this item. This has necessitated some minor amendment to the wording of the documentation, with the concerns/questions and responses outlined below:

- Are there any risks posed by the deletion of text in the previous policy —such as the notes regarding types of expenses paid?
If the deletion of the text in the previous policy leaves the policy unclear in the types of expenses payable (i.e. to what extent, etc.), then there is a risk of either non-compliance to our own policy, non-compliance to the legislation (if that doesn't clearly align), and an inability for staff to work under the policy's directive. In this instance it is believed that any risk is minimal.

- Is there another document, perhaps more operational, that captures concerns raised regarding reference to the statutory mechanisms or resolutions that allow payments, reimbursements and allowances to be paid?
The policy, as presented, provides the necessary requirement to make payments.
- Is a resolution of council required to cover reimbursements for Independent Committee Members? Does this policy have sufficient detail to cover this?
The answer to whether or not a Council Resolution is required to deal specifically with reimbursement for Independent Members is no. In this instance it is considered that the policy, as presented, has sufficient detail to cover this.
- With the terminology not including the word allowances, will this still encompass things like the IT allowance?
The policy, as presented, includes updates to ensure this is suitably identified and covered.
- The proposed draft policy wording makes no reference to Council having passed the necessary resolutions permitting annual payments in lieu of individual payments etc.
The policy, as presented, includes updates to ensure this is suitably identified and covered.
- Independent committee members are not entitled to any fees under the Act: s5.100A(1).
The policy, as presented, includes updates to ensure this is suitably identified and covered.
- There is no "maximum legislated dollar value of the applicable ... reimbursements payable". There is a maximum hourly rate for babysitting, but no upper limit, and no limit for reimbursements.
The policy, as presented, includes updates to ensure this is suitably identified and covered.
- There is no reference to the types of expenses for which reimbursements can be claimed, whereas the existing policy refers to certain types of expenses.
The policy, as presented, was written so as to include for the introduction of other fees, allowances and reimbursements should they be legislated.
- There is no reference to the accounting period e.g. from date of election to following year, or calendar year or financial year.
The policy, as presented, includes updates to ensure this is suitably identified and covered.

RECOMMENDATION/S:

That Council, pursuant to Section 2.7 (The role of the council) of the Local Government Act 1995, and with regards to Council Policy EM6 (Fees, Expenses and Allowances – Elected Members):

1. **Acknowledges that a review has been undertaken by the Finance and Audit Committee;**

2. **Rescinds the previous wording and title of the policy and procedure; and**
3. **Adopts the Council Policy EM6 *Fees, Expense and Allowances – Elected Members and Independent Committee Members*, as included in the appendices.**

13.3 QTVP/18/13 - Library Management System

Tender Number:	QTVP/18/13
Appendices:	No
Attachments:	No

Date:	3 October 2018
Reporting Officer:	G. Pattrick
Responsible Officer:	N. Cain
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council accepts the response submitted by Civica Pty Limited for Request for Quotation (RFQ) TVP/18/13, issued through the Western Australia Local Government Association’s preferred supplier arrangement, for the provision of a Library Management System.

- Submissions were invited for provision of a Library Management System through the Western Australia Local Government Association (WALGA) preferred supplier arrangement for Library Services (LMS and RFID), C002_15B.
- Three responses were received.
- An evaluation of the submissions has been completed and it is recommended that Council accepts the submission from Civica Pty Limited, and enters into a contract with them.

TABLED ITEMS:

Nil

BACKGROUND:

The Town of Victoria Park Library is a single-branch library that provides resources and programs to enhance opportunities for lifelong learning to the community.

In a recent review it was identified that the current Library Management System (LMS) in use was outdated and lacking in many of the elements of functionality and features that can be expected of a modern LMS. These elements include, although were not limited to, public access to an online catalogue, social media integration and the ability to send SMS alerts to members for reservation collection or due date reminder. A new LMS was sought to meet the ongoing and expected customer expectations offered by a modern LMS.

DETAILS:

The LMS acquisition and implementation has been conducted as part of a holistic review of the library services provided by the Town.

Other projects also assessed during this time have included the implementation of Radio Frequency Identification (RFID) (a method of electronically tagging all library stock) and building modifications to the library to accommodate a more inclusive facility, although this agenda item only focuses on the LMS.

A steering group has been tasked to review some of the review outcomes. The membership of that group includes:

- Manager Community Services;
- Manager Library;
- Business Systems Analyst;
- Principal IT Specialist; and
- Manager Corporate Services.

The procurement process to determine the preferred software vendor included the following steps:

- Determine the requirements from the new software;
- Prepare a Request for Quote (RFQ) for the software (see more detail below);
- Prepare scenarios for vendor presentations;
- Assess vendors against scenarios based on the presentations; and
- Select the proposed successful vendor.

Applicable legislation states that the use of the WALGA eQuotes system is tender exempt and is an appropriate means by which to procure goods and services.

The RFQ QTVP/18/13 Library Management System was opened on 4 March 2018 on eQuotes and closed 22 March 2018, with three responses received.

An exhaustive evaluation was carried out with the submission from Civica Pty Limited eventually chosen as the preferred successful system.

Description of compliance criteria

Compliance criteria for TVP/18/13 included submissions being able to demonstrate the below requirements:

- i) Respondents are to provide acknowledgment that your organisation has submitted in accordance with the Conditions of this RFQ including completion of the Offer Form and provision of your pricing submitted in the format required by the Principal.
- ii) References
Provide a minimum of three (3) references. You should give examples of work provided for your referees where possible.
- iii) Compliance with the Specification contained in the Request.
- iv) Compliance with attendance at any mandatory briefing or site inspection.
- v) Compliance with the Quality Assurance requirement for this Request.
- vi) Compliance with the Delivery Date.
- vii) Risk Assessment

Respondents must address the following information in an attachment and label it **“Risk Assessment”**:

- a) An outline of your organisational structure inclusive of any branches and number of personnel.
- b) Provide the organisations directors/company owners and any other positions held with other organisations.
- c) Provide a summary of the number of years your organisation has been in business.
- d) Are you acting as an agent for another party? If Yes, attach details (including name and address) of your principal.

- e) Do you intend to subcontract any of the Requirements? If Yes provide details of the subcontractor(s) including; the name, address and the number of people employed; and the Requirements that will be subcontracted.
- f) Will any actual or potential conflict of interest in the performance of your obligations under the Contract exist if you are awarded the Contract, or are any such conflicts of interest likely to arise during the Contract? If Yes, please supply in an attachment details of any actual or potential conflict of interest and the way in which any conflict will be dealt with.
- g) Are you presently able to pay all your debts in full as and when they fall due?
- h) Are you currently engaged in litigation as a result of which you may be liable for \$50,000 or more? If Yes please provide details.

viii) Insurance

The insurance requirements for this Request for Quotation are stipulated in Part 3 of the RFQ. Respondents are to supply evidence of their insurance coverage including, insurer, expiry date, value and type of insurance. If a Respondent holds “umbrella Insurance”, please ensure a breakdown of the required insurances are provided. A copy of the Certificate of Currency is to be provided to the Principal within seven (7) days of acceptance.

ix) Disability Access and Inclusion Plan (DAIP)

The successful Contractor will to the extent practicable, implement the Principal’s “Disability Access and Inclusion Plan” prepared under the Disability Services Act 1993 for the duration of the Contract. Do you agree to abide by the Principal’s DAIP?

Evaluation Process

Selection criteria for TVP/18/13 included each submission being assessed against four criteria, listed below:

Relevant Experience Describe your experience in completing /supplying similar Requirements. Respondents must, as a minimum, address the following information in an attachment and label it “Relevant Experience”: i) Relevant industry experience (including public sector), including details of similar work undertaken; ii) The Tenderer’s involvement in these projects, including details of outcomes produced; iii) Past record of performance and achievement; iv) References from past and present clients; and v) Occupational safety and health track record.	Weighting 25%
Capability i) Qualifications, skills and experience of key personnel. ii) Plant, equipment and staff resources available. iii) Percentage of operational capacity represented by this work. iv) Quality systems. Tenderers must address the enquired information in an attachment and label it: (Capability)	Weighting 25%

Demonstrated Understanding Respondents should detail the process they intend to use to achieve the Requirements of the Specification. Areas that you may wish to cover include: i) Level of understanding of Tender documents; ii) Level of understanding of work required; iii) Ability to meet delivery dates in regard to overall work commitments; iv) Warranties offered; Supply details and provide an outline of your proposed methodology in an attachment labelled "Demonstrated Understanding".	Weighting 25%
Tendered Fees and Price/s The price to supply the goods or services in accordance with the Request Rates or prices for variations	Weighting 25%

After evaluating the tenders against the compliance and qualitative criteria, a consensus scoring meeting was held with the evaluation panel members. The three (3) compliant submissions are shown below in ranked order:

Company	Rank
Civica Spydus	1
Sirsi Dynix	2
Libero	3

All three (3) submissions met the RFQ Compliance Criteria. After the initial assessment, the project team determined that Libero did not offer the level of functionality that the other vendors provided and were eliminated from further consideration.

The Senior Procurement Officer was involved for advice and as probity advisor throughout the process.

On 20 July 2018, Sirsi Dynix and Civica Spydus presented to the panel to demonstrate how they would address specified scenarios that encompassed identified key stakeholder requirements. The assessment of the compliant submissions was undertaken by an assessment panel of seven staff comprising of:

- Manager Corporate Services;
- Principal ICT Specialist;
- Senior Business Systems Analyst;
- Manager Library (acting);
- Collection Development Librarian;
- Library Customers Service Officer; and
- Local History Coordinator.

Panel Members scored the presentations against the compliance and selection criteria. The system from Civica Pty Limited (Spydus) was assessed to be the most suitable as the provider demonstrated the successful application of similar skills with other local government clients, with particular relevance to the type of ICT consultancy and managed services required by the Town. The provider has demonstrated their capacity to undertake this implementation of the new LMS.

Legal Compliance:

Local Government Act 1995 Section 3.57.

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

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

Policy Implications:

The Management Practice associated with Council Policy FIN4 (Purchase of Goods and Services) requires tenders to be invited before entering into a contract if the consideration under the contract is or expected to exceed \$150,000. The provision of a Library Management System is likely to exceed \$200,000 over a five year contract term (three years with further extension options up to five years total), 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 extension options is expected to exceed \$200,000 therefore it is required that this item be brought before Council for determination.

Risk Management Considerations:

The risk identification and categorisation below relies on the Town's Risk Assessment and Acceptance Criteria.

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation / Actions
Reputational Negative public perception towards the Town implementing a new LMS	Low	Likely	Low	Clearly articulated benefits from current project
Financial Insufficient funds to complete project	Low	Unlikely	Low	Supplier's invoices will be monitored against a purchase order and budget expenditure
Staffing Failed implementation due to lack of subject matter and area expertise.	Medium	Likely	High	Appoint a project management team (Veev Group) to support the LMS implementation

Reputation Failing to keep up with current technology to be sustainable into the future	Medium	Likely	High	Proceed with the procurement of a new LMS
---	--------	--------	------	---

Strategic Plan Implications:

The implementation of a new LMS addresses the following strategic outcomes of Council:

- S2 – An informed and knowledgeable community; and
- CL4 – Appropriate information management that is easily accessible, accurate and reliable.

Financial Implications:Internal Budget:

The total value of acquiring the new system (implementation and annual expenses) has been included in the Annual Budget and Long Term Financial Plan. The Annual Budget has an allocation of \$95,000 for the acquisition of a new LMS.

The total cost of the contract (implementation and annual licence fees, inclusive of a three year contract with further extension options up to five years total) is expected to be approximately \$209,000 (GST excluded, and allowing for contingencies).

Total Asset Management:

The ongoing expenses have been included in the Long Term Financial Plan and Information and Communication Technology Asset Management Plan.

Sustainability Assessment:External Economic Implications:

Nil.

Social Issues:

Nil.

Cultural Issues:

Nil.

Environmental Issues:

Nil.

COMMENT:

The proposed new software provides an improved platform for the operations of the Town of Victoria Park Library.

A comprehensive procurement process was conducted and the group assessing the vendors reached a unanimous decision on the successful bid.

CONCLUSION:

It is recommended that Council proceed with the acquisition of the software by endorsing Civica (Spydus) and approving the purchase.

RECOMMENDATION/S:

That Council:

- 1. Accepts the response submitted by Civica Pty Limited for Request for Quotation (RFQ) TVP/18/13, issued through the Western Australia Local Government Association's preferred supplier arrangement, for the provision of a Library Management System.**
- 2. Authorises the Chief Executive Officer to execute contracts with Civica Pty Limited for TVP/18/13 Library Management Software under the following contractual arrangements:**
 - 2.1 Pricing as contained within the tender submission; and**
 - 2.2 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.**

14 COMMITTEE REPORTS

FINANCE AND AUDIT COMMITTEE

14.1 Recommendation from the Finance and Audit Committee: Schedule of accounts for 30 September 2018

File Reference:	FIN/11/0001~09
Appendices:	1. Payment Summary – September 2018
Attachments:	No

Date:	29 October 2018
Reporting Officer:	A. Thampoe
Responsible Officer:	G. Pattrick
Voting Requirement:	Simple Majority
Executive Summary: Recommendation - That Council acknowledges the Schedule of Accounts paid for the month ended 30 September 2018. - The accounts paid for 30 September 2018 are 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:

- 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	608424 – 608439	58,861
Creditors – EFT Payments		4,662,611
Payroll		1,046,111
Bank Fees		59,394
Corporate MasterCard		4,005
		5,830,982
Trust Account		
Automatic Cheques Drawn	3602 – 3610	13,995
		13,995

Legal Compliance:

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

6.10. Financial management regulations

Regulations may provide for —

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

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

13. Lists of Accounts

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

Policy Implications:

Nil.

Risk Management Considerations:

Three risks have been identified as outlined.

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

Strategic Plan Implications:

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

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

Financial Implications:Internal Budget:

Nil.

Total Asset Management:

Nil.

Sustainability Assessment:External Economic Implications:

Nil.

Social Issues:

Nil.

Cultural Issues:

Nil.

Environmental Issues:

Nil.

COMMENT:

All accounts paid have been duly incurred and authorised for payment as per approved purchasing and payment procedures and it is therefore recommended that the Committee recommend to the Council to accept and confirm the payments, as included in the appendices.

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

FURTHER COMMENT:

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

- A Beautiful City – Placemaking services - \$3,000
This payment is the annual subscription for pedestrian counters located throughout the Town for July 2018 to June 2019.
- City Subaru – Plant supply and servicing - \$28,339.50
As per the approved capital works program, this is for the purchase of a vehicle, replacing plant number 337.
- Cornerstone Legal – Legal services - \$5,868.21
This payment is in relation to three separate invoices relating to environmental health and Food Act matters.
- Donald Veal Consultants – Parking management services - \$2,860
Payment of services for a road safety assessment for on-street parking in relation to road crests.
- Empire Estate Agent – Rental payments - \$11,064.04
This is two months rental payments for the parking office at 175B Star Street, Carlisle.
- Extent Heritage – Planning and building services - \$5,324
This payment is for Aboriginal heritage consultations in relation to Taylor Reserve and McCallum Park foreshore works.
- Fines Enforcement Registry – Financial services - \$203,454 and \$32,575.50
This is the payment for lodgement fees for outstanding infringements for collection by the Fines Enforcement Registry. There were a total of 3,717 outstanding infringements lodged.

- Green Skills – Environmental services - \$3,230.70 and \$5,438.81
These payments relate to temporary staff. The description has been updated to “Agency and Contract Staff” however, this company do also provide other environmental services such as planting and spraying services on occasion.
- Indian Pacific Ltd – Advertising services - \$10,490.70
Advertising of the Eat Ride n Enjoy campaign at Optus Stadium during West Coast Eagles games via the animated billboard and mega screen. This was done at three games (20 May, 21 June and 8 July).
- John Hughes – Plant supply and servicing - \$45,412.50
As per the approved capital works program, this is for the purchase of a vehicle, replacing plant number 296.
- Movies by Burswood – Sponsorship - \$16,500
This payment is for the annual sponsorship of Telethon Community Cinemas.
- McLeods – Legal services - \$7,199.50
This is for payment of three separate invoices relating to compliance and parking prosecution matters.
- Melville Subaru – Plant supply and servicing - \$28,981.15
As per the approved capital works program, this is for the purchase of a vehicle, replacing plant number 335.
- Para-Quad Industries – Transport services - \$6,101.70
This is for payment of metropolitan library courier services from July 2018 to June 2019.
- Price Consulting Group – Human resource services - \$2,986.50
This is for payment for consulting in relation to CEO performance review.
- Subaru Osborne Park – Plant supply and servicing - \$27,787.10
As per the approved capital works program, this is for the purchase of a vehicle, replacing plant number 333.
- The Trustee of Folan Family Trust – Human resource services - \$5,115
This is for the facilitation of organisational culture training and consultation.
- Thinkfield – Customer relations services - \$1,870
This is for the purchase of additional mystery shopping services.

- Urbis – Town planning services - \$54,917.19

This is for detailed design consultancy services in relation to Lathlain Park Zone 2 and 2x, as per tender TVP/18/02. This includes design of landscaping and buildings. The standard description has been changed to better reflect the services and now reads “Design and Drafting Services”.

- VenuesLive Management – Hire charges - \$3,060 and \$2,448.01

This payment is in relation to the first deposit for venue hire, audio-visual and catering for Breakfast with Ben Wyatt event (\$3,060). The subsequent payment of \$2,448.01 is for payment of second deposit. There will be a third deposit paid of \$611.99 to finalise the account following the event.

- Woodsome Management – Project management services - \$13,684

This payment is for peer review in relation to the potential Development Contribution Plan (DCP) for Burswood Station East Precinct.

- What is the origin of the sponsorship arrangement for Movies By Burswood?

The Town has provided sponsorship to Burswood Community Cinema for a number of years. The budget has traditionally been managed by the Economic Development portfolio, with the relationship managed by Communications.

This year, Burswood Community Cinema was asked to submit their application through the new sponsorship program. An assessment panel convened and approved the sponsorship application.

An outcome of the sponsorship package allows for the Town to host a free community event at Burswood Community Cinema; which will be the free community event to launch the Town’s Reflect Reconciliation Plan (pending adoption by council in November), the screening of Our Languages Matter and Un-Rap (the making of the RAP).

RECOMMENDATION/S FROM THE FINANCE AND AUDIT COMMITTEE:

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

- 1. The accounts paid for 30 September 2018 as included in the appendices; and**
- 2. Direct lodgement of payroll payments to the personal bank accounts of employees.**

14.2 Recommendation from the Finance and Audit Committee - Financial statements for the month ending 30 September 2018

File Reference:	FIN/11/0001~09
Appendices:	No
Attachments:	1. Financial Activity Statement Report for month ending 30 September 2018

Date:	29 October 2018
Reporting Officer:	A. Thampoe
Responsible Officer:	G. Pattrick
Voting Requirement:	Simple majority
Executive Summary: Recommendation - That Council accepts the Financial Activity Statement Report – 30 September 2018 as attached to, and forming part of, this report. - The Financial Activity Statement Report is presented for the month ending 30 September 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 – 30 September 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.

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

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

Legal Compliance:

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

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

(b) recorded in the minutes of the meeting at which it is presented.

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

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

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

* Absolute majority required.

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

(2) Where expenditure has been incurred by a local government —

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
- (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

Policy Implications:

Nil.

Risk Management Considerations:

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

Compliance: Financial statement not complying with the requirements of the <i>Local 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.

COMMENT:

It is recommended that the Financial Activity Statement Report – 30 September 2018 be accepted.

CONCLUSION:

The Financial Activity Statement Report – 30 September, 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 – 30 September be accepted.

FURTHER COMMENT:

The members of the Finance and Audit Committee sought clarification on the following items:

- Is the variation for Aqualife of \$20,000 due to staffing and why is the year to date position not reflected by the projected end of year position.

The variation relates to an over spend on the rostering of staff compared to what has been budgeted. This issue has now been addressed. Officers will be working on clawing back expenditure, hence the difference in the projected end of year position.

- Urban Planning are showing a year to date variance of \$34,000. Why is the projected end of year position only \$20,000?

The current period variation is due to higher than anticipated development applications for the period of September. The variance of \$34,000 is for the explanation of the September period only and has been explained as higher than budgeted income from development applications. Officers have estimated that, over the course of the full year, the impact is that the revenue will increase in total by \$20,000.

- Parking have stated a favourable variance of \$95,000. Why is the projected end of year position only \$90,000?

The favourable variance is due to higher than anticipated paid parking and infringement income compared to the same time last year. The end of year position has been estimated taking into account previous trends.

- How do we have \$34,250 outstanding for 60 days for other fees and charges? Is it expected to be overdue for 90+ days in November?

The \$34,250 within "other fees and charges" is a single invoice for an easement to Western Power. It has been held up due to Landgate documentation being required and we have been advised that payment will be made late October, early November. This will move to 90+ if not paid by 31 October.

- What is the current percentage of rates outstanding?
35.7%.
- In comparison to previous years, are we on track to collect the majority of rates levied this financial year?
Yes.

RECOMMENDATION/S FROM THE FINANCE AND AUDIT COMMITTEE:

That Council, pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, accepts the Financial Activity Statement Report – 30 September 2018 as attached to, and forming part of, this report.



Financial Activity Statement Report

For the month ended 30 September 2018



Contents

Statement of Financial Activity Variances

Proposed Budget Amendments

Accounting Notes

Service Unit Definitions

Statement of Financial Activity

Net Current Funding Position

Cash and Cash Investments

Receivables (Rates and Sundry Debtors)

Grants and Contributions

Reserve Funds

Capital Items

Statement of Financial Activity Variances

Material Variances Defined

For the purposes of reporting the material variances in the Statement of Financial Activity (by 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

Community Planning• **Urban Planning**

- The period variation is favourable to period budget by \$34,741
- The variation predominantly relates to higher than anticipated Development application fees received for the period.
The forecasted impact on the year end position is an increase in revenue of \$20,000.

Finance• **Parking**

- The period variation is favourable to period budget by \$95,463.
- The variation predominantly relates to higher than anticipated paid parking and infringement income which is greater than the same time last year.
- The forecasted impact on the year end position is an increase in revenue of \$90,000.

Operations

No material variance to report

Operating ExpenseChief Executive Office• **Customer Relations**

- The period variation is favourable to period budget by \$38,610.
- The variation predominantly relates to a vacancy within the area.
- The forecasted impact on the year end position is a reduction in expenditure of \$25,000.

Community Planning• **Urban Planning**

- The period variation is favourable to period budget by \$47,093
- 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 forecasted impact on the year end position is a reduction in expenditure of \$20,000.

Finance• **Aqualife**

- The period variation is unfavourable to period budget by \$68,256
- The variation predominantly relates to staff rosters exceeding budgeted hours across multiple departments (Gym, Recreational Swimming and Learn to swim). Variance is expected to reduce through roster amendments.
- The forecasted impact on the year end position is an increase in expenditure of \$30,000.

- **Parking**

- The period variation is favourable to period budget by \$104,865
- The variation predominantly relates to vacancies within the area. These vacancies have also led to less parking projects and associated lower project expenditure.
- The forecasted impact on the year end position is a reduction in expenditure of \$70,000.

Operations

- **Parks and Reserves**

- The period variation is favourable to period budget by \$483,797.
- The variation predominantly relates to delays in works such as road reserve maintenance and programmed kerb and footpath spraying having been delayed due to weather.
- The forecasted impact on the year end position is \$nil as this is a timing variance.

- **Waste Services**

- The period variation is favourable to period budget by \$600,711.
- The variation predominantly relates to delays in invoice approvals.
- The forecasted impact on the year end position is \$nil as this is a timing variance.

Capital ExpenseChief Executive Office

No material variance to report.

Community Planning

No material variance to report.

Finance

No material variance to report.

Operations

- **Parks and Reserves**

- The period variation is favourable to period budget by \$47,100.
- The variation predominantly relates to a minor delay in the Victoria Park Drive project due to Water Corporation works on Victoria Park drive.
- The forecasted impact on the year end position is \$nil as this is a timing variance.

- **Parks and Reserves**

- The period variation is favourable to period budget by \$241,845.
- The variation predominantly relates to minor delays and budget timing of invoices. All projects relating to Lathlain traffic management plan is complete with invoices yet to be paid. Resurfacing works have been rescheduled to be done in early 2019 due to availability of contractors. Some works have also been delayed due to Water corporation works on Albany Highway.
- The impact on the year end position is \$nil as this is a timing variance.

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) InventoriesGeneral

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

Land Held for Resale

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

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

(k) Fixed Assets

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

Initial Recognition

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

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

Revaluation

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

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

Land Under Roads

In Western Australia, all land under roads is Crown land, the responsibility for managing which, is vested in the local government. Council has elected not to recognise any value for land under roads acquired on or before 30 September 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 Instruments

Initial Recognition and Measurement

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

Classification and Subsequent Measurement

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

Amortised cost is calculated as:

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

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

Financial assets at fair value through profit and loss

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

Loans and receivables

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

Held-to-maturity investments

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

Available-for-sale financial assets

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

They are subsequently measured at fair value with changes in such fair value (i.e. gains or losses) recognised in other comprehensive income (except for impairment losses). When the financial asset is derecognised, the cumulative gain, or loss, pertaining to that asset previously recognised in other comprehensive income is reclassified into profit or loss.

Available-for-sale financial assets are included in current assets, where they are expected to be sold within 12 months after the end of the reporting period. All other financial assets are classified as non-current.

Financial liabilities

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

Impairment

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

Derecognition

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

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

(m) Impairment

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

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

(n) Trade and Other Payables

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

(o) Employee Benefits

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

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

(p) Borrowing Costs

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

(q) Provisions

Provisions are recognised when:

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

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

(r) Current and Non-Current Classification

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is 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 OfficeChief Executive Office

The Chief Executive Office leads and supports the transformation of the organisation into a customer-focused, culturally constructive, legislatively compliant, sector-leading entity, with a primary focus on the Service Areas within the Chief Executive Office functional area.

Communications and Engagement

Communications and Engagement manages the brand and reputation of the Town. This is achieved through developing clear and accessible messaging, consulting with the community, delivering key messages through various channels and working to reach the appropriate audiences through strategically executed marketing, engagement and communication planning..

Customer Relations

Customer Relations manages the Customer Service Contact Centre, which is the first point of contact for the organisation, and monitors performance against the Town's Customer Service Charter.

Leadership and Governance

The Leadership and Governance Service Area is committed to responsibly managing the Town on behalf of the residents and ratepayers of the District through collaboration, knowledge-sharing and good governance.

Human Resources

Human Resources is responsible for the development and implementation of occupational health and safety compliance, staff development, employee relations, recruitment and payroll services of the Town.

Community PlanningBuilding Services

Building Services provide services to ensure buildings are safe, liveable, accessible and sustainable, and meet statutory requirements.

Community Development

The Community Development team's vision is an empowered Victoria Park, which will be achieved through the mission of community capacity building.

Community Planning Office

The Community Planning Office leads and supports the transformation of the organisation into a customer-focused, culturally constructive, legislatively compliant, sector-leading entity, with a primary focus on the Service Areas within the Community Planning functional area.

Digital Hub

The Digital Hub provides free digital literacy and online training for the local community, not-for-profit organisations and local business operators.

Economic Development

Economic Development seeks to increase the economic growth of the district through fostering business attraction and retention, tourism, marketing, community initiatives and creating robust relationships.

Environmental Health

Environmental Health seeks to promote good standards of public health via the many hospitality outlets in the area and the community in general.

General Compliance

The General Compliance Area liaise with and direct property owners and developers to ensure built-form building and planning requirements are adhered to at all times.

Healthy Community

The Healthy Community team connect people to services, resources, information, facilities, and experiences that enhance their physical and social health and wellbeing.

Library Services

Library Services plays a pivotal role in providing our community with access to resources, knowledge and technology in a safe, nurturing environment.

Place Management

The Place Management Service Area implements programs, that are suitable for the particular targeted section of the community, to improve places within the District or, where the community is satisfied with the standard of operation, to maintain the already attained standard.

Strategic Town Planning

Strategic Town Planning develops strategies for the future growth of the Town, with the aims of creating a vibrant community and improving the quality of life for residents.

Urban Planning

Urban Planning assesses applications for development approval and subdivision, provides advice to the community and ensures land is appropriately used and developed.

Finance

Aqualife

The Aqualife Centre aims to improve community health and wellbeing; and to provide a safe and welcoming environment for the community to meet and socialise, primarily through aquatic recreation.

Budgeting

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

Corporate Funds

The Corporate Funds are includes the management of loans, reserve fund transfers, restricted and trust funds, rate revenue and corporate grants funding.

Finance Office

The Finance Office leads and supports the transformation of the organisation into a customer-focused, culturally constructive, legislatively compliant, sector-leading entity, with a primary focus on the Service Areas within the Finance functional area.

Financial Services

The key role of Financial Services is to manage and control the Town's finances in a sound and prudent manner.

Information Systems

Information Systems assists the Town in operating efficiently with the smooth running of essential business computer programs and systems.

Leisurelife

The Leisurelife Centre aims to improve community health and wellbeing, and to provide a safe and welcoming environment for the community to meet and socialise, primarily through active recreation.

Parking

The Parking Management section guides future parking initiatives within the Town, ensuring equitable access for everyone, whilst also monitoring existing parking areas and ensuring a safer community.

Rangers

Ranger Services offer a 24 hours-a-day / 7 days-a-week service to help ensure community safety in the areas of Dog and Cat management and Local Law enforcement.

Operations

Asset Planning

Asset Planning provides services to manage and maintain Council facilities and their related assets.

Environment

The Environment Area is committed to preserving and enhancing natural areas and recognises not only the ecological benefits of protecting natural assets, but also the social and recreational benefits as well.

Fleet Services

Fleet Services oversees the various items of light fleet, heavy fleet and plant and equipment.

Operations Office

The Operations Office leads and supports the transformation of the organisation into a customer-focused, culturally constructive, legislatively compliant, sector-leading entity, with a primary focus on the Service Areas within the Operations functional area.

Parks and Reserves

The Parks and Reserves Section delivers high quality horticultural works to parks, reserves and streetscapes.

Project Management

Project Management assists in improving the standards of project management and project delivery, and delivers nominated projects on behalf of the Town.

Street Improvement

Street Improvement provides engineering advice, design, planning, and road safety initiatives.

Street Operations

Street Operations ensure the maintenance and renewal of roads, pathways, drainage and associated assets.

Waste

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



Statement of Financial Activity
For the period 1 July 2018 to 30 September 2018

Particulars	Material Variance		Revised Budget \$	30 September 2018		
	\$	%		Year-to-Date	Year-to-Date	
				Budget	Actual	
	\$		\$	\$	\$	
Revenue						
Chief Executive Office			55,000	4,410	1,446	
Chief Executive Office			50,500	4,290	1,149	
Communications and Engage			1,000	0	0	
Customer Relations			0	0	0	
Human Resources			3,000	0	203	
Leadership and Governance			500	120	94	
Community Planning			1,353,000	512,603	600,011	
Building Services			370,500	121,040	129,390	
Community Development			268,500	59,724	71,050	
Community Planning Office			1,000	0	159	
Digital Hub			1,500	0	29	
Economic Development			0	0	0	
Environmental Health			282,000	226,890	251,228	
General Compliance			10,000	2,490	3,289	
Healthy Community			27,500	6,870	10,530	
Library Services			31,500	5,715	9,722	
Place Management			0	0	0	
Strategic Town Planning			1,000	0	0	
Urban Planning	34,741	▲	38.7%	359,500	89,874	124,615
Finance			57,733,500	48,283,245	48,364,616	
Aqualife			2,182,500	469,906	486,314	
Budgeting			1,622,500	0	0	
Corporate Funds			48,124,500	45,877,250	45,857,567	
Finance Office			1,000	0	159	
Financial Services			747,500	575,250	580,595	
Information Systems			2,000	480	219	
Leisurelife			2,205,500	565,956	547,628	
Parking	95,463	▲	12.2%	2,734,000	783,503	878,966
Ranger services			114,000	10,900	13,169	
Operations			9,626,000	1,949,602	1,986,992	
Asset Planning			1,019,500	105,886	88,171	
Environment			0	0	0	
Fleet Services			10,500	0	7,709	
Operations Office			2,002,500	624	159	
Parks and Reserves			3,151,000	311,480	306,014	
Project Management			0	0	205	
Street Improvement			10,500	2,628	20,159	
Street Operations			2,640,500	798,984	815,967	
Waste Services			791,500	730,000	748,607	
Total Revenue			68,767,500	50,749,860	50,953,065	



Statement of Financial Activity
For the period 1 July 2018 to 30 September 2018

Particulars	Material Variance		Revised Budget	30 September 2018	
	\$	%	\$	Year-to-Date Budget	Year-to-Date Actual
				\$	\$
Operating Expense					
Chief Executive Office			(4,403,000)	(1,079,206)	(1,049,160)
Chief Executive Office			(1,123,500)	(250,020)	(253,626)
Communications and Engagement			(841,500)	(165,191)	(151,067)
Customer Relations	38,610	▼	(878,500)	(238,135)	(199,525)
Human Resources			(844,000)	(216,970)	(222,347)
Leadership and Governance			(715,500)	(208,890)	(222,594)
Community Planning			(8,272,000)	(1,834,568)	(1,785,363)
Building Services			(496,500)	(137,990)	(132,098)
Community Development			(1,962,500)	(361,729)	(351,035)
Community Planning Office			(947,500)	(216,910)	(205,958)
Digital Hub			(153,000)	(30,350)	(42,444)
Economic Development			(194,500)	(32,410)	(22,592)
Environmental Health			(652,000)	(167,010)	(190,057)
General Compliance			(249,500)	(62,340)	(55,490)
Healthy Community			(261,000)	(64,769)	(45,070)
Library Services			(1,243,500)	(333,850)	(352,490)
Place Management			(302,500)	(45,260)	(64,602)
Strategic Town Planning			(726,000)	(111,080)	(99,750)
Urban Planning	47,093	▼	(1,083,500)	(270,870)	(223,777)
Finance			(21,912,500)	(3,384,907)	(3,277,296)
Aqualife	68,256	▲	(2,537,000)	(579,704)	(647,960)
Budgeting			(7,756,000)	(13,900)	0
Corporate Funds			(558,000)	(12,900)	1,191
Finance Office			(773,500)	(192,300)	(188,470)
Financial Services			(1,298,500)	(320,550)	(319,741)
Information Systems			(2,966,000)	(775,770)	(777,950)
Leisurelife			(2,756,000)	(679,747)	(657,347)
Parking	104,865	▼	(2,442,500)	(610,636)	(505,771)
Ranger services			(825,000)	(199,400)	(181,247)
Operations			(31,223,000)	(4,566,922)	(3,462,061)
Asset Planning			(10,814,000)	(775,227)	(752,642)
Environment			(185,500)	(40,697)	(34,888)
Fleet Services			0	0	0
Operations Office			(2,820,000)	(200,015)	(193,032)
Parks and Reserves	483,797	▼	(4,981,500)	(1,301,771)	(817,974)
Project Management			(1,901,500)	(238,020)	(227,853)
Street Improvement			(1,165,000)	(218,066)	(225,459)
Street Operations			(2,854,500)	(467,900)	(485,698)
Waste Services	600,711	▼	(6,501,000)	(1,325,226)	(724,515)
Total Operating Expense			(65,810,500)	(10,865,603)	(9,573,880)



Statement of Financial Activity
For the period 1 July 2018 to 30 September 2018

			30 September 2018			
	Material Variance		Revised	Year-to-Date	Year-to-Date	
Particulars	\$	%	Budget	Budget	Actual	
	\$		\$	\$	\$	
Capital Expense						
Chief Executive Office			0	0	0	
Chief Executive Office			0	0	0	
Communications and Engage			0	0	0	
Customer Relations			0	0	0	
Human Resources			0	0	0	
Leadership and Governance			0	0	0	
Community Planning			(138,000)	0	0	
Building Services			0	0	0	
Community Development			(138,000)	0	0	
Community Planning Office			0	0	0	
Digital Hub			0	0	0	
Economic Development			0	0	0	
Environmental Health			0	0	0	
General Compliance			0	0	0	
Healthy Community			0	0	0	
Library Services			0	0	0	
Place Management			0	0	0	
Strategic Town Planning			0	0	0	
Urban Planning			0	0	0	
Finance			(1,213,500)	(25,000)	(34,497)	
Aqualife			0	0	0	
Budgeting			0	0	0	
Corporate Funds			0	0	0	
Finance Office			0	0	0	
Financial Services			0	0	0	
Information Systems			(976,500)	(25,000)	(34,497)	
Leisurelife			0	0	0	
Parking			(237,000)	0	0	
Ranger services			0	0	0	
Operations			(17,052,000)	(820,450)	(475,058)	
Asset Planning			(3,270,000)	(131,450)	(109,637)	
Environment			0	0	0	
Fleet Services			(934,500)	(151,500)	(137,867)	
Operations Office			0	0	0	
Parks and Reserves	47,100	▼	65%	(6,297,000)	(73,000)	(25,900)
Project Management			(71,000)	(21,000)	0	
Street Improvement			0	0	0	
Street Operations	241,845	▼	55%	(6,479,500)	(443,500)	(201,655)
Waste Services			0	0	0	
Total Capital Expense			(18,403,500)	(845,450)	(509,555)	



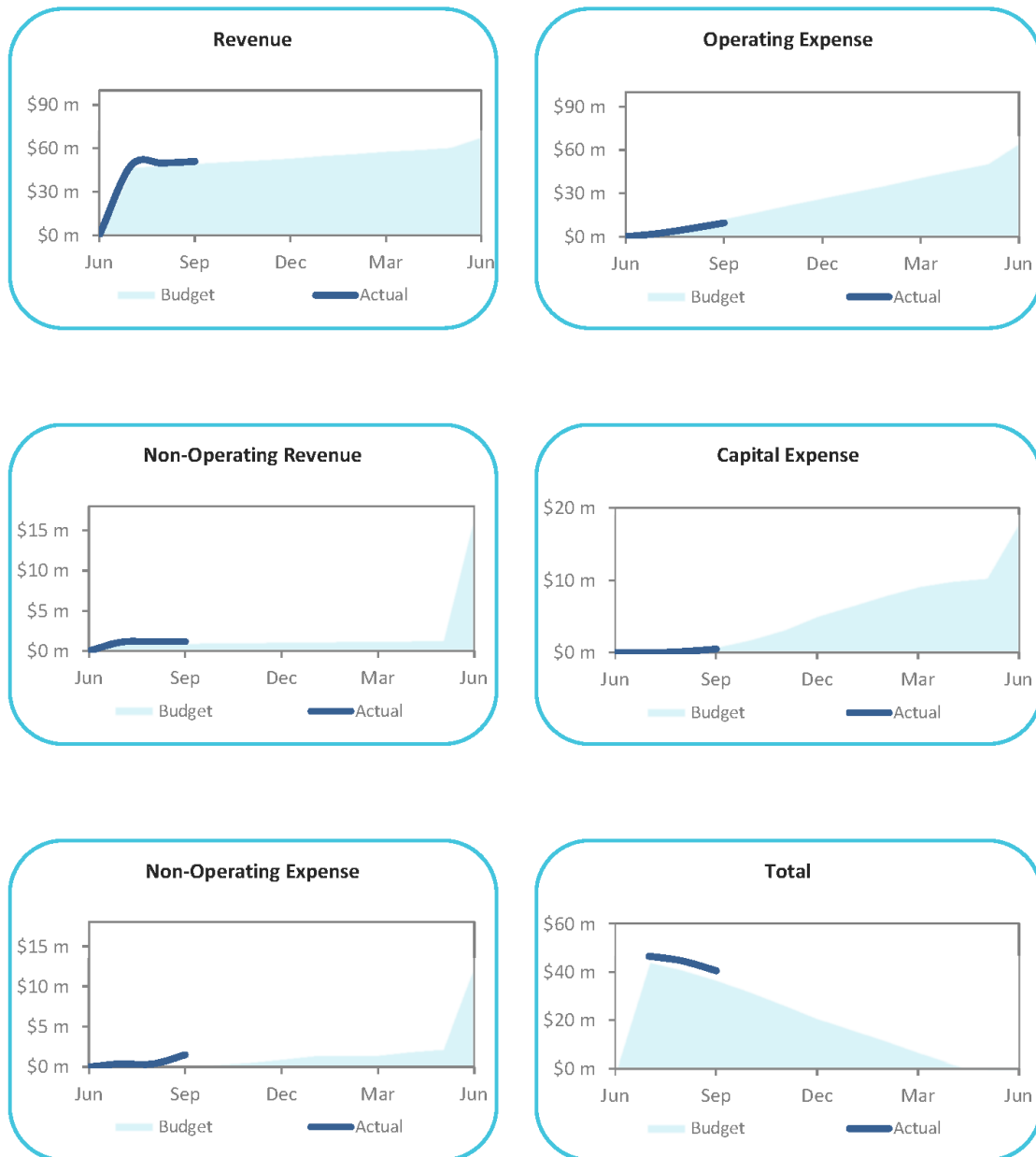
Statement of Financial Activity
For the period 1 July 2018 to 30 September 2018

			30 September 2018		
			Revised	Year-to-Date	Year-to-Date
		Material Variance	Budget	Budget	Actual
Particulars	\$	%	\$	\$	\$
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)	(1,496,000)	(1,511,431)
Corporate Funds			(12,932,500)	(1,496,000)	(1,511,431)
Total Non-Operating Expense			(12,932,500)	(1,496,000)	(1,511,431)
Non-Cash Items Adjustments					
Profit and Loss			(1,607,500)	(401,250)	0
Depreciation			8,037,500	1,935,750	0
Total Non-Cash Items Adjustments			6,430,000	1,534,500	0
Suspense Items Yet To Be Applied			0	0	55,972
Opening Surplus / (Deficit)			4,539,000	4,539,000	6,463,657
Closing Surplus / (Deficit)			0	44,776,307	47,050,535



Statement of Financial Activity
For the period 1 July 2018 to 30 September 2018

Graphical Representation





Net Current Funding Position
For the period 1 July 2018 to 30 September 2018

Particulars	Brought Forward 1 July \$	2018-2019 Revised Budget \$	Year To Date Actual \$
Current Assets			
Cash - Unrestricted	12,478,067	7,903,757	37,594,631
Cash - Reserves / Restricted	29,161,505	33,823,443	30,244,324
Receivables and Accruals	3,059,472	2,000,000	20,859,768
Inventories	9,470	1,500	9,470
	44,708,514	43,728,700	88,708,194
Less Current Liabilities			
Payables and Provisions	(9,083,352)	(9,905,257)	(11,413,335)
	(9,083,352)	(9,905,257)	(11,413,335)
Net Current Asset Position	35,625,162	33,823,443	77,294,859
Less			
Cash - Reserves / Restricted	(29,161,505)	(33,823,443)	(30,244,324)
Estimated Surplus / (Deficiency) Carried Forward	6,463,657	-	47,050,535



Cash and Cash Investments
For the month ended 30 September 2018

Cash and Investments Analysis

	Amount Invested \$	Interest Rate %	Term (Days)	Maturity Date	Projected Earnings \$	Percentage of Portfolio
Cash - Unrestricted						
Bankwest	8,000,000				62,163	12%
4748890	2,000,000	2.80	270	24-May-19	41,425	
4756708	4,000,000	2.52	62	19-Nov-18	17,122	
4756709	2,000,000	2.20	30	18-Oct-18	3,616	
BOQ	3,000,000				18,863	4%
34857	3,000,000	2.55	90	17-Dec-18	18,863	
CBA	14,594,631				15,448	22%
At Call	14,594,631	Variable	11am	Daily	15,448	
ME Bank	2,000,000				7,984	3%
034856	2,000,000	2.35	62	19-Nov-18	7,984	
NAB	10,000,000				101,382	15%
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	
72-995-7704	3,000,000	2.63	91	26-Nov-18	19,671	
70-095-1739	2,000,000	2.65	90	18-Dec-18	13,068	
Total Cash - Unrestricted	37,594,631				205,839	55%
Cash - Restricted						
CBA	2,244,324				357	3%
At Call	2,244,324	Variable	11am	Daily	357	
Bankwest	14,000,000				288,132	21%
4739557	4,000,000	2.80	270	26-Apr-19	82,849	
4748889	5,000,000	2.80	270	24-May-19	103,562	
4756710	5,000,000	2.72	273	18-Jun-19	101,721	
NAB	6,000,000				110,712	9%
57-186-2122	4,000,000	2.70	330	25-Jun-18	97,644	
70-095-1739	2,000,000	2.65	90	17-Dec-18	13,068	
BOQ	5,000,000				31,827	7%
152802	2,000,000	2.60	91	26-Nov-18	12,964	
34858	3,000,000	2.55	90	17-Dec-18	18,863	
ME Bank	3,000,000				29,589	4%
034460	3,000,000	2.40	150	24-Jan-19	29,589	
Total Cash - Restricted	30,244,324				460,617	40%
Total Cash - Invested	67,838,955				666,456	98%
Cash on Hand	9,005					
Total Cash	67,847,960					



Cash and Cash Investments
For the month ended 30 September 2018

Cash and Investments Analysis

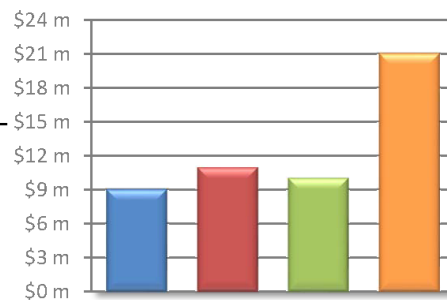
Portfolio Diversity

Institution	%
Bankwest	32
BOQ	12
CBA	25
ME Bank	7
Suncorp	0
NAB	24
	100

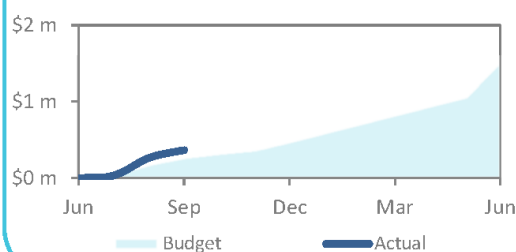


Investment Maturity Timing

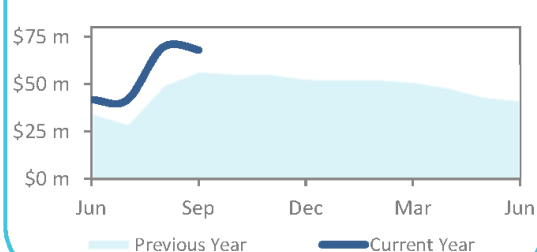
Maturity	\$
Up to 30 days	9,000,000
31 - 60 days	11,000,000
61 - 90 days	10,000,000
90+ days	21,000,000
	51,000,000



Interest Earnings



Total Cash Holdings

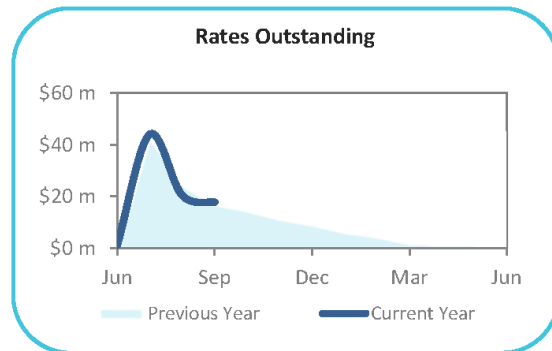




Receivables (Rates and Sundry Debtors)
For the month ended 30 September 2018

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

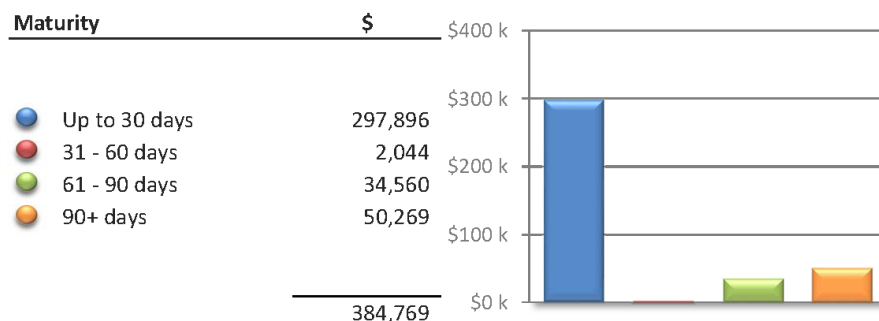
	Total
Balance from Previous Year	1,092,378
Rates Levied - Initial	45,627,053
Rates Levied - Interims	0
Total Rates Collectable	46,719,431
Current Rates Collected To Date	30,050,366
Current Rates Outstanding	16,669,065
% Rates Outstanding	35.7%



Sundry Debtors

Type	Total	30 Days	60 Days	90 Days	90+ Days
Grants and Subsidies	3,299	3,299	-	-	-
Property Rent	63,713	13,602	1,607	-	48,503
Aqualife Fees	6,869	6,554	-	-	315
Leisurelife Fees	25,324	24,030	113	100	1,081
Community Life Fees	66,443	66,067	166	210	-
Health Fees	128,293	127,978	85	-	230
Other Fees and Charges	37,969	3,579	-	34,250	140
Long Service Leave From Councils	-	-	-	-	-
Building and Planning Application Fees	52,859	52,786	73	-	-
Total Sundry Debtors	384,769	297,896	2,044	34,560	50,269

Sundry Debtor Aged Analysis





Grants and Contributions
For the month ended 30 September 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	1,500	1,500
<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	84,193	-
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	175,412	199,088
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	72,000	384,000
				-
Total Cash Deposits	9,517,500	9,517,500	1,238,194	8,313,499



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



*Reserve Funds
For the month ended 30 September 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



Reserve Funds
For the month ended 30 September 2018

Reserve Funds Transactions

	Annual Opening Balance \$	Transfer to Reserve \$	Transfer from Reserve \$	30 September 2018 Balance Actual \$	Balance Budget \$	Annual Revised Budget \$
Building Renewal	487,366	26	-	487,392	487,366	525,366
Cash-in-Lieu	-	-	-	-	-	-
Community Art	689,443	36	-	689,479	689,443	690,043
Drainage Renewal	225,520	12	-	225,532	225,520	225,920
Edward Millen Site	1,457,678	77	-	1,457,755	1,457,678	1,458,678
Furniture and Equip Renewal	599,407	32	-	599,439	599,407	599,907
Future Fund	14,384,893	759	-	14,385,652	14,384,893	13,658,793
Future Projects	2,579,640	136	-	2,579,776	2,579,640	450,178
Harold Hawthorn - Carlisle	148,630	8	-	148,638	148,630	148,630
Information Technology Ren	661,800	35	-	661,835	661,800	665,400
Insurance Risk Reserve	396,930	21	-	396,951	396,930	397,230
Land Asset Optimisation	801,300	1,081,324	-	1,882,624	801,300	397,230
Other Infrastructure Renewal	614,943	32	-	614,975	614,943	615,443
Parks Renewal	96,025	5	-	96,030	96,025	46,225
Pathways Renewal	419,697	22	-	419,719	419,697	420,397
Plant and Machinery	268,942	14	-	268,956	268,942	269,342
Renewable Energy	174,780	9	-	174,789	174,780	75,380
Roads Renewal	881,637	46	-	881,683	881,637	882,337
Underground Power	3,288,499	173	-	3,288,672	3,288,499	3,241,999
Waste Management	984,375	52	-	984,427	984,375	985,175
	29,161,505	1,082,819	-	30,244,324	29,161,505	25,753,673



Capital Items

The following pages summarise the progress of the Capital Items.

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

Item Timing

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

	Behind
	On-Track
	In-Front

Budget Status

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

	Over budget
	On budget
	Under budget

Completion Stage

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

	Not commenced
	Commenced
	Half-way completed
	Nearing completion
	Completed



Capital Items Progress
For the month ended 30 September 2018

Capital Items

Particulars	Budget Status	Completion Stage	Revised Budget \$	Year-to-Date Actual \$
Land and Buildings			3,036,500	97,786
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	1,216
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	92,342
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
Kitchen Upgrade - Higgins Park Tennis Club	☒	■□□□	0	1,598
874 Albany Highway - Accessibility	☐	□□□□	15,000	0
New - Land and Buildings				
Lathlain Redevelopment (Zone 2) - Buildings	☐	□□□□	750,000	0
Lathlain Redevelopment (Zone 2x) - Buildings	☐	□□□□	380,000	0



Capital Items Progress
For the month ended 30 September 2018

Capital Items

Particulars	Budget Status	Completion Stage	Revised Budget \$	Year-to-Date Actual \$
Plant and Machinery			934,500	137,867
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	41,659
162 VPK - Road Sweeper (Plant 341)	☐	■□□□	380,000	0
1EFR 960 - Hyundai Sedan (Plant 333)	☒	■□□□	25,000	25,553
1EFZ 074 - Hyundai Parking (Plant 335)	☒	■□□□	25,000	26,638
1EHK 762 - Hyundai Sedan (Plant 337)	☒	■□□□	25,000	26,018
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	7,786
Furniture and Equipment			336,500	11,851
6 and 8 Kent Street - Minor Expense - Allocation	☐	□□□□	30,000	0
Administration Centre - Minor Expense - Allocation	☐	■□□□	30,000	4,478
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	94
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



Capital Items Progress
For the month ended 30 September 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	82,624
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	11,855
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



Capital Items Progress
For the month ended 30 September 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	17,668
Goddard Street - Midgley to Cookham - Calming	□	■□□□	24,000	20,032
Goddard Street - Saleham to McCartney - Calming	□	□□□□	88,000	0
McCartney Crescent - Goddard to Roberts - Calming	□	■□□□	51,500	9,837
Saleham Street - Goddard to Gallipoli - Calming	□	■□□□	52,500	11,536
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	14,103
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	14,103
Right of Ways - Various	□	■□□□	20,000	0



Capital Items Progress
For the month ended 30 September 2018

Capital Items

Particulars	Budget Status	Completion Stage	Revised Budget \$	Year-to-Date Actual \$
Pathways			700,000	81,394
Renewal - Pathways				
Berwick Street - Mackie to McMaster - Surface	☐	■■■■	16,500	15,864
Berwick Street - Whittlesford to Hillview - Surface	☐	■■■■	37,000	36,248
Gloucester Street - McMaster to King George - Surface	☐	■■■□	17,000	9,018
Kitchener Avenue - Howick to Egham - Surface	☒	■■■■	18,500	20,264
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	25,900
Renewal - Parks				
George Street Reserve - Revegetation Project	☐	■□□□	60,000	1,640
GO Edwards Park - Renewal	☐	■□□□	1,000,000	14,275
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	9,280
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



Capital Items Progress
For the month ended 30 September 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

COMMUNITY DEVELOPMENT COMMITTEE**14.3 Recommendation from the Community Development Committee:
Town of Victoria Park- Reflect Reconciliation Action Plan**

File Reference:	CMR/14/001
Appendices:	1. Reflect Reconciliation Action Plan 2. Reflect Reconciliation Action Plan Public Comment document
Attachments:	No

Date:	20 September 2018
Reporting Officer:	A. Pitts
Responsible Officer:	K. Griggs
Voting Requirement:	Simple Majority
Executive Summary: Recommendation: That Council adopt the Reflect Reconciliation Action Plan. - The Town's Aboriginal Engagement Strategy Group's Reflect Reconciliation Action Plan has been conditionally approved by Reconciliation Australia. - The Reflect Reconciliation Action Plan was informed by the Aboriginal Engagement Advisory Group, formally the Aboriginal Engagement Strategy Group - The Town has undertaken a two-week public comment period. - Pending adoption by Council, the Reflect Reconciliation Plan will be launched at a free community event in December 2018.	

TABLED ITEMS

Nil.

BACKGROUND:

The Town established an Aboriginal Engagement Strategy Group in 2013 to build relationships and respect between every Australian and Aboriginal and Torres Strait Islander people. This group informs and advises the Town on ways in which we can work together to identify opportunities that meet individual and shared aspirations, drive equality and build sustainability in our local community.

In September 2018 the group was endorsed as the Aboriginal Engagement Advisory Group, for a six-month tenure with the possibility of extension.

The Reconciliation Action Plan (RAP) program provides a framework for organisations to support the national reconciliation movement. There are four RAP types (Reflect, Innovate, Stretch, and Elevate) which set out the minimum elements required from organisations to build strong relationships, respect and opportunities within organisations and communities. Each RAP is designed to suit an organisation at different stages of their reconciliation journey, with the Town being at the first stage of Reflect.

DETAILS:

In 2016 the Aboriginal Engagement Strategy Group embarked on the development of a Reflect RAP to provide a framework for the Town to build on respect, relationships and opportunities. This journey included a workshop with Reconciliation Australia, participation in Evolve and an evaluation by Curtin University on the Town's Aboriginal Engagement Strategy. This work culminated in a sub-group of the Aboriginal Engagement Strategy Group drafting key considerations for a RAP, which was presented to the wider community group for input and agreement. This document was submitted to Reconciliation Australia in 2017 with conditional approval received in early 2018.

On 5 February 2018 representatives of the Town's Aboriginal Engagement Strategy Group made a deputation to the Community Development Committee on the draft Reflect RAP. In April 2018 the Community Development Committee accepted the Draft Reflect RAP, leading to the public comment period which took place between 28 May and 11 June 2018 through Your Thoughts and a pop-up stall at the Library during Reconciliation Week. In total 13 submissions were received (see RAP Public Comment document included as [Appendix 2](#)). An overwhelming majority of these submissions demonstrated an appetite for reconciliation and welcomed a RAP.

Recommendations forwarded were, or could be broadly addressed under the strategies for implementation in the current draft (e.g. employment, education and awareness). As the RAP is a living document and will be under annual review, changes/additions can be built into the Innovate RAP.

On this basis no significant changes are proposed to the RAP that was advertised as a result of public submissions.

Legal Compliance:

Nil.

Policy Implications:

Nil.

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Reputational: Failing to implement the Reflect RAP would potentially result in a breakdown of the positive relationships built with Aboriginal and	Major	Likely	High	Council approves and supports the document for implementation across the Town.

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Torres Strait Islander communities over the years, causing reputational brand damage.				

Strategic Plan Implications:

The Town's vision is to be a dynamic place for everyone, with a key pillar of our mission being to promote sustainable, connected, safe and diverse places for all.

Reconciliation Australia states that the RAP program provides a framework for organisations to support the national reconciliation movement. A RAP is a strategic document that supports an organisation's business plan. It includes practical actions that will drive an organisation's contribution to reconciliation both internally and in the communities in which it operates.

Strategic Outcomes:

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

Civic Leadership – To show leadership by communicating with, empowering and supporting people in the community.

- C18 – Visionary civic leadership with sound and accountable governance that reflects objective decision making.

Financial Implications:Internal Budget:

Funds are allocated within the 2017/18 financial year to support the development and launch of a RAP.

Social Issues:

The Reflect RAP serves to underpin a range of strategies for the Town to ensure that Elected Members, Senior Management, staff and the community to embrace and drive equality and sustainability in the community.

According to Reconciliation Australia, a Reflect RAP clearly sets out the steps organisations should take to prepare for reconciliation initiatives in successive RAPs. Committing to a Reflect RAP allows organisations to spend time scoping and developing relationships with Aboriginal and Torres Strait Islander stakeholders, deciding on the vision for reconciliation and exploring the sphere of influence, before committing to specific actions or initiatives. This process will help to produce future RAPs that are meaningful, mutually beneficial and sustainable.

Cultural Issues:

The Aboriginal Engagement Advisory Group has been endorsed for a six-month tenure with the possibility of extension.

The Terms of Reference of the Aboriginal Engagement Advisory Group are as follows:
This group informs and advises the Town on ways in which we can work together to identify opportunities that meet individual and shared aspirations, drive equality and build sustainability in our local community, through the implementation of the Town's RAP.

The Group is responsible for:

- Attending the meetings. If a member fails to attend two consecutive meetings of the Aboriginal Engagement Advisory Group without lodging an apology his/her appointment shall be automatically terminated unless leave of absence has been granted.

The Aboriginal Engagement Advisory Group has no delegated powers or authority to:

- Represent the Town of Victoria Park
- Implement recommendations without the approval of the Council
- Commit Council to the expenditure of funds.

Members must comply with the Town's Code of Conduct.

Environmental Issues:

Nil.

COMMENT:

The Town has committed to working with the Aboriginal Engagement Strategy Group since 2013, and the culmination of these relationships form the basis for a Reflect RAP. Approving and embedding a Reflect RAP in Victoria Park demonstrates the level of respect and commitment that we share with Aboriginal and Torres Strait Islanders. Implementing the Reflect RAP will build trust and foster positive relations for making a qualitative difference in our area. The Reflect RAPs shared goals will the capacity, enhance and empower our staff and community to address matters of significance to our local area, and contribute to new opportunities with the Town of Victoria Park.

CONCLUSION:

The Town's Reflect RAP will provide meaningful opportunities of engagement between Aboriginal and Torres Strait Islanders, staff, Elected Members and the wider community, and will support the achievements of the SCP both Social and Civic Leadership and the Town's vision as A dynamic place for everyone.

FURTHER COMMENT:

At the Elected Members Briefing Session on 6 November 2018 a question was asked regarding the wording of the Mayor's message to be included in the RAP document. Below is the wording of the Mayor's message.

"Mayor's message

There is no reconciliation without acknowledging the mistakes of the past. It is with genuine reflection and ownership of the role that colonisers played in the lives of Aboriginal and Torres Strait Islanders who came before us, that allows us to build respectful relationships and opportunities for an engaged and empowered community.

This Reconciliation Action Plan (RAP) was drafted in consultation with the Town's Aboriginal Engagement Strategy Group, and outlines strategies to foster greater awareness and learning between members of our wider community and Aboriginal people. The process is a journey for the long-term, towards a shared future.

We thank all who have contributed to this RAP, which will be reviewed annually, so that we can account for our actions and achievements. Through committing to this vision, we hope that everyone will enjoy the benefits of a connected and thriving Victoria Park.

Trevor Vaughan

Mayor"



RECOMMENDATION/S FROM THE COMMUNITY DEVELOPMENT COMMITTEE:
That Council adopt the Reflect Reconciliation Action Plan.

FUTURE PLANNING COMMITTEE

14.4 Recommendation from the Future Planning Committee: Proposed Local Planning Policy 38 'Signs' and Associated Actions

File Reference:	PLA/6/41
Appendices:	1. Advertised version of draft Local Planning Policy 'Signs' ; 2. Modified version of draft Local Planning Policy 'Signs'
Attachments:	No

Date:	8 October 2018
Reporting Officer:	R. Cruickshank
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council adopt Local Planning Policy 38 'Signs' as contained at [Appendix 2](#), and that other associated actions be undertaken.

- The Town's Signs Local Law 2006 provides for the regulation, control and management of signs within the Town. The Town's Signs Local Law outlines the need to obtain a sign licence, the need for development approval to be obtained in some circumstances, and then prescribes the allowable sizes, heights etc. for each sign type.
- The Town's Town Planning Scheme No. 1 (TPS 1) contains provisions which outlines the need for development approval for signs in accordance with the Town's Signs Local Law, and the matters to be considered when determining an application for signs.
- Additionally there are provisions contained within specific Local Planning Policies that relate to specific sign types and/or signs within specific areas of the Town.
- It is more appropriate that planning provisions relating to signage be contained within a planning instrument such as a Local Planning Policy, rather than being within a Local Law.
- There are a number of sign types that are not addressed in the current Signs Local Law that require attention.
- The Council resolved at its meeting in April 2018 to advertise the draft Local Planning Policy 'Signs' for public comment.
- The draft Policy was advertised for public comment, with one (1) submission received.
- A further review of the Policy has been undertaken by Council Officers, which has resulted in further changes to the policy as advertised.
- It is now recommended that Council adopts the draft Policy and that other associated actions be undertaken.

TABLED ITEMS:

Nil.

DETAILS:

The Town's *Signs Local Law 2006* was gazetted on 22 January 2007. Following a review in 2016, Council resolved to retain the *Signs Local Law 2006*.

In the Officer's report to the Ordinary Council Meeting of 14 June 2016, the following comments were made:

“Council Officers have identified a number of sign provisions that require consideration for amendment or inclusion, such as:

- Provisions for monolith signs;*
- Provisions for community event signs;*
- Provisions for development signs marketing future developments;*
- Provisions for A-frame signs on private properties;*
- Provisions dealing with trailer signs for commercial purposes;*
- Clarity on painted window signage; and*
- Signage for home occupations.*

It is not proposed by the Administration to make any amendments to the Local Law as it is intended to prepare a Signs Local Planning Policy that will take the place of the Signs Local Law at a future time.

The advantages of having signage provisions contained within a Local Planning Policy rather than within a Local Law is largely one of efficiency and responsibility. It is a much more efficient process to amend a Local Planning Policy rather than a Local Law, and the responsibility for approving a Local Planning Policy rests with the Council rather than a Parliamentary Committee.

It is noted that most other Council's appear to have signage provisions now contained within a Local Planning Policy rather than within a Local Law.”

Council Officers also note 'Report 28 – Local Laws Regulations Signs and Advertising Devices' prepared by the Joint Standing Committee on Delegated Legislation which amongst other things, notes that matters of general amenity and safety are inherent considerations in the regulation of signs and advertising devices from a planning and development perspective.

As per Schedule D of TPS 1, those signs that require development approval are those identified in Part 6 of the Town's *Signs Local Law 2006*, being:

- The sign types set out in Parts 4 and 5, where the signs do not meet the standards; or
- Signs on a heritage building or place; or
- Roof signs;
- Balloon/blimp signs;
- Signs above verandahs.

Having regard to the above, a review of the Town's signage provisions and controls has been undertaken focusing on the following:

- that planning provisions relating to signage be contained within a planning instrument such as a Local Planning Policy, rather than being within a Local Law.
- there are a number of sign types that are not addressed in the current Signs Local Law that require attention.
- exempting a greater range of sign types from development approval.
- reviewing the current provisions applying to above awning signs.

Notable content within the draft Policy as advertised for public comments (see [Appendix 1](#)) included:

- clear objectives and background explanation clarifying the importance of having controls on signage while acknowledging the need for businesses to advertise.
- a greater range of exemptions from development approval.
- a more extensive range of sign types defined and addressed, including monolith signs, development site signs, community event signs and variable message signs.
- allowing for signs associated with Home Occupations (currently prohibited).
- providing greater opportunity for above awning signs, and providing specific criteria to ensure that any sign of this type is of a high quality and does not detract from the streetscape.
- transferring the relevant considerations for signs contained in the Scheme (Clause 30A) into the Policy.

At the Ordinary Council Meeting in April 2018, Council resolved to advertise the draft version of the proposed policy for public comment.

The draft Policy (see [Appendix 1](#)) was advertised for public comments for a period of 21 days, comprising consultation by way of Your Thoughts, the Southern Gazette newspaper, the Town's website and social media.

At the conclusion of the advertising period, one (1) formal submission was received, from a business owner as follows:

"I feel signage in the Town can be improved based on this proposal, particularly placement, quantity, size and suitability or stability of A-Frame signs which in some areas clutter the pavements. There are also instances of umbrellas and partition type signage on pavements that block or restrict passage of pedestrians. Grilled large umbrella is a good example of an unnecessarily large umbrella under an awning and placed in the middle of the pavement."

Legal Compliance:

Town of Victoria Park Town Planning Scheme No. 1

Schedule D of TPS 1 refers to those signs that require development approval being as identified in Part 6 of the Town's *Signs Local Law 2006*.

Local Planning Policies

The preparation of a Local Planning Policy is to be undertaken in accordance with deemed provisions 3 and 4 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, including:

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

Policy Implications:

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

The Policy will provide greater clarity and certainty to members of the community regarding the requirement for development approval, and address sign types not currently dealt with in the Town's Signs Local Law.

Risk Management Considerations:

Risk & Consequence	Consequence Rating	Likelihood Rating	Overall Risk Analysis	Mitigation/Actions
Should the Policy not be prepared then there will be signs types which will continue to require development approval, notwithstanding that they may have minimal visual impact.	Moderate	Likely	High	Support the proposed draft Policy.
Having sign provisions contained in a Local Planning Policy rather than a Local Law is seen as reducing a level of red-tape and increasing efficiency.	Moderate	Likely	High	Support the proposed draft Policy.
Continued inconsistent application of current provisions which generally do not support above awning signs	Moderate	Likely	High	Support the proposed draft Policy.

Sustainability Assessment:

External Economic Implications:

Nil.

Cultural Issues:

Nil.

Environmental Issues:

Nil.

COMMENT:

The Town's current provisions dealing with signs are contained within a combination of the Scheme, Local Planning Policies and the *Signs Local Law 2006*. This is considered to be inefficient, particularly given the timeframes and processes that apply when amending a Scheme or Local Law.

There are significant benefits to be gained from having planning related provisions dealing with signs being contained in a Local Planning Policy, both from a Council perspective in administering the provisions as well as reduced red-tape from a customer perspective.

The key features of the draft Policy as advertised for public comments (see [Appendix 1](#)) are described in the 'Details' section above.

Following conclusion of the advertising period, and based upon internal feedback from other staff, a further review of the draft Policy was undertaken. It was considered that there was further opportunity to improve the Policy, primarily in terms of its structure and ease of use, as well as its content in some respects. As such a modified draft Policy has now been prepared (see [Appendix 2](#)) which differs from the draft version of the Policy as advertised for public comments.

The notable modifications to the Policy from that advertised, can be summarised as follows:

- Clarification that in lieu of a sign licence, a building permit will be required for signs of a structural nature, and clarifying instances where a building permit for a sign will not be required.
- Definitions of specific sign types are now contained within Table 1 accompanying the standards that apply for that sign type.
- A change in scope so that the Policy applies to advertising signs throughout the Town, whereas previously it was intended to only apply to private property, however noting that signs on a thoroughfare will be exempt from development approval and will instead be subject to the Town's Activities on Thoroughfares and Trading in Public Places Local Law 2000.
- Reducing the number of compliant signs without development approval from a total of five (5) signs to three (3) signs, so that development approval is required wherever a business has more than three (3) signs.
- Removing proposed Part Two 'Above Awning Signs' and Part 3 'Non-preferred sign types' and instead including these provisions within Table 1.
- Modifying Table 1 to include a Column 2 and Column 4, detailing when a sign may be exempt from development approval.
- Including the following additional sign types within Table 1 and in many instances clarifying that these sign types do not require development approval : Above Awning Sign; Banner Sign (Building); Banner Sign (Mast); Building name or street number signage; Bus Shelter, Roadside Seat, Litter Bin or Public Payphone sign; Direction Sign; Flag Sign (General); Flag Sign (Mast); Plaques;
- Reducing the acceptable size of window signs without development approval from 50% of the window to 25%.

Accordingly it is now recommended that Council adopt the modified version of draft Local Planning Policy 38 'Signs' as contained at Appendix 2 to this report.

In view of the recommended adoption of Local Planning Policy 38 'Signs' which will now form the basis for determining exemptions from development approval for signs, and the applicable standards that apply to signs, the following additional actions are necessary :

1. Repeal the Town's Signs Local Law 2006. The Local Law can now be repealed as LPP38 now identifies the standards that apply for signs to be exempt from development approval, and in lieu of a sign licence, building permits will now be required. It should be noted that a new Local Law needs to be prepared to repeal a Local Law. It is intended to present a separate report to Council to commence the process to repeal the Signs Local Law.

2. Revoke Local Planning Policies 12 'Control and Location of Advertising Balloons and Blimps' and 13 'Roof Signs'. These Policies can be deleted as provisions for these sign types are now included in LPP38.
3. Amend LPP32 'Exemptions from Development Approval', by replacing the words "Compliant with the Town's Signs Local Law or an adopted Local Planning Policy relating to signs" in Table 1 with the words "In accordance with Local Planning Policy 38 'Signs'".
4. Amend LPP2 'Home Occupations' to remove the current prohibition on signs associated with a Home Occupation, so as to be consistent with LPP38 which allows for one sign of a maximum size of 0.2m².
5. Initiate an Amendment to Town Planning Scheme No. 1 to :
 - (a) delete from Schedule A 'Supplemental Provisions to the Deemed Provisions', part 6(m) of Deemed Clause 61
 - (b) delete Schedule D 'Advertisements Requiring Development Approval' from the Scheme Text.

Neither of these provisions are now necessary as deemed Clause 61(1)(h) of the LPS Regulations and Local Planning Policy 38 will instead determine the circumstances where development approval is not required for a sign.

RECOMMENDATION/S FROM THE FUTURE PLANNING COMMITTEE:

That Council:

1. **Adopt the modified version of Local Planning Policy 38 'Signs' as contained at Appendix 2, with the Policy taking effect upon publication of a notice in the Southern Gazette newspaper.**
2. **Notes the intention to prepare a separate report to Council proposing to prepare a new Local Law to repeal the Signs Local Law 2006.**
3. **Pursuant to deemed clause 5 of the Planning and Development (Local Planning Schemes) Regulations 2015, amend Local Planning Policy 32 'Exemptions from Development Approval':**
 - 3.1 **by replacing the words "Compliant with the Town's Signs Local Law or an adopted Local Planning Policy relating to signs" in Table 1 with the words "In accordance with Local Planning Policy 38 - Signs."**
 - 3.2 **with the amendment as outlined in part 3.1 being regarded as a minor amendment in accordance with deemed clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
 - 3.3 **with the amendment as outlined in part 3.1 being published in the Southern Gazette for public information.**
4. **Pursuant to deemed clause 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, revoke Local Planning Policy 12 'Control and Location of Advertising Balloons and Blimps' and Local Planning Policy 13 'Roof Signs' effective upon publication of a notice in the Southern Gazette.**

5. Pursuant to deemed clause 5 of the Planning and Development (Local Planning Schemes) Regulations 2015, amend Local Planning Policy 2 'Home Occupations':
 - 5.1 by deleting policy provision b) iii.
 - 5.2 with the amendment as outlined in part 5.1 being regarded as a minor amendment in accordance with deemed clause 5(2) of the Planning and Development (Local Planning Schemes) Regulations 2015.
 - 5.3 with the amendment as outlined in part 5.1 being published in the Southern Gazette for public information.
6. Resolves pursuant to Section 75 of the Planning and Development Act 2005 to initiate an Amendment (Amendment No. 81) to the Town of Victoria Park Town Planning Scheme No. 1 Scheme Text as follows:
 - 6.1 delete from Schedule A 'Supplemental Provisions to the Deemed Provisions', part 6(m) of Deemed Clause 61, and renumber accordingly; and
 - 6.2 delete Schedule D 'Advertisements Requiring Development Approval' from the Scheme Text.
7. Considers Amendment No. 81 to the Town of Victoria Park Town Planning Scheme No. 1 to constitute a 'basic amendment' in accordance with Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015 as the amendment will result in the Scheme Text being consistent with deemed clause 61(1)(h) of the Regulations.
8. Authorises the Chief Executive Officer and the Mayor to execute the Town Planning Scheme No. 1 Amendment No. 81 documents.
9. Forwards Amendment No. 81 to the Environmental Protection Authority for assessment in accordance with Section 81 of the Planning and Development Act 2005, and the Western Australian Planning Commission for information.

15 APPLICATIONS FOR LEAVE OF ABSENCE

16 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

17 QUESTIONS FROM MEMBERS WITHOUT NOTICE

18 NEW BUSINESS OF AN URGENT NATURE

19 PUBLIC QUESTION TIME

20 PUBLIC STATEMENT TIME

21 MEETING CLOSED TO PUBLIC

21.1 Matters for Which the Meeting May be Closed

21.1.1 Chief Executive Officer Key Performance Indicators 2018/19

21.2 Public Reading of Resolutions That May be Made Public

22 CLOSURE



**DECLARATION OF
FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT MAY AFFECT
IMPARTIALITY**

**TO: CHIEF EXECUTIVE OFFICER
TOWN OF VICTORIA PARK**

Name & Position	
Meeting Date	
Item No/Subject	
Nature of Interest	Financial Interest* Proximity Interest* Interest that may affect impartiality* <i>(*Delete where not applicable)</i>
Extent of Interest	
Signature	
Date	

Section 5.65(1) of the Local Government Act 1995 states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed”.

ALTERNATE MOTION / AMENDMENT SUBMISSION



To: HIS WORSHIP THE MAYOR:

Please be advised that I wish to move an ALTERNATE MOTION / AMENDMENT

Name of Elected Member:

Signature:

Date of Submission:

Council Meeting Date:

Item Number:

Item Title:

Alternate Motion / Amendment: *(strike out which is not applicable)*

--

Note: Motions to Stand Alone

All decisions of the council must be in the form of motions that are clear in their intent and enable a person to understand what has been decided without reference to another motion or information contained in the body of a report.

Reason:

--

Note: Explanation for changes to Recommendations

Administration Regulation 11 requires the minutes to include written reasons for each decision that is significantly different from the written recommendation. Members must therefore provide a written reason in the space provided above.