



CITY OF VINCENT

ORDINARY COUNCIL MEETING

4 April 2017

Notice of Meeting and Agenda

Notice is hereby given that an Ordinary Meeting of the Council of the City of Vincent will be held at the Administration and Civic Centre, at 244 Vincent Street (corner Loftus Street) Leederville, on **Tuesday 4 April 2017** at 6:00pm.

Len Kosova
CHIEF EXECUTIVE OFFICER

31 March 2017

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Questions or statements made at an Ordinary Council meeting can relate to matters that affect the City. Questions or statements made at a Special Meeting of the Council must only relate to the purpose for which the meeting has been called.

1. Shortly after the commencement of the meeting, the Presiding Member will ask members of the public to come forward to address the Council and to give their name, address and Agenda Item number (if known).
2. Public speaking time will be strictly limited to three (3) minutes per member of the public.
3. Members of the public are encouraged to keep their questions/statements brief to enable everyone who desires to ask a question or make a statement to have the opportunity to do so.
4. Public speaking time is declared closed when there are no further members of the public who wish to speak.
5. Questions/statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a Council Member or City Employee.
6. Where the Presiding Member is of the opinion that a member of the public is making a statement at a Council meeting, that does not affect the City, he may ask the person speaking to promptly cease.
7. Questions/statements and any responses will be summarised and included in the Minutes of the Council meeting.
8. Where practicable, responses to questions will be provided at the meeting. Where the information is not available or the question cannot be answered, it will be *"taken on notice"* and a written response will be sent by the Chief Executive Officer to the person asking the question. A copy of the reply will be included in the Agenda of the next Ordinary meeting of the Council.
9. It is not intended that public speaking time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

RECORDING OF COUNCIL MEETINGS

- ◆ All Ordinary and Special Council Meetings are electronically recorded (both visual and audio), except when the Council resolves to go behind closed doors;
- ◆ All recordings are retained as part of the City's records in accordance with the General Disposal Authority for Local Government Records produced by the Public Records Office;
- ◆ A copy of the recorded proceedings and/or a transcript of a particular section or all of a Council meeting is available in accordance with Policy No. 4.2.4 – Council Meetings – Recording and Access to Recorded Information.

ORDER OF BUSINESS

1. (a) **Declaration of Opening**
(b) **Acknowledgement of Country Statement**
"Today we meet on the lands of the Nyoongar people and we honour them as the traditional custodians of this land".
 2. **Apologies/Members on Approved Leave of Absence**
 3. (a) **Public Question Time and Receiving of Public Statements**
(b) **Response to Previous Public Questions Taken On Notice**
Nil.
 4. **Applications for Leave of Absence**
 - 4.1 Cr Loden requested leave of absence from 5 April 2017 to 20 April 2017 (inclusive) due to personal and work commitments.
 - 4.2 Cr Hallett requested leave of absence for 4 April 2017 due to work commitments.
 5. **The Receiving of Petitions, Deputations and Presentations**
Nil.
 6. **Confirmation of Minutes**
 - 6.1 Ordinary Meeting of Council held on 7 March 2017.
 - 6.2 Special Council Meeting held on 28 March 2017.
 7. **Announcements by the Presiding Member (Without Discussion)**
 8. **Declarations of Interest**
 9. **Reports**
As listed in the Index.
 10. **Motions of which Previous Notice has been given**
Nil.
 11. **Questions by Members of which Due Notice has been given (Without Discussion)**
Nil.
 12. **Representation on Committees and Public Bodies**
Nil.
 13. **Urgent Business**
Nil.
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**14. Confidential Items/Matters for which the Meeting May be Closed
("Behind Closed Doors")**

- 14.1 CONFIDENTIAL ITEM: Consideration of Ex Gratia Payment
- 14.2 CONFIDENTIAL ITEM: Request for Ex Gratia Payment

15. Closure

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9.1 DEVELOPMENT SERVICES

9.1.1 Nos. 36-38 (Lots: 3 & 4; D/P: 1346) Melrose Street, Leederville – Proposed Five Grouped Dwellings

Ward:	South	Date:	17 March 2017
Precinct:	Precinct 3 – Leederville	File Ref:	5.2016.36.1
Attachments:	1 – Location and Consultation Map 2 – Development Application Plans 3 – Summary of Submissions 4 – Extract of Design Advisory Committee Minutes and Comments 5 – Determination Advice Notes		
Tabled Items:	Nil		
Reporting Officer:	R Sklarski, Senior Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, under Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application for Five Grouped Dwellings at Nos. 36-38 (Lots: 3 & 4; D/P: 1346) Melrose Street, Leederville in accordance with plans provided in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 5:

1. Boundary Wall

The owners of the subject land shall finish and maintain the surface of the boundary walls facing Nos. 40 and 34 Melrose Street, Leederville in a good and clean condition prior to use or occupation of the development to the satisfaction of the City. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City;

2. Car Parking and Access

2.1 The car park shall be used only by residents and visitors directly associated with the development;

2.2 The visitor bay is to be marked accordingly;

2.3 Vehicle and pedestrian access points are required to match into existing footpath levels;

2.4 The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to the occupation or use of the development; and

2.5 All redundant crossovers shall be removed and the verge area reinstated to the City's satisfaction prior to the occupation or use of the development;

3. Right of Way

3.1 The Right of Way widening of 0.5m, as depicted on the approved plan, is to be ceded free of cost at the time of subdivision (including built strata subdivision) of the development to the satisfaction of the City;

- 3.2 The Right of Way widening of 0.5m, as depicted on the approved plan, shall be sealed, drained and graded to match into the level of the existing Right of Way to the satisfaction of the City prior to the occupation or use of the development; and

4. **External Fixtures**

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings to the satisfaction of the City;

5. **Privacy**

The proposed screening devices depicted on the balconies on the first floor to the western elevation of Unit 1 and eastern elevation of units 3 and 5 are to be screened in accordance with the Residential Design Codes of WA prior to the use or occupation of the development to the satisfaction of the City;

6. **Acoustic Report**

- 6.1 An Acoustic Report, in accordance with the City's Policy No. 7.5.21 – Sound Attenuation and State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning, shall be lodged with and approved by the City prior to the commencement of the development. All of the recommended measures included in the approved Acoustic Report shall be implemented as part of the development, to the satisfaction of the City prior to the use or occupation of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

- 6.2 Prior to the use or occupation of the development, a notification shall be lodged under Section 70A of the Transfer of Land Act 1893 notifying proprietors and/or (prospective) purchasers of the property of the following:

“The lots are situated in the vicinity of a transport corridor and is currently affected or may in future be affected by transport noise.”

This notification shall be lodged and registered in accordance with the *Transfer of Land Act 1893*;

7. **Landscape and Reticulation Plan**

- 7.1 A detailed landscape and reticulation plan for the development site and adjoining road verge is to be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:

7.1.1 The location and type of existing and proposed trees and plants, including the retention of the existing Frangipani tree within the street setback area;

7.1.2 Areas to be irrigated or reticulated; and

7.1.3 The provision of mature tree planting with a canopy cover, at maturity, of 39% of the site area, and the provision of landscaping comprised of 16% of the site area in the nominated deep soil zones on the approved plans;

7.2 All works shown in the detailed landscape and reticulation plan shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to the use or occupancy of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

8. Verge Trees

No verge trees shall be removed without the prior written approval of the City. The verge trees shall be retained and protected from any damage including unauthorised pruning, to the satisfaction of the City;

9. Schedule of External Finishes

Prior to commencement of development a detailed schedule of external finishes (including elevation plans that depict materials and colour schemes and details) shall be submitted to, and approved by the City. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development;

10. Construction Management Plan

A Construction Management Plan that details how the construction of the development will be managed to minimise the impact on the surrounding area in accordance with the requirements of the City's Policy No. 7.5.23 – Construction Management Plans is to be submitted to, and approved by the City prior to commencement of the development. Construction on and management of the site shall thereafter comply with the approved Construction Management Plan;

11. Clothes Drying Facility

All external clothes drying areas shall be adequately screened in accordance with the Residential Design Codes prior to the use or occupation of the development and shall be completed to the satisfaction of the City;

12. Stormwater

All stormwater produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City;

13. Amalgamation

The existing lots that are the subject of this application being amalgamated prior to the commencement of the development; and

14. General

Where any of the above conditions have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.

PURPOSE OF REPORT:

To consider an application for development approval for five grouped dwellings at Nos. 36-38 Melrose Street, Leederville.

BACKGROUND:

Landowner:	Collins Property Group
Applicant:	Collins Property Group
Date of Application:	3 February 2016
Zoning:	MRS: Urban TPS1: Zone: Residential R-Code: R60 TPS2: Zone: Residential R-Code: R60
Built Form Area:	Residential
Existing Land Use:	Vacant
Proposed Use Class:	Grouped Dwelling – “P”
Site Area:	876m ²
Right of Way (ROW):	5m wide constructed ROW vested in the care and management of the City
Heritage List:	No

The subject site is located on the northern side of Melrose Street, Leederville, and is currently vacant. The location of the subject site is illustrated in **Attachment 1**. The site and surrounding area is zoned ‘Residential’, and is dominated by single houses and grouped dwellings. The site has a right-of-way to the rear and faces the Mitchell Freeway on the opposite side of Melrose Street. The topography of the subject site and the abutting lots on the same side of the street is relatively flat with little discernable level difference from front to rear or side to side.

The application, when originally submitted, contemplated the development of six, two storey grouped dwellings, with vehicle access being obtained solely from Melrose Street. Community consultation for the original application took place between 18 March 2016 – 2 April 2016.

Based on the submissions received during the community consultation period, and following various discussions between the applicant and the City, the applicant subsequently submitted amended plans on 26 April 2016. The amended plans contemplated the development of six, two storey multiple dwellings in lieu of the original six grouped dwelling proposal in a similar configuration to the original proposal. Following the receipt of the amended plans as noted above, the application was considered by the Design Advisory Committee, and following on from DAC consideration, community consultation for the amended application took place between 26 July 2016 – 8 August 2016.

Based on the submissions received during the second community consultation process for the amended six multiple dwelling development proposal, various aspects of the development were discussed with the applicant in an endeavour to improve the design, and bring the proposed development into closer consistency with the Residential Design Codes (R-Codes) and the City’s policies. Aspects of the proposal that were raised with the applicant included the City’s Built Form Policy which was in draft form at the time of these discussions, minimum site area per dwelling requirements specified under the R-Codes, the City’s preference for increased landscaping on the site, and vehicle access to be obtained from the right-of-way.

The applicant has subsequently revised the proposal to five, two storey grouped dwellings in order to achieve compliance with the R-Codes, facilitate the provision of increased landscaping for the development, and to revise the width and function of the proposed internal vehicle/pedestrian access way in order to obtain vehicle access from the right-of-way, and pedestrian access from Melrose Street. The development is based around a central vehicle and pedestrian access leg, with three two bedroom dwellings being developed on the eastern side of the access leg, and two three bedroom dwellings being developed on the western side of the access leg. All of the dwellings are provided with two covered car parking bays for exclusive use. A visitor car parking bay is provided at the rear of development on the western side of the access leg. This visitor parking bay is directly accessible from the right-of-way. The development plans are included as **Attachment 2**.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the State Government's Residential Design Codes, and the City's policies.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use	✓	
Density/Plot Ratio	✓	
Street Setback		✓
Front Fence	✓	
Building Setbacks/Boundary Wall		✓
Building Height/Storeys	✓	
Open Space	✓	
Privacy	✓	
Parking & Access	✓	
Bicycles	✓	
Solar Access	✓	
Site Works	✓	
Essential Facilities	✓	
Surveillance	✓	
Landscaping	✓	
Outdoor Living Areas		✓
Utilities and Facilities	✓	
Vehicular and Pedestrian Access	✓	

Detailed Assessment

The deemed-to-comply assessment of the elements that require the discretion of Council is as follows:

Street Setback	
Deemed-to-comply Standard	Proposal
Built Form Policy Clause C5.2.1	
Minimum setback to Melrose Street: 7.9m	3.1m to Unit 1 3.4m to Unit 5
R-Codes Clause 5.1.2 C2.1iv	
Minimum setback from internal driveway: 2.5m	1m from internal driveway to Unit 4
Lot Boundary Setback	
Deemed-to-comply Standard	Proposal
R-Codes Clause 5.1.3 C3.1	
<u>Western boundary</u> Unit 1 and Unit 2: 1.5m	Carports setback 1.2m
Upper floor setback: 2.8m	Ranging from 1.2m – 1.8m
Upper floor terrace Unit 1: 2.5m	1.2m
<u>Eastern boundary</u> Upper floor setback: 2.8m	Ranging from 1.5m – 2.5m
Upper floor terrace Unit 3: 2.5m	1.5m

Street Setback	
Outdoor Living Area	
Deemed-to-comply Standard	Proposal
R-Codes Clause 5.3.1 C1.1	
Minimum 4m dimension	Unit 3: 3.2m Unit 4: 3.6m Unit 5: 3.3m

The above elements of the proposal that do not meet the specified deemed-to-comply standards are discussed in further detail in the comments section below.

CONSULTATION/ADVERTISING:

The application was initially submitted, assessed and advertised under the City’s Policy No. 7.2.1 – Residential Design Elements. The application was advertised on three occasions based on the change of the proposal as outlined in the background section of this report.

The application was advertised for a third occasion based on the amended proposal for five grouped dwellings for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 13 January 2017 until 27 January 2017. A total of 74 letters were sent to owners and occupiers within a 75m radius of the subject site, as shown in **Attachment 1**, in accordance with the City’s Policy No. 4.1.5 – Community Consultation.

Two submissions were received during the community consultation process being two objections. Whilst submitted by two separate landowners, the submissions are identical in all respects. The main issues raised in the submission are summarised as follows:

1. The proposed density of development is incompatible with surrounding properties;
2. The proposed front setback of development is inconsistent with setbacks on adjoining lots;
3. Aspects of non-compliance with the R-Codes and Council Policy which include site area per dwelling requirements, setbacks, open space, outdoor living areas and landscaping;
4. The proposed development adversely affects the streetscape character; and
5. Visitor parking concerns due to vehicle access being obtained directed via the right-of-way

A summary of the submissions received and Administration’s response to each is contained in **Attachment 3**.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: Yes

The original proposal was considered by the City’s DAC on one occasion on 25 May 2016. An extract of the Minutes of the meetings and subsequent correspondence is provided in **Attachment 4**. The applicant engaged with the DAC process to consider the concerns of the DAC and incorporated modifications to the design.

The application has not been referred back to DAC for further consideration as the revised proposal takes into account most of the feedback provided, and the proposal involves a lower intensity of development being five grouped dwellings in contrast to the six multiple dwellings proposal that was initially considered by the DAC.

Main Roads WA

Given the proximity to the Mitchell Freeway, the application was referred to Main Roads WA for comment. Main Roads supported the application subject to conditions regarding noise amelioration, including a requirement for notifications to be placed on title in relation to freeway noise. These conditions are included in the recommendation.

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- City of Vincent Town Planning Scheme No. 1;
- State Planning Policy 3.1: Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.1 – Built Form;
- Policy No. 7.5.20 – Construction Management Plans; and
- Policy No. 7.5.21 – Sound Attenuation.

Council at its meeting on 13 December 2016 adopted the Local Planning Policy No 7.1.1 – Built Form Policy which was published on 21 January 2016 and became operational. This now becomes the applicable planning framework under which the application will be determined. It is noted that the landscaping and rear setback requirements of the policy require approval of the WAPC and as a result the assessment will only have ‘due regard’ to these provisions.

The applicant will have the right to have Council’s decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

Delegation to Determine Applications:

This matter is being referred to Council as the application proposes more than three grouped dwellings.

RISK MANAGEMENT IMPLICATIONS:

It is Administration’s view that there are minimal risks to Council and the City’s business function when Council exercises its discretionary power to determine a development application.

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

“Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure.”*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Streetscape Character

The proposed street setbacks are not consistent with the deemed-to-comply standards set out in the City's Local Planning Policy No. 7.1.1 – Built Form. The front setback of Units 1 and 5 to Melrose Street is 3.1m and 3.4m respectively whereas the average setback of the five adjoining dwellings is 7.9m. Concerns were raised during the community consultation period in relation to the proposed setback of the development from the street, and the impact the setback would have on the character of the streetscape.

The location of the central driveway breaks up the built form of the proposed development into two distinct portions, reducing its scale when viewed from the street. Sufficient setback to the street has been maintained for soft landscaping, including the provision of six trees and deep soil zone which will further soften the impact of the reduced setback on the street. The average front setback is exacerbated by two adjoining developments at No. 42 Melrose Street to the west, and No. 32 Melrose Street to the east, which have front setbacks of 8.9m and 7.5m respectively. The front setbacks at Nos. 34, 28 and 26 Melrose Street are all less than 3.2m. The streetscape character is also in transition as a result of some of the more recent development which has taken place. Significantly, the subject site falls at the end of a cul-de-sac and in this regard, the frontage of the subject site does not form integral part of streetscape.

Given the above, it is not considered that the proposal will be out of character with current varied architecture style along Melrose Street or that it will significantly impact the existing streetscape.

Lot Boundary Setbacks

The proposed development presents a number of minor setback reductions to the western and eastern boundaries. These reduced setbacks are not considered to adversely affect the adjoining properties given the portions of the proposed development that countenance a setback reduction do not adjoin any habitable rooms or outdoor living areas of the adjoining properties.

In terms of the impact of the reduced lot boundary setbacks to No. 40 Melrose Street, the reduced setbacks primarily occur adjacent to the rear (northern) portion of this property (No. 40A Melrose Street) which is a vacant lot.

In terms of the impact of the reduced lot boundary setbacks to No. 34 Melrose Street, the reduced setbacks occur adjacent to the rear (northern) portion of this property which is the rear yard area, and adjacent to windows of non-habitable rooms being a toilet and bathroom within the side setback area of the dwelling. No outdoor living areas are affected in this regard.

Additionally, the development complies with the visual privacy and overshadowing requirements of the R-Codes.

Outdoor Living Areas

The R-Codes require that the outdoor living areas for each of the proposed grouped dwellings is a minimum of 16m² in area, and has a minimum length and width dimension of 4m. Minor variations are sought to the minimum length and width dimension of the outdoor living areas for Units 3, 4 and 5. With respect to outdoor living areas, the R-Codes seek to ensure that these spaces are capable of use in conjunction with a habitable room of the dwelling, open to winter sun and ventilation, and optimise use of the northern aspect of the site.

It is noted that the outdoor living area for all of the proposed dwellings are greater than 16 m² in area and all are accessible from habitable rooms in accordance with the R-Codes. The outdoor living area for Unit 3 is 19m², Unit 4 is 20.5m² and Unit 5 is 23.8m². In this regard, the overall size and function of the outdoor living areas are consistent with the design principles of the R-Codes, and this variation does not have any impact on neighbouring properties.

Site Density and Dwelling Yield

The submissions received by the City during the community consultation period raised some concerns regarding the site density and dwelling yield contemplated by the application leading to the proposed development being out of character with the surrounding locality.

The proposed density of the development being five grouped dwellings is consistent with the R60 density coding which applies to the subject site and surrounding locality. Whilst only a small number of properties within Melrose Street have been developed to their full potential based on the R60 density code, the locality is in transition, and it can be expected that surrounding properties containing older housing stock will be slowly redeveloped in line with the prevailing R60 density code.

Landscaping

The extent of landscaping proposed by the applicant satisfies the deemed to comply requirements of the R-Codes. The City's Built Form Policy sets out a deemed to comply standard of 15% deep soil zone and 30% canopy coverage at maturity. The application proposes 16% of the site as deep soil zone, and 39% canopy coverage, which exceeds the minimum required provision of landscaping and canopy coverage under the Policy.

Parking and Access

The submissions received by the City during the community consultation period raised some concerns regarding the parking and access arrangements contemplated by the application in terms of causing congestion within Melrose Street and creating shortages of on street car parking.

The development proposes two car parking bays per grouped dwelling and one dedicated visitor car parking bay. The proposal exceeds the parking requirements set out in the R-Codes which require one parking bay per grouped dwelling. Additionally, the development proposes to obtain vehicular access solely from the right-of-way at the rear of the subject site, which is the most optimal outcome to both minimise the impact of the development on Melrose Street in terms of traffic and on street parking, whilst making best use of the right-of-way in accordance with the R-Codes. Accordingly, access to the subject site via the right-of-way will not exacerbate visitor parking congestion as the on-site parking provision in terms of the number of resident and visitor parking bays either meets or exceeds the minimum requirements set out in the R-Codes and Council Policy.

Conclusion

Whilst the proposal requires discretion in relation to street setbacks, lot boundary setbacks, outdoor living areas and pedestrian access, these elements of the proposal are considered to meet the design principles set out in the R-Codes and the local housing objectives of the City's Built Form Policy. In each instance the proposal is not considered to adversely impact the adjoining properties or the streetscape.

The proposal is recommended for approval subject to conditions.

**9.1.2 No. 43 (Lot: 65 D/P: 1106) Chatsworth Road, Highgate Section 31
Reconsideration – Proposed Additions and Alterations to Existing
Single House**

Ward:	South	Date:	17 March 2017
Precinct:	Precinct 12 – Hyde Park	File Ref:	5.2016.36.1
Attachments:	1 – Location and Consultation Map 2 – Development Application Plans 3 – Summary of Submissions 4 – Determination Advice Notes		
Tabled Items:	Nil		
Reporting Officer:	C Connor, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That the Council, in accordance with Section 31 of the *State Administrative Tribunal Act 2004*, the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application for Alterations and Additions to a Single House at No. 43 (Lot: 65; D/P: 1106) Chatsworth Street, Highgate in accordance with the plans as shown on Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4:

1. **Land Use**

- 1.1 This approval is for additions to a Single House only, as defined in State Planning Policy 3.1: Residential Design Codes. The 'PROPOSED STUDIO ADDITION' and 'COURTYARD' shall at all times be used together with the existing development on site as 'Single House' and 'Dwelling' as defined by the State Planning Policy 3.1: Residential Design Codes; and
- 1.2 The studio(s) shall only be occupied by person/s associated with the use of the single house on the subject property. The studio is not to be self-contained as defined by the *Health Act (Laundries and Bathroom) Regulations*;

2. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary walls facing Nos. 39-41 and 47 Chatsworth Road in a good and clean condition prior to the use or occupation of the development and thereafter maintained to the satisfaction of the City. The finish of the walls are to be fully rendered, face brickwork or other such finish to the satisfaction of the City;

3. **External Fixtures**

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings;

4. **Privacy**

Adequate screening, in accordance with State Planning Policy 3.1: Residential Design Codes, shall be provided to prevent overlooking from the 'Desk'/ 'Alfresco' area into the active habitable spaces and outdoor living areas of the property to the west prior to the use or occupation of the development;

5. **Stormwater**

All stormwater produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City;

6. General

6.1 Conditions that have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists; and

6.2 This approval relates to the ‘PROPOSED STUDIO ADDITION’ and ‘COURTYARD’ indicated on the approved plans only and not to any other development on the lot.

PURPOSE OF REPORT:

To consider pursuant to Section 31 of the *State Administrative Tribunal Act 2004* an application for development approval for alterations and additions to a single house at No. 43 Chatsworth Street, Highgate.

BACKGROUND:

Landowner:	Louis Cotter
Applicant:	Louis Cotter
Date of Application:	18 July 2016
Zoning:	MRS: Urban TPS1: Zone: Residential R-Code: R50 TPS2: Zone: Residential R-Code: R50
Built Form Area:	Residential
Existing Land Use:	Single House
Proposed Use Class:	Single House – “P”
Lot Area:	314m ²
Right of Way (ROW):	Southern side, City owned with private access rights, 3.02m in width and paved
Heritage List:	No

The subject site is located on the southern side of Chatsworth Road, Highgate, between Harley Street and Cavendish Street as shown in **Attachment 1**. At the rear of the subject site is a right-of-way (ROW) which is 3.01m wide and informally used as a one way ROW with almost all vehicles that use the ROW travelling in a westerly direction. The surrounding area is zoned ‘Residential’ with a Residential Design Code (R-Code) of ‘R50’ and is predominately characterised by single housing development although the development on the east side of the subject site is a two storey multiple dwelling development.

Although the subject site itself is not included in the City’s Municipal Heritage Inventory, the adjoining two storey multiple dwelling development to the east and the four adjoining terrace style single house to the west are included on the above inventory with management category B – conservation recommended. The rear portion of the adjoining multiple dwelling development includes a boundary wall to a carport, with balcony additions to four of the units setback from and facing the ROW. An application has been lodged to construct a carport on the adjoining property to the west.

The single house on the subject site has boundary walls to both side boundaries of between 17m and 18m in length. The single house at the front of the subject site is the original dwelling and the back portion an extension over three levels approved by the City in 2000.

A previous development application to construct a two storey studio addition to a single house was lodged with the City on 9 November 2015. This proposal shared many similarities to the

current application before Council, including a bicycle and motorcycle store (garage) on the ground level accessed via the right of way ROW and a studio above. This development application was assessed and found to be non-compliant with the City's Residential Design Elements Policy applicable at the time as well as the State Planning Policy 3.1: Residential Design Codes (R-Codes) in relation to the boundary walls and the ROW setback. The application did not progress and was subsequently cancelled by the City following the lodgement of a new development application for the site.

The new application, the subject of this report, was lodged on 18 July 2016. The application is for alterations and additions to a single house comprising: a free standing building with a single car garage on the ground floor accessed via the rear ROW and a first floor studio with kitchenette and bathroom (toilet/shower), and a patio/deck enclosed on two sides. The first floor is accessed via steps from the internal courtyard between the existing house and the proposed addition. Laundry room/facilities are not provided in the proposed development and so the addition is not considered a separate dwelling but an addition to the existing Single House on site.

As the current application was not determined within the statutory timeframe, the applicant lodged an application for review with the State Administrative Tribunal (SAT) on the 16 October 2016 for the deemed refusal, on the grounds of not being able to develop without a valid approval and requiring additional and separate living space for a teenage family member.

The SAT referred the matter to a mediation conference which was held on 11 January 2017. Orders set down at the mediation required a set of revised plans be submitted by 23 January 2017 to the City and for a further mediation to be held on the 8 February 2017. The revised plans submitted clarified various development issues including site levels (Australian Height Datum); day light penetration; removal of the laundry; parking bay dimension; privacy and screening to adjoining properties; and articulation of façades. Following mediation on 8 February 2017, SAT Orders set down that a second set of revised plans be submitted to the City by 13 February 2017 and invited Council to consider these revised plans pursuant to *Section 31 of the State Administrative Tribunal Act 2004*. The second set of revised plans, which are included in **Attachment 2**, were received 16 February 2017 and are the subject of this report.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, and the City's policies.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Site Area	✓	
Street Setback	✓	
Lot Boundary Setback		✓
Open Space/Communal Open Space	✓	
Building Height	✓	
Setback of Garages and Carports	✓	
Garage Width	✓	
Street Surveillance	✓	
Street Walls and Fences	✓	
Sight Lines	✓	
Appearance of Retained Dwelling	✓	
Outdoor Living Area	✓	
Landscaping	✓	
Parking, Car Parking Spaces Vehicle and Pedestrian Access	✓	
Site Works/Retaining Walls	✓	

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Stormwater Management	✓	
Visual Privacy		✓
Solar Access for Adjoining Sites	✓	
Outbuildings	✓	
External Fixtures	✓	
Utilities and Facilities	✓	
Ancillary/Aged and Single Bed Dwelling	✓	
Environmentally Sustainable Design	✓	
Development on Rights of Way	✓	

Detailed Assessment

The deemed-to-comply assessment of the elements that require the discretion of Council are as follows:

Boundary Setbacks/Boundary Wall	
Deemed-to-Comply Standard	Proposal
Built Form Policy Clause 5.3 Lot Boundary Setback	
<u>Western Boundary</u> Maximum wall height = 3.5m Average wall height = 3m Maximum Side Boundary Wall Length = 20.8m	<u>Western Boundary</u> Maximum wall height = 5.65m Average wall height = 5.65m Maximum Side Boundary Wall Length = 23.79m
<u>Eastern Boundary</u> Maximum wall height = 3.5m Average wall height = 3m Maximum Side Boundary Wall Length = 20.8m	<u>Eastern Boundary</u> Maximum wall height = 5.65m Average wall height = 5.65m Maximum Side Boundary Wall Length = 22.4m
Privacy	
Deemed-to-Comply Standard	Proposal
Residential Design Codes Clause 5.4.1 Visual Privacy	
<u>Western Boundary</u> Privacy setback from patio/deck = 7.5m	<u>Western Boundary</u> Privacy setback from patio/deck 2m
<u>Eastern Boundary</u> Privacy setback from patio/deck = 7.5m	<u>Eastern Boundary</u> Privacy setback from patio/deck 5.4m

The above elements of the proposal that do not meet the specified deemed-to-comply standards are discussed in the Comment section below.

CONSULTATION/ADVERTISING:

The application was advertised for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 1 to 15 March 2017. The method of advertising included 24 letters being mailed to all owners and occupiers in properties adjacent to the subject site, as shown on **Attachment 1**, in accordance with the City's Policy No. 4.1.5 – Community Consultation.

Two (2) submissions were received, one supporting the proposed development with no specific comments and one neither supporting nor objecting but with comments supporting the proposed setback to the ROW.

A summary of the submission and Administration's response to each matter raised is included in **Attachment 3**.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Town Planning Scheme No. 1;
- State Planning Policy 3.1 – Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation; and
- Policy No. 7.1.1 – Built Form.

It is noted that development approval for the demolition of the existing carport to make way for the proposed development at the rear of the subject site is not required as per the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Council at its meeting on 13 December 2016 adopted Local Planning Policy No. 7.1.1 – Built Form (Built Form Policy) which was published and became operational on 21 January 2016. The Built Form Policy now becomes the applicable planning framework under which the application will be determined.

State Administrative Tribunal Proceedings

The SAT has invited the City to consider the revised plans provided on 16 February 2017. In the event that the City's decision is unacceptable to the applicant, the applicant has the right to progress the SAT application to a full hearing.

RISK MANAGEMENT IMPLICATIONS:

It is Administration's view that there are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

- 1.1 *Improve and maintain the natural and built environment and infrastructure."*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Lot Boundary Setback

The proposed development has boundary walls to the eastern and western side lot boundaries which are 5.65m high in lieu of the deemed-to-comply standard of 3.5m maximum and 3m average wall height. The length of the boundary walls is 5.39m and when combined with boundary walls of the existing house results in overall boundary wall lengths of 23.79m to the western boundary and 22.4m to the eastern boundary in lieu of the deemed-to-comply standard of the R-Codes of 20.8m. As the subject lot is orientated north-south over-shadowing is predominately to the ROW and a lot on the south side of ROW but the over-shadowing complies with the deemed-to-comply requirements of the R-Codes.

The proposed departures of boundary walls height and length from the deemed-to-comply criteria have been considered against the R-Codes and local housing objectives of the Built Form Policy design principles for boundary walls, as follows:

Western Boundary Wall

The proposed western boundary wall abuts an area on the adjoining lot used for parking of vehicles with access from the ROW. The main outdoor living area of the western lots is also located in the rear yard but the boundary wall does not abut this outdoor living area. The use of different materials/finishes for the ground and first floor and a vertical privacy screen element provides interest and breaks up the bulk of the western boundary wall. The western boundary wall would not impact on ventilation, overshadowing or access to sunlight of the adjoining site as the overshadowing is to the ROW and the adjoining site is not developed adjacent to the proposed western boundary wall. In this instance the setback of the boundary wall is considered acceptable.

It is noted that the City has received a development application from the owner of the western lot to construct a carport with a nil setback to the common boundary where the proposed western boundary wall is located. Should this proposal proceed it will further reduce the bulk of the western boundary wall.

Eastern Boundary Wall

The proposed eastern boundary wall abuts a portion of wall which is part of the carport of the adjacent multiple dwellings development so some of the ground floor and a small portion of the first floor eastern boundary wall would be screened from view especially from the approach from Cavendish Street. The use of different materials/finishes for the ground and first floor as well as a vertical window of colourful obscure glassing on the first floor adds interest and reduces the bulk of the eastern boundary wall. Bulk is also reduced by the boundary wall/fence between the sites and the area adjacent to the eastern boundary wall being used for car parking and access. In this instance the setback of the boundary wall is considered acceptable.

Visual Privacy Eastern Boundary

The deck of the proposed studio is setback 5.4m from the adjoining eastern property boundary in lieu of 7.5m deemed-to-comply standard of the R-Codes. The resulting overlooking will fall onto a wall of the adjacent multiple dwellings without openings and a 3m high boundary wall between the subject site and the adjacent multiple dwellings site. Given the above it is considered that the proposal would not impact on privacy of the adjacent multiple dwellings development to the east of the subject site. The proposed development is considered to suitably address the design principles of the R-Codes.

Visual Privacy Western Boundary

The deck of the proposed studio is setback 2m from the adjoining eastern property boundary in-lieu of the 7.5m deemed-to-comply standard of the R-Codes. The resulting overlooking will fall onto a rear unenclosed outdoor living area and a major opening to a habitable room of the adjacent house. The development plans indicate a green wall screen either side of the steps/terrace to the first floor of the proposed development which could be confused as a potential response to the design principles of the R-Codes to address overlooking, however at 1.2m in height the green wall does not prevent overlooking. The development plans also indicate a small section of higher screen planting along the western boundary, however, the screen planting does not extend sufficiently along the boundary to screen the full extent of the cone of vision or the resulting overlooking in to the adjoining property's outdoor living area.

It is considered that the issue of privacy to the western boundary is not adequately addressed in the revised plans but could be resolved by providing privacy screening compliant with R-Codes. It is recommended that a condition be imposed requiring privacy screening to be provided to prevent overlooking from the deck area into the outdoor living area and major opening of the property to the west.

Right-of-Way Setback and Access

The adjoining ROW to the rear is owned by the City of Vincent and the abutting lots have a right of access. The ROW is 3.02m wide and is informally used as a one way ROW with almost all vehicles that use the ROW travelling in a westerly direction. The proposed development has a nil setback increasing to 0.94m from the ROW on the ground floor and a nil setback from the first floor in-lieu of the 1m set as a deemed-to-comply standard in the Built Form Policy. One submission received stated support for the proposed ROW setback on the basis that drivers encountering one another in the ROW resolve traffic conflict themselves and it is unlikely that the laneway will be widened due to the heritage listed properties adjoining the laneway and the existing structures on the rear boundary.

The setback on the ground floor allows for the garage door to be off-set at an angle to the ROW to allow vehicles to access an angled bay in the garage from the westerly direction only. Vehicle will egress the garage the same way. It is considered that the angled garage is acceptable due to the narrowness of the ROW, slow speed environment, informal one-way access from the westerly direction and similar angled garages in the locality. The angled parking bay has been assessed and is considered to be compliant with the relevant Australian Standard for parking bays.

No ROW widening is proposed as part of the application. ROW widening can only be implemented through the subdivision process, which is not possible for the subject site given its size. The adjoining lots are similarly not large enough to subdivide or redevelop as grouped or multiple dwellings without amalgamation. In addition, the adjoining properties either side of the subject site are heritage listed, further reducing the likelihood of subdivision and ROW widening in this location. Given it is unlikely that any ROW widening will occur along this ROW, along with the ROW T-junction provides alternative routes should on coming vehicles encounter each other, it is not considered necessary in this instance to require ROW widening.

The proposed departure of the ROW setback from the deemed-to-comply criteria is generally considered to meet the design principles, which requires development to address the ROW with space that is welcoming and safe for residents and visitors. The proposed development achieves this by providing a varied setback (nil to 0.94m) where pedestrians and visitors can take shelter from vehicles passing in the ROW. The developments ROW elevation also provides some architectural interest in the form of varied materials/finishes for the ground and first floor as well as design features such as block glass, and coloured window glass to break up the bulk of the ROW elevation. Accordingly, the ROW setback as proposed is supported.

Conclusion

The proposal has been assessed as compliant with the City's Built Form Policy and R-Codes with the exception of side boundaries setbacks, ROW setback and privacy to the western boundary. It is considered that the proposed developments design elements achieves the design principles criteria to allow for the side boundaries and ROW setbacks to be supported. Privacy to the western lot can be addressed by an appropriate condition of approval. The proposal is recommended for approval subject to conditions.

9.1.3 No. 39 (Lot: 2; D/P: 9083) Cowle Street, West Perth – Proposed Four Grouped Dwellings

Ward:	South	Date:	17 March 2017
Precinct:	Precinct 12 – Hyde Park	File Ref:	5.2016.437.1
Attachments:	1 – Location and Consultation Map 2 – Development Application Plans (updated) 3 – Applicant’s Justification 4 – Determination Advice Notes		
Tabled Items:	Nil		
Reporting Officer:	S Laming, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the development application for Four Grouped Dwellings at No. 39 (Lot: 2; D/P: 9083) Cowle Street, West Perth in accordance with the plans as shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4:

1. Boundary Wall

The owners of the subject land shall finish and maintain the surface of the boundary walls facing Nos. 37 and 41 Cowle Street and Nos. 1-8/26 Carr Street, West Perth in a good and clean condition prior to the use or occupation of the development to the satisfaction of the City. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City;

2. Car Parking and Access

- 2.1 The car park shall be used only by residents and visitors directly associated with the development;
- 2.2 Vehicle and pedestrian access points are required to match into existing footpath levels;
- 2.3 The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to occupancy or use of the development; and
- 2.4 All redundant crossovers shall be removed and the verge reinstated to the City’s satisfaction prior to the occupation or use of the development;

3. External Fixtures

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings;

4. Privacy

The proposed screening devices depicted on the balconies on the first floor to the western elevations of Units 2 and 3 are to be screened in accordance with State Planning Policy 3.1: Residential Design Codes prior to the use or occupation of the development;

5. **Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 7.5.21 – Sound Attenuation shall be lodged with and approved by the City prior to commencement of the development. All recommended measures in the report shall be undertaken in accordance with the report to the City's satisfaction, prior to the occupation or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

6. **Landscape and Reticulation Plan**

6.1 A detailed landscape and reticulation plan for the development site and adjoining road verge is be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:

6.1.1 The location and type of existing and proposed trees and plants;

6.1.2 Areas to be irrigated or reticulated;

6.1.3 The provision of 9.4% of the site area as deep soil zones;

6.1.4 21.5% of the site area as canopy cover at maturity; and

6.1.5 The details associated with the establishment and maintenance of vegetation on and over the steel arbors shown on the approved plans;

6.2 All works shown in the plans as identified in Condition 6.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupation or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

7. **Verge Trees**

No verge trees shall be removed without the prior written approval of the City. The verge trees shall be retained and protected from any damage including unauthorised pruning, to the satisfaction of the City; and

8. **Schedule of External Finishes**

Prior to the commencement of development a detailed schedule of external finishes (including elevation plans that depict materials and colour schemes and details of all structures including the dwellings, front fencing, front gate and arbors) shall be submitted to and approved by the City. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development;

9. **Construction Management Plan**

A Construction Management Plan that details how the construction of the development will be managed to minimise the impact on the surrounding area shall be lodged with and approved by the City prior to the commencement of the development. The Construction Management Plan shall be prepared in accordance with the requirements of the City's Policy No. 7.5.23 – Construction Managements Plans. Construction on and management of the site shall thereafter comply with the approved Construction Management Plan;

10. Clothes Drying Facility

Each dwelling shall be provided with a clothes drying facility screened from Cowle Street and the internal access way in accordance with the State Planning Policy 3.1: Residential Design Codes prior to occupancy or use of the development. The clothes drying facility shall be maintained thereafter to the satisfaction of the City;

11. Stormwater

All stormwater produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City;

12. General

Conditions that have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.

PURPOSE OF REPORT:

To consider an application for development approval for four two-storey grouped dwellings at No. 39 Cowle Street, West Perth.

BACKGROUND:

Landowner:	JVP1 Pty Ltd
Applicant:	Property Projex
Date of Application:	24 February 2016
Zoning:	MRS: Urban TPS1: Zone: Residential R-Code: R80 TPS2: Zone: Residential R-Code: R80
Built Form Area:	Residential
Existing Land Use:	Vacant
Proposed Use Class:	Grouped Dwelling – "P"
Lot Area:	601.5m ²
Right of Way (ROW):	No
Heritage List:	No

The subject site is located on Cowle Street, midway between Charles Street and Fitzgerald Street, West Perth. The location of the subject site is included as **Attachment 1**. The site and adjoining properties are zoned 'Residential R80' and the area consists of a mix of single houses, grouped dwellings and multiple dwellings, with single houses being the prevalent form of development along Cowle Street. The subject site is vacant and is bound by single houses to the east and west and grouped dwellings to the south.

On the northern side of the road at No. 28 Cowle Street is a three storey multiple dwelling development consisting of 48 multiple dwellings. An approved four storey multiple dwelling development consisting of 74 multiple dwellings is currently being constructed at No. 48 Cowle Street.

The proposed development comprises four two-storey attached grouped dwellings. Unit 1 addresses Cowle Street and Units 2, 3 and 4 internally address the common property driveway. All of the dwellings have vehicle access obtained from the common side driveway. Pedestrian access to Unit 1 is provided from Cowle Street and from the driveway for Units 2, 3 and 4. Unit 1 has a single car garage and Units 2, 3 and 4 have double car garages.

The development includes a concept landscaping plan developed by qualified landscape architects. The landscaping plan proposes deep soil zone landscaping areas on the ground and first floors, tree planting, canopy coverage and four steel arbors spaced out along the driveway. The landscaping plan indicates that the arbors will have deciduous climbers grown on them.

The site slopes up approximately 2.6m from the front to the rear of the block. The development incorporates a range of colours, materials and finishes, including face brickwork, rendered sand finish and feature cladding. The development plans are included as **Attachment 2**.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the City's Draft Policy No. 7.1.1 – Built Form and the State Government's Residential Design Codes

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use	✓	
Density/Plot Ratio	✓	
Street Setback		✓
Front Fence	✓	
Building Setbacks/Boundary Wall		✓
Building Height/Storeys	✓	
Roof Form	✓	
Open Space		✓
Privacy	✓	
Parking & Access	✓	
Bicycles	✓	
Solar Access	✓	
Site Works	✓	
Retaining Walls		✓
Essential Facilities	✓	
Surveillance	✓	
Outdoor Living Areas		✓
Utilities and Facilities		✓
Pedestrian Access		✓

Detailed Assessment

The deemed-to-comply assessment of the elements that require the discretion of Council is as follows:

Street Setback	
Requirement	Proposal
Built Form Clause 5.2	
Minimum setback to Cowle Street: 5.970m	3.025m to Unit 1

Street Setback	
Requirement	Proposal
Building Setbacks/Boundary Wall	
Requirement	Proposal
<p>R-Codes Clause 5.1.3 Upper floor: 1.5m</p> <p><u>South western</u> Upper floor: 1.5m</p> <p><u>North western</u> Upper floor: 6.6m</p> <p>Built Form Clause 5.3 No boundary wall to rear boundary – Ground floor: 1m Upper floor: 1.5m</p>	<p>1.2m from Master Bedroom of Units 1, 2 and 3 and Bed 2 of Unit 4 to south eastern boundary</p> <p>1.2m from Living and Dining of Unit 4 to south western boundary</p> <p>3.85m from balcony of Units 2 and 3 to north western boundary</p> <p>Boundary walls to rear boundary for a portion of the ground floor to the rear boundary</p> <p>1.2m from the upper floor to the rear boundary.</p>
Open Space	
Requirement	Proposal
<p>R-Codes Clause 5.1.4 Minimum 30% open space for each unit</p>	<p>27.86% open space for Unit 2 27.78% open space for Unit 3</p>
Outdoor Living Areas	
Requirement	Proposal
<p>R-Codes Clause 5.3.1 Outdoor living area located behind the front setback area</p>	<p>Unit 1 outdoor living area located in the front setback area</p>
Pedestrian Access	
Requirement	Proposal
<p>R-Codes Clause 5.3.6 Pedestrian paths setback a minimum of 3m from any wall with a major opening</p>	<p>Pedestrian path setback a minimum of 0.9m from major opening of Bed 2 of Unit 3 and 1.1m from major opening of Bed 2 of Unit 2</p>
Retaining Walls	
Requirement	Proposal
<p>R-Codes Clause 5.3.8 Retaining walls setback 1.5m from lot boundaries</p>	<p>Retaining walls setback nil from the south east, south west and north west boundaries</p>
Utilities and Facilities	
Requirement	Proposal
<p>R-Codes Clause 5.4.5 Store room minimum dimension = 1.5m</p>	<p>Unit 4 = 1.1m</p>

The above elements of the proposal that do not meet the specified deemed-to-comply standards are discussed in the Comment section below. The applicant's justification for the proposal is included in **Attachment 3**.

CONSULTATION/ADVERTISING:

Consultation on the proposal was undertaken for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 22 November 2016 until 5 December 2016. A total of 129 letters were sent to owners and occupiers of properties within close proximity of the subject site (**Attachment 1**) in accordance with the City's Policy No. 4.1.5 – Community Consultation.

No submissions were received during the consultation period.

The plans being considered by Council differ to those which were advertised. The changes made to the original plans are as follows:

- Increased landscaping on the site;
- Increased street setback to Unit 1 from 2.3m to 3.025m;
- Removed roof cover from the balconies to Units 2, 3 and 4; and
- Changes to the appearance of the development to Cowle Street and the side and rear elevations.

These changes do not result in any additional variations impacting on the adjoining properties and as such the amended plans were not readvertised and are the subject of this report.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Town Planning Scheme No. 1;
- State Planning Policy 3.1: Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.1 – Built Form;
- Policy No. 7.5.21 – Sound Attenuation; and
- Policy No. 7.5.23 – Construction Management Plan.

Council at its meeting on 13 December 2016 adopted Local Planning Policy No 7.1.1 – Built Form (Built Form Policy) which was published and became operational on 21 January 2016. This now becomes the applicable planning framework under which the application will be determined. It is noted that the landscaping and rear setback requirements of the policy require approval of the WAPC and as a result the assessment will only have 'due regard' to these provisions.

The applicant will have the right to have Council's decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

Delegation to Determine Applications:

This matter is being referred to Council as the application proposes more than three grouped dwellings.

RISK MANAGEMENT IMPLICATIONS:

It is Administration's view that there are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a development application.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure."*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Street Setback

The average street setback based on the five adjoining properties to the left and right of the subject site is 5.97m. The five adjoining properties to the left of the subject site have street setbacks ranging from 3m to 5.5m. The five adjoining properties to the right of the subject site have street setbacks ranging from 8m to 17.5m, which significantly alters the average street setback.

The development proposes a minimum street setback to the alfresco nib wall of 3.025m and the street setback to the main building line of the living room and entry wall is 3.51m. These setbacks align with the existing streetscape to the left of the subject site, with the adjoining dwelling at No. 37 Cowle Street setback approximately 3.3m from the street.

The development will be situated well forward of the adjoining western property at No. 41 Cowle Street, which is a single house that has a street setback of 17.5m. In order to reduce the impact of the development on the streetscape to the right of the subject site, the common access driveway is proposed on this side of the development and the front of the building has been well articulated on the ground and first floors with a variety of colours, materials and finishes. This is further enhanced by incorporating landscaping within the front setback area, the perimeter of the site, and the inclusion of an arbor above the driveway.

Boundary Setbacks/Boundary Walls

The upper floor walls have been stepped back in from the ground floor and property boundaries to allow adequate natural light and ventilation to neighbouring dwellings and associated open spaces. Although the walls do not meet the R-Codes deemed-to-comply standards, it is not considered that these reduced setbacks and boundary walls will have a negative impact to the adjoining properties. The setbacks do no impact overshadowing; the walls do not include any major openings that would impact upon privacy or overlooking and the combination of landscaping and mix of colours, materials and finishes provides articulation and reduces the impact of building bulk on the adjoining properties.

The development proposes a boundary walls to the south western, which does not align with the relevant deemed-to-comply standard set out in the City's Built Form Policy. The boundary wall complies with regards to deemed-to-comply wall lengths, maximum and average heights set out in the R-Codes. Due to the natural slope in the land and the subject site being cut and retained, this boundary wall will have a maximum and average height of 1.74m above natural ground level at the boundary, which is lower than a standard dividing fence. On this basis the rear boundary wall is considered to meet the design principles and local housing objectives of the R-Codes and Built Form Policy.

Landscaping

The proposed development fully complies with the landscaping requirements set out in the Residential Design Codes. The application has been assessed against the provisions of the Built Form Policy, which sets a deemed-to-comply standard of 15% of the site area as deep soil zone and 30% of the site area as canopy coverage at maturity.

The application was submitted prior to the adoption of the Built Form Policy and does not specifically meet the above requirements. The proposed development has evolved in design since the applicant was advised of the changes proposed by the Built Form Policy. This has resulted in the applicant engaging a landscape architect to develop a concept landscaping plan to demonstrate how an increased amount of landscaping can be provided on-site.

The development now proposes approximately 9.4% of the site area as deep soil zone, including along the street boundary and the provision of planter boxes on the upper floor. The development also proposes mature trees along the street boundary, common access leg, on the balconies and in the side and rear setback areas. The canopy cover from tree crowns proposed is now 21.5%. Four steel arbors are also proposed above the common access driveway, resulting in a further site coverage of 10% of the site area, bringing the total cover inclusive of the arbor cover to 31.5% of the site or 189.47m².

The arbor is technically not included in canopy coverage calculations under the Built Form Policy, however, the proposal is considered to provide adequate shade cover across the site; enhance the streetscape and setting for the proposed development; and complements the building form. On this basis the landscaping is considered to meet the local housing objectives set out in the Built Form Policy and is supported subject to a condition being imposed requiring a detailed landscaping plan be developed and implemented demonstrating how the arbor and other landscaping areas, will be established and maintained to the necessary standard.

Open Space and Outdoor Living Areas

The development proposes to set aside 27.86% of the site area for Unit 2 and 27.78% of the site area for Unit 3 as open space in lieu of the 30% deemed-to-comply standard set in the R-Codes. Both Units 2 and 3 include two outdoor living areas, a large balcony measuring 4m by 4.3m as well as a 1.7m wide drying court on the ground floor. Both balconies are integrated with the Dining Room and Master Bedroom of their respective units and a 1m² planter box. The development has also provided extensive landscaping across the site in common property, including 9.4% deep soil zones, 21.5% canopy coverage and vegetated arbors over the common access way, all of which provide an attractive setting for residents and contributes to the streetscape on Cowle Street. Given this the open space provided is considered to meet the design principles and local housing objectives set out in the R-Codes and Built Form Policy.

The outdoor living area to Unit 1 is located in the front setback area to Cowle Street, which does not align with the relevant deemed-to-comply standard set out in the R-Codes. Including the Unit 1 outdoor living area in the front setback area is considered appropriate as it optimises the northern aspect of the site where it will be open to winter sun and ventilation. The outdoor living area is also designed to be used in conjunction with the living room of the Unit 1 while maintaining an open aspect to Cowle Street through the use of visually permeable front fencing and surveillance from the Master Bedroom on the first floor. On this basis the outdoor living area is considered to meet the design principles and local housing objectives of the R-Codes and Built Form Policy.

Pedestrian Access

Pedestrian access to the rear units is proposed along a driveway within the development's common access leg. The driveway is setback only 0.9m and 1.1m from the windows of Bedroom 2 of Units 2 and 3 respectively, which does not meet the deemed-to-comply setback of 3m set by the R-Codes. This deemed-to-comply setback is included to ensure privacy to dwellings with access from a common property. In this instance the reduced setback is

considered appropriate given landscaping is proposed directly in front of these windows to help separate and screen views into these bedrooms; and a gate is proposed across the common access leg to restrict access from general public into the common access leg.

Retaining Walls

The site slopes up approximately 2.6m from the front to the rear of the block. In order for to address this grade change and still ensure Unit 1 is at a similar level to the street, significant cut and supporting retaining is proposed along the north western, south eastern and south western boundaries. The supporting retaining walls have a nil setback to these boundaries in lieu of the 1.5m setback set by the R-Codes as a deemed-to-comply standard. Given the proposed retaining walls will not be visible from the adjoining properties or the street and that they maximise the space available for deep soil zones and landscaping, the proposal is considered to meet the relevant design principles of the R-Codes and is supported.

Utilities and Facilities

The store room to Unit 4 has a minimum dimension of 1.1m in lieu of the deemed-to-comply minimum dimension of 1.5m set by the R-Codes. The total area of this store is 6.14m², well above the minimum area of 4m² set as a deemed-to-comply standard. The store room is located within the garage and is capable of being used in conjunction with this space. Given the above, the reduced dimension is considered to meet the relevant design principles of the R-Codes and is supported in this instance.

Acoustic Report

The application proposes development which in an “attached” form with the four grouped dwellings having abutting parapet walls. Units 2 and 3 have ground floor bedrooms adjacent to garages on the adjoining units and Units 2 and 3 have upper floor abutting Master Bedrooms and balconies, being the only outdoor living areas for these two units. Having regard to the proposed built form and the City’s Policy No. 7.5.21 – Sound Attenuation, it is considered appropriate in this instance to require the applicant to provide an Acoustic Report prior to commencement of the development and a condition is recommended accordingly.

Conclusion

Although the proposal requires discretion to the requirements relating to street setback, lot boundary setback, boundary walls, open space, visitor parking, outdoor living areas, pedestrian access and storerooms, these variations are considered to meet the design principles and local housing objectives in each instance and will not adversely impact the adjoining properties.

The proposal is considered appropriate and consistent with the existing surrounding land uses and developments in progress within the locality. The proposal is recommended for approval subject to conditions.

9.1.4 No. 360 (Lots: 71 & 73; D/P: 35384) Stirling Street, Highgate – Proposed Amendment to Previous Approval: Change of Use from Shop and Single House to Eating House including Alfresco Area, Single House and Associated Additions and Alterations

Ward:	South	Date:	17 March 2017
Precinct:	Precinct 14 – Forrest	File Ref:	5.2016.318.1
Attachments:	1 – Location and Consultation Map 2 – Previous Development Approval and Plan (updated) 3 – Applicant’s Justification 4 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	S Laming, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the development application to amend the conditions for development approval 5.2012.51.1 granted on 12 March 2012 for a Change of Use from Shop and Single House to Eating House including Alfresco Area, Single House and Associated Additions and Alterations at No. 360 (Lots: 71 & 73; D/P: 35384) Stirling Street, Highgate, subject to the following:

1. All conditions and advice notes detailed on development approval 5.2012.51.1 granted on 12 March 2012 included in Attachment 2 continue to apply to this approval, except as follows:
 - a) Condition 1.3 of the development approval is amended as follows:
 - “1.3 (a) The hours of operation of the eating house shall be limited to Monday to Saturday: 7:00am to 9:00pm and Sunday: 9:00am to 9:00pm”;
 - (b) The use of the outdoor alfresco associated with the eating house as depicted on the approved plans shall be limited to Monday to Saturday: 7:00am to 7:00pm and Sunday: 9:00am to 7:00pm; and
 - (c) Within 28 days of the date of this approval, a noise management plan is to be submitted to and approved by the City which shall provide strategies to adequately manage noise generating activities at the premises including, but not limited to the following:
 - Operating Hours;
 - Hours of use and style of amplified music;
 - Speaker location, type and size in outdoor dining area;
 - Waste collection;
 - Deliveries; and
 - Community relations.”

PURPOSE OF REPORT:

To consider an application to amend the development approval to extend the trading hours to the existing eating house at No. 360 (Lots: 71 & 73; D/P: 35384) Stirling Street, Highgate.

BACKGROUND:

Landowner:	C Giorgini
Applicant:	E Vujicic
Date of Application:	1 August 2016
Zoning:	MRS: Urban TPS1: Zone: Residential R-Code: R80 TPS2: Zone: Residential R-Code: R80
Built Form Area:	Residential
Existing Land Use:	Eating House
Proposed Use Class:	Eating House
Lot Area:	Lot 71: 149m ² Lot 73: 149m ²
Right of Way (ROW):	Not applicable
Heritage List:	No

The subject site is located on the corner of Stirling Street and Broome Street, Highgate. The location of the subject site is included as **Attachment 1**. The site and adjoining properties are zoned 'Residential R80' and the area consists of single houses and grouped dwellings, with single houses being the prevalent development type. The northern and eastern adjoining properties are single houses.

The subject property encompasses two lots, namely Lot 71 and Lot 73 on one certificate of title. The eating house is located on Lot 71, and the associated car parking is located on Lot 73, with vehicular access provided from Broome Street.

On 13 March 2012 Council at its meeting approved an application for a change of use from shop and single house to eating house, including alfresco area, single house and associated additions and alterations at the subject property, following mediation through the State Administrative Tribunal (SAT). The development approval, including the conditions applied and plans approved are included as **Attachment 2**.

The applicant resides at the premises and carried out internal building works required for the eating house between 2012 and 2016. The eating house commenced operation in July 2016. Since the eating house commenced operating the City has not received any complaints in relation to its operations.

Condition 1.3 of development approval (5.2012.51.1) limited the hours of operation of the eating house as follows:

"1.3 The hours of operation of the eating house and alfresco shall be limited to 8.00am to 5.00pm Monday to Saturday and 9.00am to 5.00pm Sunday".

The Minutes from the 13 March 2012 Council meeting detail the factors considered by Council which resulted in the condition limiting the hours of operation being imposed as follows:

- "1. The site is in the middle of a residential area.*
- 2. The later hours would constitute an undue invasion or reduction in the amenity of the residential area.*
- 3. The opening hours are more suited to a café."*

DETAILS:

The applicant proposes to increase the hours of operation of the eating house to Monday to Sunday: 7:00am to 2:00pm and 5:00pm to 9:00pm. There are no proposed works associated with this application. The applicant has provided the following statement for the request to modify Condition 1.3 of the existing development approval:

"We would like to change the operating times to 7am-2pm and from 5pm-9pm Monday to Sunday, as we have discussed and concluded that these hours are where we gain most business. Morning session is based on breakfast and coffee, lunch we serve rolls and hot food. We will close from 2pm to prepare the pizza dough and tidy up. Reopen from 5pm-9pm serving pizzas."

CONSULTATION/ADVERTISING:

Consultation on the proposal was undertaken for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 18 January 2017 until 8 February 2017. A total of 27 letters were sent to owners and occupiers of properties within proximity of the subject site (**Attachment 1**) in accordance with the City's Policy No. 4.1.5 – Community Consultation.

Two submissions in support of the proposal and one objection were received during the advertising period. The main concerns raised by the objection are as follows:

- The eating house is not operating within the current approved hours of operation
- The alfresco is used and obstructs the footpath.

A summary of the submissions received and Administration's response to each concern raised is contained within **Attachment 4**.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation; and
- Policy No. 7.1.1 – Parking and Access.

The applicant will have the right to have Council's decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

Delegation to Determine Applications:

This matter is being referred to Council as the original planning application was determined by Council, and this proposal results in changes to the conditions of that approval.

RISK MANAGEMENT IMPLICATIONS:

It is Administration's view that there are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a development application.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure."*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The eating house has been operating since July 2016 and during this time the City has not received any complaints from surrounding owners, residents or businesses regarding the operation of the eating house or use of the outdoor alfresco.

Hours of Operation

The proposed change to the operating hours must be considered in the context of the property location in a 'Residential' zoned area. Extending the hours of the restaurant to commence at 7:00am rather than 8:00am on weekdays and Saturdays, and close at 9:00pm rather than 5:00pm, is considered to generally align with activities in a residential area. However, the proposed 7:00am operating time on Sunday is not considered appropriate as opening before 9:00am on a Sunday has the potential to adversely affect the residential amenity of the locality, particularly as staff arrival and set up occurs prior to operation of the business. As a result, the hours of operation for Sunday are recommended to be modified to 9:00am to 9:00pm. In addition, it is considered essential that the impact of noise on the adjoining residential properties is managed appropriately, and it is recommended that a noise management plan be required prior to any extended hours commencing.

Concerns were raised during community consultation relating to the eating house previously operating outside of the approved hours without approval. A search of the business website has not indicated hours to the contrary. The City contacted the objector to further discuss the matter, where it was confirmed that the concerns regarding operating hours specifically relate to the use of the outdoor alfresco after 7:00pm. No concerns were expressed in relation to the business operating after 7:00pm within the building.

The outdoor alfresco is directly adjacent to habitable rooms of the adjoining dwelling at No. 364 Stirling Street, Highgate. The use of the outdoor alfresco after 7:00pm has the potential to impact the amenity of the adjoining residents. As a result the hours of operation of the alfresco are recommended to be modified to Monday to Saturday: 7:00am to 7:00pm and Sunday 9:00am to 7:00pm.

Outdoor Alfresco

Concerns were raised during community consultation relating to the eating house having tables and chairs from the alfresco blocking the footpath on Stirling Street. The outdoor alfresco area was approved as part of the original development approval and is not being modified as part of this application.

The alfresco is an outdoor dining area contained within the property boundary fronting Stirling Street. A separate outdoor eating area permit under the local laws does not exist for this business/property. The applicant will be advised that should they wish to use the verge area that an outdoor eating area permit would be required to be obtained from the City pursuant to Local Laws, separate to this application. It is noted that the Local Laws require a 1m wide unobstructed pathway to be maintained.

Conclusion

An increase in the hours of operation of the eating house in line with that of a residential area is considered appropriate. However, extending the operating hours on Sunday mornings and in the alfresco area is not considered to align with the 'Residential' zone and will have an impact on the amenity of adjoining residential properties. Given the above, it is recommended that Condition 1.3 of Development Approval (5.2012.51.1) be amended to specifically limit the operating hours on Sunday mornings and in the alfresco area to the hours of operation originally approved while allowing the hours of operation for the eating house, excluding the alfresco area, to be extended to 7:00am to 9:00pm from Monday to Saturday and from 9:00am to 9:00pm on Sundays. It is also recommended that a noise management plan be required prior to the extended hours commencing and that all other conditions previously imposed by Council be maintained.

9.1.5 Nos. 338-342 (Lots: 9 and 10; D/P: 2287) Oxford Street, Leederville – Proposed Change of Use from Educational Establishment to Place of Public Worship

Ward:	North	Date:	17 March 2017
Precinct:	Precinct 3 – Leederville	File Ref:	5.2016.305.1
Attachments:	1 – Location and Consultation Map 2 – Approved Development Application, including Parking and Traffic Management Plan Approved 3 – Previous Development Approval and Plans 4 – Parking and Bicycle Tables		
Tabled Items:	Nil		
Reporting Officer:	G Hajjgabriel of Rowe Group, Consultant acting on behalf of Council		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with the Orders made by the State Administrative Tribunal, Section 31 of the *State Administrative Tribunal Act 2004 (WA)*, VARIES its decision of 13 December 2016 for the proposed Change of Use from Educational Establishment to Place of Worship at Nos. 338-342 (Lots: 9 and 10; D/P: 2287) Oxford Street, Leederville, as shown on plans included as Attachment 3, by replacing Condition 2.2 with the following condition:

“2.2 Five years after the date of occupancy and every five years thereafter the City will review the maximum number of persons and the hours of operation permitted on the site as outlined in Condition No. 2.1 in consultation with the landowner, and the City acting reasonably may alter the maximum number of persons and/or the hours of operation permitted on the site. Any alteration to the permitted number of persons shall not exceed the maximum numbers prescribed in Condition No. 2.1 and shall be incorporated into a revised version of the Parking and Traffic Management Plan by the landowner. The landowner shall demonstrate compliance with any alteration to the maximum number of persons and/or the hours of operation within 120 days from the date when the required alteration is communicated by the City to the landowner”.

PURPOSE OF REPORT:

For Council to reconsider pursuant to Section 31 of the *State Administrative Tribunal Act 2004*, Condition 2.2 imposed on the approval for a change of use from ‘Educational Establishment’ to ‘Place of Public Worship’ at Nos. 338-342 Oxford Street, Leederville.

BACKGROUND:

Landowner:	Trustee of the Christian Brothers
Applicant:	Resolve Group Pty Ltd
Date of Application:	22 July 2016
Zoning:	MRS: Urban TPS1: Zone: Residential R-Code: R60 TPS2: Zone: Residential Commercial R-Code: R100
Existing Land Use:	Educational Establishment
Proposed Use Class:	Place of Public Worship – “AA”
Lot Area:	Lot 9 = 556m ² Lot 10 = 556m ² Total = 1,112m ²
Right of Way (ROW):	Eastern side, 5m in width, sealed
Heritage List:	Yes - Management Category A

The subject site is located at Lots 9 and 10 Oxford Street Leederville, on the corner Franklin Street, see **Attachment 1**. The site currently contains the heritage listed St Mary's Hall, which is a vacant school hall previously used in association with Aranmore Catholic College. The subject site is included on the City's Municipal Heritage Inventory as Management Category A – Conservation Essential and the Heritage Council's State Register of Heritage Places.

The applicant proposes to use the existing building for a 'Place of Public Worship' in order to accommodate Sonlife Church, an independent church currently located at 8 Cleaver Street, West Perth. The Applicant engaged in considerable consultation with City staff during the assessment of the proposal. As a result, an amended proposal including an expanded Parking and Traffic Management Plan was prepared and submitted to the City. A detailed outline of the proposal is contained in Agenda Item 9.1.13 of the Ordinary Council Meeting of 18 October 2016, where the item was deferred, and Agenda Item 9.1.1 of the Ordinary Council Meeting of 13 December 2016.

At the Ordinary Council Meeting of 13 December 2016 Council approved the proposed change of use from 'Educational Establishment' to 'Place of Public Worship'. In making its decision Council included an additional condition (condition No. 2.2) to the list of conditions recommended by City Administration. The additional condition states as follows:

"2.2 This approval for use of the premises as a Place of Public Worship is limited to a period of 5 years from the date of the approval."

The approved development application including the approved Parking and Traffic Management Plan is included as **Attachment 2**. The full development approval, including the approved plans is included as **Attachment 3**.

The Applicant exercised its right to seek a review of the decision and lodged an Application for Review with the State Administrative Tribunal ('SAT') specifically against condition No. 2.2. In light of the officers' recommendation to support the application, the Administration engaged the services of a planning consultant to represent Council in the matter before the SAT. Rowe Group were engaged from the WALGA list of planning consultants.

The SAT referred the matter to Mediation, which was held on the 7 March 2017. As a result of the Mediation Conference, the SAT, under Section 31 of the *State Administrative Tribunal Act 2004*, has invited the City of Vincent to reconsider its (13 December 2016) decision in response to the matters raised at the Mediation Conference.

DETAIL:

An assessment of the proposal is contained in Agenda Item 9.1.1 of the Ordinary Council Meeting of 13 December, 2016. Given the issue being considered with respect to this current matter relates to the intensity of the use and the potential parking demand, the car parking and bicycle assessment tables are included at **Attachment 4**.

CONSULTATION/ADVERTISING:

The proposal was originally advertised for a period of 14 days from 18 August 2016 to 31 August 2016. A total of 12 submissions, including three objections, were received as a result of that advertising process. Following receipt of the amended proposal, the application was readvertised for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 2 November 2016 until 15 November 2016. A total of 8 submissions were received as a result of the second advertising process. These included five objections, one with concerns and two in support.

The main issues raised as part of these consultation processes were as follows:

- Support for the change of use to a place of public worship is a good outcome for the heritage building, as a community use in close proximity to the school, in lieu of a residential or commercial development.
- There is sufficient car parking along Oxford Street and adjoining streets to support the proposed use. Sonlife Church in West Perth is very well organised and their car parking arrangements have always been well managed and communicated to the congregation members and visitors with good signage and volunteer marshals assisting each week. The parking assessment and strategy contained in the application is very comprehensive and logical.
- Parking is a major issue along Oxford Street and the proposed place of public worship will exacerbate this issue. There is insufficient data to show there will be no impact on the parking in this area and there is no agreement with Aranmore College for people coming to the church to park within the Aranmore college compound.
- The parking and traffic impacts on the surrounding area, particularly given the operations of the school and St Mary's Church.
- The backyard of the adjoining northern property including the bathroom can be viewed from the hall's outdoor area. With so many people attending the place of public worship it will have an impact on privacy.
- Anti-social behaviour is a matter of concern.
- Noise from the activities of the church will impact on the adjoining residential properties.

The response to these matters are discussed in the 'Comment' section of Agenda Item 9.1.13 of the Ordinary Council Meeting of 18 October 2016 and Agenda Item 9.1.13 of the Ordinary Council Meeting of 13 December, 2016.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

Heritage

The proposal was referred to the State Heritage Office given the subject place is listed on the City's Municipal Heritage Inventory as Management Category A – Conservation Essential and the Heritage Council's State Register of Heritage Places.

Details pertaining to the heritage considerations are contained in the 'Heritage' section of Agenda item 9.1.1 of the Ordinary Council Meeting of 13 December, 2016.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.3 – Leederville Precinct;
- Policy No. 7.5.2 – Signs and Advertising; and
- Policy No. 7.7.1 – Parking and Access.

As the SAT has invited Council to reconsider its original decision under Section 31 of the *State Administrative Tribunal Act 2004*, the applicant has already exercised the right to have Council's decision reviewed in accordance with Part 14 of the *Planning and Development Act 2005*. Should the Applicant not be satisfied with the Council resolution as a result of this Section 31 Reconsideration, the Applicant may request the matter be determined by the SAT at a Full Hearing.

RISK MANAGEMENT IMPLICATIONS:

It is Administration's view that there are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a development application.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure."*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

As the Administration has engaged the services of a planning consultant to represent Council, costs associated with the appointment (already expended and committed) to date are approximately \$5,500.00.

Following Council's consideration of this Section 31 Reconsideration, the Applicant may request the matter be determined by the SAT at a Full Hearing. If the matter was to proceed to a Full Hearing, the City will need to continue to engage the services of a planning consultant which has been estimated at a cost of \$15,000.00 on top of existing consultancy costs for this application.

COMMENTS:

The Applicant has submitted a review to the SAT against Condition 2.2 of the Approval issued by the City on 13 December 2016.

Condition 2.2 of the Approval was included by Council following debate on the proposal during the Ordinary Council Meeting held on 13 December 2016. The Condition imposes a time limitation on the Approval of five (5) years and hence at the conclusion of the five year period, the activities related to the 'Place of Public Worship' would need to cease.

The Applicant has indicated that they are aggrieved by the Condition given the lack of certainty for the future use of the premises. Specifically, the Applicant has indicated that significant costs will be incurred as it is intending to purchase the property and undertake improvements to the existing building. A greater degree of certainty is required by the Applicant with respect to the long term use of the site.

The Applicant has provided a detailed Parking and Traffic Management Plan which demonstrates that the intensity of the proposed activity can be managed taking advantage of the on-street parking available in the locality, however, an annual review of the Parking and Traffic Management Plan is required in order to ensure ongoing improvement and refinement of the plan.

Of particular significance is the fact that only two (2) parking bays are provided on-site for the proposed use. The maximum parking required during the peak operating period is 44 car bays. The landuse proposal is, therefore, heavily reliant upon the use of existing on-street parking bays. Presently there is a relatively low demand for the use of the existing on-street parking bays during the times of operation for the proposed use. The relevant portion of Oxford Street, and the locality in general, is an area that is undergoing change with several sites being suitable for redevelopment. The redevelopment of other sites in the locality would generally require that parking is provided on-site for those developments. There will nonetheless be an increased future demand for the use of on street parking. This could be particularly the case should more commercial activities, including food and beverage outlets, establish over time. Allowing one use to utilise such a significant amount of the existing on-street parking bays is a potential concern as it may detrimentally impact upon further growth and redevelopment within the locality.

The subject site itself contains a building of heritage significance. The improvements to the building and the reuse of the building for a Community based purpose, represents a positive outcome which should be encouraged.

The City has taken a cautious approach by including a time limit on the Approval. This approach addresses any concerns with respect to the future redevelopment of the broader locality and any off-site impacts from the use of the site. It is suggested that the City's concerns can still be addressed through the use of a more flexible approach which facilitates the ability for the City to influence the intensity of the landuse should it become problematic in the future.

The proposed revised version of Condition 2.2 would allow the landuse activity of a 'Place of Public Worship' to continue beyond the five (5) year period but creates a mechanism whereby the City can review the intensity of the use both in terms of the maximum occupancy and the hours of operation should off-site impacts generated by the use be problematic. It is considered that this will provide the Applicant with the confidence and certainty that the land use itself can continue beyond the five year time period albeit with potentially altered maximum occupancy and hours of operation.

The proposed replacement condition has been worded in such a manner as to not unduly burden the City with a requirement to undertake a review should it transpire that there are no detrimental off-site impacts.

It should be noted that there is nothing preventing the Applicant from requesting the City alter the maximum occupancy and hours of operation however such a request would be subject to a separate application to amend the development approval. Should the Applicant consider that such an approach is beneficial, any new application will be put before the Council for further consideration as a new application at the appropriate time.

Conclusion

Existing Condition 2.2 sets an absolute time limit for the permissibility of the 'Place of Public Worship' landuse at the subject site. This creates difficulties for the Applicant given the significant financial expenditure involved in the acquisition of the land and establishment of the landuse without certainty that the use could continue beyond the five year period.

The proposed replacement Condition 2.2, allows the Applicant to have confidence that the landuse activity can continue beyond the five year period, albeit, potentially with reduced maximum occupancy and/or altered hours of operation should the City find that the off-site impacts of the landuse have become problematic.

Given the above, it is recommended that Condition 2.2, which currently states as follows:

"2.2 This approval for use of the premises as a Place of Public Worship is limited to a period of 5 years from the date of the approval."

is replaced with the new Condition 2.2 which states as follows:

"2.2 The maximum number of persons and the hours of operation permitted on the site as outlined in Condition No. 2.1 may be reviewed by the City in consultation with the Applicant 5 years after the date of occupancy and may be reviewed by the City in consultation with the Applicant every 5 years thereafter with any alteration to the maximum number of persons and/or the hours of operation being within reason and being incorporated within a revised version of the Parking and Traffic Management Plan that is referenced in Condition No. 1. Any alteration to the permitted number of persons shall not exceed the maximum numbers prescribed in Condition No. 2.1. The Applicant

is to demonstrate compliance with any alteration to the maximum number of persons and/or the hours of operation within 120 days from the date when the required alteration is communicated by the City to the Applicant."

9.2 TECHNICAL SERVICES

Nil.

9.3 CORPORATE SERVICES

9.3.1 Investment Report as at 28 February 2017

Ward:	Both	Date:	17 March 2017
Precinct:	All	File Ref:	SC1530
Attachments:	1 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	N Makwana, Accounting Officer G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council **NOTES** the Investment Report for the month ended 28 February 2017 as detailed in Attachment 1.

PURPOSE OF REPORT:

To advise Council of the level of investment funds and operating funds available, the distribution of surplus funds in investments and the interest earned to date.

BACKGROUND:

Surplus funds are invested in Bank Term Deposits for various terms, to maximise investment returns in compliance with good governance, legislative requirements and Council's Investment Policy No 1.2.4. Details are attached in **Attachment 1**.

The City's Investment Portfolio is diversified across several Financial Institutions in accordance with the Investment Policy.

DETAILS:

Total funds held for the period ended 28 February 2017 including on call in the City's operating account were \$34,028,716 as compared to \$31,529,914 for the period ended 29 February 2016.

Total Investments for the period ended 28 February 2017 were \$32,316,251 as compared to \$33,201,749 for the period ended 31 January 2017 and \$29,221,565 for the period ended 29 February 2016 respectively.

Investment comparison table:

	2015/16		2016/17	
	Total Funds Held	Total Investments	Total Funds Held	Total Investments
July	\$17,885,002	\$14,961,000	\$19,683,412	\$18,420,252
August	\$32,600,029	\$26,961,000	\$26,167,645	\$22,573,297
September	\$33,331,757	\$31,361,000	\$36,754,571	\$34,302,896
October	\$32,212,324	\$30,701,564	\$37,581,885	\$34,521,542
November	\$32,694,298	\$31,206,505	\$37,034,885	\$35,775,011
December	\$29,737,925	\$27,239,542	\$33,692,431	\$31,165,443
January	\$30,282,430	\$29,229,172	\$34,645,041	\$33,201,749
February	\$31,529,914	\$29,221,565	\$34,028,716	\$32,316,251
March	\$28,785,278	\$27,983,289		
April	\$27,011,580	\$26,587,166		
May	\$24,348,546	\$23,486,917		
June	\$23,024,830	\$21,005,952		

Total accrued interest earned on Investments as at 28 February 2017:

	Revised Budget	Budget YTD	Actual YTD	% of FY Budget
Municipal	\$436,000	\$315,000	\$350,288	80.34%
Reserve	\$206,000	\$126,000	\$130,299	63.25%
Leederville Gardens Inc Surplus Trust*	\$0	\$0	\$87,426	0.00%
Total	\$642,000	\$441,000	\$568,013	88.48%

*Interest estimates for Leederville Gardens Inc Surplus Trust was not included in 2016-17 City of Vincent's budget; actual interest earned is restricted.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Funds are invested in accordance with the City's Investment Policy No. 1.2.4.

City of Vincent Investment Report Grouping*	Long Term Rating (Standard & Poor's) or Equivalent	Short Term Rating (Standard & Poor's) or Equivalent	Direct Investments Maximum % with any one institution		Managed Funds Maximum % with any one institution		Maximum % of Total Portfolio	
			Policy	Actual	Policy	Actual	Policy	Actual
	AAA Category	A1+	30%	Nil	45%	Nil	100%	Nil
Group A	AA Category	A1+	30%	27.6%	30%	Nil	90%	44.5%
Group B	A Category	A1	20%	19.7%	30%	Nil	80%	45.4%
Group C	BBB Category	A2	10%	10.1%	n/a	Nil	20%	10.1%

*As per subtotals on **Attachment 1**

RISK MANAGEMENT IMPLICATIONS:

Moderate: As per the City's Investment Policy No. 1.2.4, funds are invested with various financial institutions with high Long Term and Short Term Rating (Standard & Poor's or equivalent), obtaining more than three quotations for each investment. These investment funds are spread across various institutions and invested as Term Deposits from one to 12 months to reduce risk.

Section 6.14 of the *Local Government Act 1995*, section 1, states, Subject to the regulations:

"(1) money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested in accordance with Part III of the *Trustees Act 1962*."

STRATEGIC IMPLICATIONS:

In keeping with the City's Strategic Plan 2013-2023:

"4.1 Provide good strategic decision-making, governance, leadership and professional management:

4.1.2 Manage the organisation in a responsible, efficient and accountable manner;
(a) Continue to adopt best practice to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced."

SUSTAINABILITY IMPLICATIONS:

Not Applicable

FINANCIAL/BUDGET IMPLICATIONS:

The financial implications of this report are as noted in the details and comments section of the report. Overall the conclusion can be drawn that appropriate and responsible measures are in place to protect the City's financial assets and to ensure the accountability of the management.

COMMENTS:

The funds invested have decreased from the previous period after payments to creditors, staff etc.

The City has obtained a weighted average interest rate of 2.74% for current investments including the operating account, and 2.80% excluding the operating account respectively. The Reserve Bank 90 days Accepted Bill rate for February 2017 is 1.78%.

As at 28 February 2017, the City's total investment earnings exceed the year to date budget estimate by \$127,013 (28.80%). However, of this, \$87,426 was earned by the Leederville Gardens Inc Surplus Trust and funds in this trust are restricted. Investment earnings from this trust were excluded from the 2016-17 budget calculations. Excluding this Trust income, the balance of the investment revenue is exceeding year to date budget by 8.98%.

In response to the August 2016 amendment to the City's Investment Policy that provided for preference "to be given to investments with institutions that have been assessed as to have a higher rating of demonstrated social and environmental responsibility, providing that doing so will secure a rate of return that is at least equal to alternatives offered by other institutions", administration has actively sought investment offerings from relevant institutions. As a result, 55.0% of the City's investments were held in non-fossil fuel lending institutions at 28 February 2017.

The investment report (**Attachment 1**) consists of:

- Investment & Earnings Charts;
 - Investment Portfolio;
 - Investment Interest Earnings; and
 - Investment Current Investment Holding.
-

9.3.2 Authorisation of Expenditure for the Period 15 February 2017 to 13 March 2017

Ward:	Both	Date:	17 March 2017
Precinct:	All	File Ref:	SC347
Attachments:	1 – Creditors Report – Payments by EFT 2 – Creditors Report – Payments by Cheque 3 – Credit Card Transactions		
Tabled Items:	-		
Reporting Officers:	O Dedic, Accounts Payable Officer; G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council **RECEIVES** the list of accounts paid under Delegated Authority for the period 15 February 2017 to 13 March 2017 as detailed in Attachment 1, 2 and 3 as summarised below:

Cheque numbers 80654, 8033–80844, 80890 – 80993	\$150,412.89
Cancelled Cheques 70941, 79514, 80934, 80935	-\$7,683.60
EFT Documents 2051-2058	\$2,971,817.07
Payroll	\$1,101,126.03

Direct Debits

• Lease Fees	\$1,002.28
• Loan Repayment	\$147,108.46
• Bank Fees and Charges	\$18,917.39
• Credit Cards	\$4,994.77
• Total Direct Debit	\$172,022.90
• Total Accounts Paid	\$4,387,695.29

PURPOSE OF REPORT:

To present to Council the expenditure and list of accounts paid for the period 15 February 2017 – 13 March 2017.

BACKGROUND:

Council has delegated to the Chief Executive Officer (Delegation No. 1.14) the exercise of its power to make payments from the City's Municipal and Trust funds. In accordance with *Regulation 13(1) of the Local Government (Financial Management) Regulations 1996* a list of accounts paid by the Chief Executive Officer is to be provided to Council, where such delegation is made.

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

DETAILS:

The Schedule of Accounts paid, covers the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account (Attachment 1 and 2)		
Cheques	80654, 80833 - 80844, 80890 - 80993	\$150,412.89
Cancelled Cheques	70941, 79514, 80934, 80935	-\$7,683.60
EFT Payments	2051 – 2058	\$2,971,817.07
Sub Total		\$3,114,546.36
Transfer of Payroll by EFT		
	21/02/17	\$553,946.96
	07/03/17	\$547,179.07
	March 2017	\$1,101,126.03
Corporate Credit Cards (Attachment 3)		\$4,994.77
Bank Charges and Other Direct Debits		
Lease Fees		\$1,002.28
Loan Repayment		\$147,108.46
Bank Charges – CBA		\$18,917.39
Total Bank Charges and Other Direct Debits (Sub Total)		\$167,028.13
Less GST effect on Advance Account		0.00
Total Payments		\$4,387,695.29

LEGAL/POLICY:

Regulation 12(1) & (2) of the Local Government (Financial Management) Regulations 1996 refers, i.e.-

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

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

Regulation 13(1), (3) of the Local Government (Financial Management) Regulations 1996 refers, i.e.-

13. *Lists of Accounts*

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

RISK MANAGEMENT IMPLICATIONS:

Low: Management systems are in place to establish satisfactory controls, supported by internal and external audit function.

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

"4.1 Provide good strategic decision-making, governance, leadership and professional management:

4.1.2 Manage the organisation in a responsible, efficient and accountable manner;

- (a) Continue to adopt best practice to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced."*

SUSTAINABILITY IMPLICATIONS:

Not applicable.

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

All Municipal Fund expenditure included in the list of payments is in accordance with Council's adopted Annual Budget.

COMMENT:

If Councillors require further information on any of the payments, please contact the Manager Financial Services.

9.3.3 Financial Statements as at 28 February 2017

Ward:	Both	Date:	17 March 2017
Precinct:	All	File Ref:	SC357
Attachments:	1 – Financial Reports		
Reporting Officers:	S Teoh, Accounting Officer G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council **RECEIVES** the Financial Statements for the month ended 28 February 2017 as shown in Attachment 1.

PURPOSE OF REPORT:

To present the Financial Statements for the period ended 28 February 2017.

BACKGROUND:

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

A Statement of financial activity report is to be in a form that sets out:

- the annual budget estimates;
- budget estimates for the end of the month to which the statement relates;
- actual amounts of expenditure, revenue and income for the end of the month to which the statement relates;
- material variances between the year-to-date income and expenditure; and
- includes other supporting notes and other information that the local government considers will assist in the interpretation of the report.

In addition to the above, under *Regulation 34 (5) of the Local Government (Financial Management) Regulations 1996*, each financial year a local government is to adopt a percentage of value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

DETAILS:

The following documents, included as **Attachment 1** represent the Statement of Financial Activity for the period ending 28 February 2017:

Note	Description	Page
1.	Statement of Financial Activity by Programme Report and Graph	1-3
2.	Statement of Comprehensive Income by Nature and Type Report	4
3.	Net Current Funding Position	5
4.	Summary of Income and Expenditure by Service Areas	6-65
5.	Capital Expenditure and Funding and Capital Works Schedule	66-82
6.	Cash Backed Reserves	83
7.	Rating Information and Graph	84-85
8.	Debtor Report	86
9.	Beatty Park Leisure Centre Financial Position	87

The following table provides a summary view of the year to date actual, compared to the Year to date Budget.

Summary of Financial Activity By Programme as at 28 February 2017					
	Revised Budget	YTD Budget	YTD Actual	Variance	Variance
	2016/17	Feb-17	Feb-17	Feb-17	Feb-17
	\$	\$	\$	\$	%
REVENUE	26,739,078	18,721,127	16,989,793	(1,731,334)	-9%
EXPENDITURE	(55,377,260)	(36,637,816)	(34,249,224)	2,388,592	-7%
Add Deferred Rates Adjustment	0	0	49,772	49,772	0%
Add Back Depreciation	9,833,560	6,692,473	6,463,803	(228,670)	-3%
(Profit)/Loss on Asset Disposals	(1,020,686)	(561,053)	(505,354)	55,699	-10%
	8,812,874	6,131,420	6,008,221	(123,199)	-2%
"Percent for Art" and "Cash in Lieu" Funds Adjustment	1,544,740	0	0	0	0%
NET OPERATING EXCLUDING RATES	(18,280,568)	(11,785,269)	(11,251,209)	534,060	-5%
CAPITAL REVENUE					
Proceeds from Disposal of assets	1,450,166	961,833	653,427	(308,406)	-32%
Transfers from Reserves	1,200,707	771,459	494,823	(276,636)	-36%
	2,650,873	1,733,292	1,148,250	(585,042)	-34%
Capital Expenditure	(13,320,326)	(8,063,742)	(5,850,945)	2,212,797	-27%
Repayments Loan Capital	(818,840)	(538,233)	(538,234)	(1)	0%
Transfers to Reserves	(5,112,045)	(4,229,470)	(2,210,701)	2,018,769	-48%
	(19,251,211)	(12,831,445)	(8,599,880)	4,231,565	-33%
NET CAPITAL	(16,600,338)	(11,098,153)	(7,451,629)	3,646,524	-33%
TOTAL NET OPERATING AND CAPITAL	(34,880,906)	(22,883,422)	(18,702,839)	4,180,583	-18%
Rates	31,208,530	30,985,030	31,187,159	202,128	1%
Opening Funding Surplus	4,251,223	4,251,223	4,251,223	0	0%
CLOSING SURPLUS/(DEFICIT)	578,847	12,352,831	16,735,543	4,382,711	35%

Comments on Summary of Financial Activity by Programme:

Operating Revenue

There is a difference in classification in revenue reported by programme or by nature and type. Operating revenue in programme reporting includes 'Non-Operating Grants, Subsidies and Contributions' and 'Profit on Sale of Assets'. Revenue reporting by nature and type excludes these, but adds 'Rates Revenue'.

Revenue by programme is showing a negative variance of 9% (\$1.7m). This is due to reduced revenue in Transport \$1m, Recreation and Culture \$522k, Community Amenity \$57k, and Other Property and Services \$52k.

Operating Revenue as presented on the 'Nature and Type' report (Page 4 of **Attachment 1**) is showing a negative variance of 2%.

Operating Expenditure

Expenditure by programme is showing a favourable variance of 7% (\$2.4m). This is due to lower expenditure in Community Amenities \$894k, Recreation and Culture \$610k, Transport \$299k, Governance \$209k, Other Property and Services \$108k, and Law, Order, Public Safety \$59k.

Transfer from Reserves

This is lower than budget for the month of February 2017, mainly due to delay on Capital Works projects that are Reserves funded.

Capital Expenditure

The variance is attributed to the budget phasing and timing on receipt of invoices for the projects. For further detail, refer to Note 5 on **Attachment 1**.

Transfer to Reserves

Monthly transfer to reserves commenced in July 2016, based on budget phasing. This will be reviewed quarterly and transfers based on actuals will be adjusted after the review.

Opening Funding Surplus/(Deficit)

The surplus Opening Balance brought forward from 2015-16 is \$4,251,223, as compared to adopted budget opening surplus balance of \$4,259,422.

Closing Surplus/(Deficit)

There is currently a surplus of \$16,735,543, compared to year to date budget surplus of \$12,352,831. This is substantially attributed to the positive variance in operating expenditure and the current level of Capital Expenditure.

It should be noted that the closing balance does not represent cash on hand (please see the Net Current Funding Position on page 5 of the attachment).

Comments on the financial performance as set out in the Statement of Financial Activity (**Attachment 1**) and an explanation of each report is detailed below:

1. Statement of Financial Activity by Programme Report (Note 1 Page 1)

This statement of Financial Activity shows operating revenue and expenditure classified by Programme.

2. Statement of Comprehensive Income by Nature and Type Report (Note 2 Page 4)

This statement of Financial Activity shows operating revenue and expenditure classified by nature and type.

3. Net Current Funding Position (Note 3 Page 5)

Net Current Asset is the difference between the current asset and current liabilities, less committed assets and restricted assets. This amount indicates how much capital is available for day to day activities.

The net current funding position as at 28 February 2017 is \$16,735,543.

4. Summary of Income and Expenditure by Service Areas (Note 4 Page 6 – 70)

This statement shows a summary of Operating Revenue and Expenditure by Service Unit.

5. Capital Expenditure and Funding Summary (Note 5 Page 66 - 82)

The following table is a Summary of the 2016/2017 Capital Expenditure Budget by programme, which compares Year to date Budget with actual expenditure to date. The full Capital Works Programme is listed in detail in Note 5 of Attachment 1.

	Original Budget	Revised Budget	YTD Budget	YTD Actual	Budget Remaining
	\$	\$	\$	\$	%
Land and Buildings	1,597,398	1,595,624	1,323,374	1,001,508	37%
Infrastructure Assets	7,890,081	7,457,868	4,533,380	3,022,687	59%
Plant and Equipment	3,537,050	3,575,989	1,691,022	1,574,298	56%
Furniture and Equipment	737,070	690,845	515,965	252,452	63%
Total	13,761,599	13,320,326	8,063,741	5,850,945	56%

	Original Budget	Revised Budget	YTD Budget	YTD Actual	Budget Remaining
	\$	\$	\$	\$	%
Own Source Funding – Municipal	9,389,210	8,860,058	5,934,059	3,695,908	58%
Cash Backed Reserves	1,287,534	1,198,221	85,000	494,823	59%
Capital Grant and Contribution	2,551,355	2,728,547	1,949,682	1,430,858	48%
Other (Disposals/Trade In)	533,500	533,500	95,000	229,356	57%
Total	13,761,599	13,320,326	8,063,741	5,850,945	56%

Note: Detailed analysis are included on page 66 – 82 of Attachment 1.

6. Cash Backed Reserves (Note 6 Page 83)

The Cash Backed Reserves schedule details movements in the reserves, including transfers and funds used, comparing actual results with the annual budget.

The balance as at 28 February 2017 is \$7,937,293.

7. Rating Information (Note 7 Page 84 - 85)

The notices for rates and charges levied for 2016/17 were issued on 08 August 2016.

The Local Government Act 1995 provides for ratepayers to pay rates by four (4) instalments. The due dates for each instalment are:

First Instalment	14 September 2016
Second Instalment	14 November 2016
Third Instalment	16 January 2017
Fourth Instalment	20 March 2017

To cover the costs involved in providing the instalment programme the following charge and interest rates apply:

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$13.00 per instalment
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

Pensioners registered with the City for rate concessions do not incur the above interest or charge.

The Rates debtors balance as at 28 February is \$3,699,847 (this includes deferred rates of \$105,250). This represents 10.47% of the collectable income compared to 8.62% at the same time last year. It should be noted that the rates notices were issued on 8th August 2016, which is three weeks later than the previous year due to the delayed budget adoption.

8. Receivables (Note 8 Page 86)

Receivables of \$3,682,737 are outstanding at the end of February 2017, of which \$2,843,349 has been outstanding over 90 days. This is comprised of:

- \$2,095,739 (73.7%) relates to unpaid infringements (plus costs) over 90 days. Infringements that remain unpaid for more than two months are sent to Fines Enforcement Registry (FER), who then collect the outstanding balance and return the funds to the City for a fee.
- \$384,770 (13.5%) relates to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangements for more than one year.
- \$362,840 (12.8%) relates to Other Receivables, including recoverable works and property.

Administration has been following up outstanding items which relate to Other Receivables by issuing reminders when they are overdue and formal debt collection when payments remain outstanding.

9. Beatty Park Leisure Centre – Financial Position Report (Note 9 Page 87)

As at 28 February 2017 the operating deficit for the Centre was \$327,937 in comparison to the year to date budgeted deficit of \$354,582.

The cash position showed a current cash surplus of \$34,872 in comparison to year to date budget estimate of a cash surplus of \$124,402.

All material variance as at 28 February 2017 has been detailed in the variance comments report in **Attachment 1**.

10. Explanation of Material Variances

The materiality thresholds used for reporting variances are 10% and \$10,000. This means that variances will be analysed and separately reported when they are more than 10% (+/-) of the YTD budget, where that variance exceeds \$10,000 (+/-). This threshold was adopted by Council as part of the Budget adoption for 2016-17 and is used in the preparation of the statements of financial activity when highlighting material variance in accordance with *Financial Management Regulation 34(1) (d)*.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

A statement of financial activity and any accompanying documents are to be presented at the next Ordinary Meeting of the Council following the end of the month to which the statement relates, or to the next Ordinary Meeting of Council after that meeting.

RISK MANAGEMENT IMPLICATIONS:

Low: In accordance with *Section 6.8 of the Local Government Act 1995*, a local government is not to incur expenditure from its Municipal Fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority decision of Council.

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

“4.1 Provide good strategic decision-making, governance, leadership and professional management:

4.1.2 Manage the organisation in a responsible, efficient and accountable manner;

- (a) Continue to adopt best practice to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced.”*

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

All expenditure included in the Financial Statements is incurred in accordance with Council's adopted budget or subsequent approval in advance.

The net operating result is reflecting favourably compared to the year to date Budget, however it is anticipated this will progressively come in line with the budget. In respect to capital works, expenditure to 28 February 2017 is ahead of the same period last financial year. Administration is undertaking a review of the 2016/17 Capital Works Schedule, whilst adjustments resulting from this review are reflected in the budget.

It should be noted that the full-year revised budget includes the changes that have been adopted as part of mid-year budget review adopted by Council on 7 March 2017. However, some changes to revised budget phasing and year-to-date budgets will only be reflected in the March financial report.

9.3.4 Review of Policy 4.2.7 – Council Members - Allowances, Fees and Reimbursement of Expenses

Ward:	Both	Date:	22 March 2017
Precinct:	All	File Ref:	SC2639
Attachments:	<u>1</u> - Amended Policy 4.2.7 – Council Members - Allowances, Fees and Reimbursement of Expenses <u>2</u> - Current Policy 4.2.6 - Council Members – Purchase Of Items and Equipment Upon Retirement <u>3</u> - Current Policy 4.2.7 – Council Members - Allowances, Fees and Reimbursement of Expenses –Marked Up <u>4</u> - Current Policy 4.2.8 - Council Members – Acknowledgement of Service and Purchase of Retirement Gift <u>5</u> - Council Member ICT Allowance Calculation		
Tabled Items:	Nil.		
Reporting Officer:	T Evans, Manager Governance and Risk		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council:

1. **REVOKES Policy 4.2.6 – Council Members – Purchase Of Items and Equipment Upon Retirement;**
2. **REVOKES Policy 4.2.8 – Council Members – Acknowledgement of Service and Purchase of Retirement Gift; and**
3. **ADOPTS the amended Policy 4.2.7 – Council Members - Allowances, Fees and Re-imbusement of Expenses, as shown on Attachment 1, and agrees that public advertising and community consultation is not required.**

PURPOSE OF REPORT:

To consider amending *Policy 4.2.7 – Council Members - Allowances, Fees and Re-imbusement of Expenses* and incorporating the provisions of *Policy 4.2.6 – Council Members – Purchase Of Items and Equipment Upon Retirement* and *Policy 4.2.8 – Acknowledgement of Service and Purchase of Retirement Gift* into Policy 4.2.7.

BACKGROUND:

Council Policies 4.2.6, 4.2.7 and 4.2.8 are due for periodic review. A report was presented to Council on 18 October 2016 which proposed minor amendments to ensure that the policies align with current regulations, the values of the current Council and with good practice in the Local Government sector. At that meeting, the item was deferred to enable Administration to further consider a number of issues raised by Council Members, including:

- Clarification of the expenses which may be reimbursed for the purposes of Regulation 32(1) of the *Local Government (Administration) Regulations 1996*;
- Incorporation of the Mayor’s electric bicycle;
- An evidence-based ICT Allowance that accounts for current requirements and costs;
- The removal of specific limits on letterheads and business cards; and
- The removal of a qualification period for certificates of recognition on retirement.

DETAILS:

The findings of Administrations review of Policy 4.2.7 is discussed below.

1. Policy Structure

Administration noted that the provisions of Policies 4.2.6 and 4.2.8 could be easily incorporated into Policy 4.2.7 and that doing so would be beneficial to the reader by providing for a single point of reference for similar types of provisions. Accordingly, the provisions of Policy 4.2.6 have been included as clause 3.2 in Policy 4.2.7. The provisions of Policy 4.2.8 have been included as clause 9.

2. Expenses Approved for Reimbursement

A new section 3 has been included which sets out the types of function that have been expressly authorised by Council for which expenses may be reimbursed. This has been re-structured to better align to the requirement of r.32(1)(a) of the *Local Government (Administration) Regulations 1996* which states that:

- “(1) For the purposes of section 5.98(2)(b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are —
- (a) an expense incurred by a council member in performing a function under the express authority of the local government;”

The list of approved functions has been expanded to include attendance at:

- City of Vincent Advisory and Working Groups;
- Town Teams and Precinct Groups;
- Presentation ceremonies by the City of awards to school students; and
- Events that are sponsored by the City of Vincent.

3 Minor Variations

A number of minor amendments are proposed to Policy 4.2.7 as follows:

Timeframe for reimbursement of claims – The previous section 4.2 has been deleted because it conflicted with a similar clause in Section 9.2 (amended to 10.2). This has the effect of making a standard 3 month timeframe for claiming reimbursements.

Child Care Costs - Section 5 was inconsistent with the Salaries and Allowances Tribunal (SAT) determination to cap child care expenses at \$25 per hour. The proposed policy aligns the allowable amount of child care costs with the maximum determined by SAT.

Fax Machines - As fax machines are essentially now obsolete, it is proposed to remove references to faxes in the policy.

Removal of indexation of particular items – It is proposed to remove CPI indexing for the maximum allowable training and education expenses and stationery expenses. This will provide greater clarity and ease of administration. As the Policy is reviewed every 2 years, the value of a CPI increase over this period is considered to be minor.

Reimbursement Verification – The expense claim forms that form part of the Policy have been amended so that the new position of Manager Governance and Risk is responsible for verifying claims prior to the sign off by the CEO or his delegate.

Letterheads and Business Cards – It is considered unnecessary to retain specific limitations on the number of letterheads and business cards that can be provided to Council Members. Instead, Council Members will be entitled to as many as is reasonably required to carry out the duties of the role.

Vehicle for Office of Mayor – This section of the policy has been amended to recognise the electric bicycle that is provided to the Mayor.

4 Information and Communications Technology (ICT) Allowance

Recent SAT determinations highlighted that the SAT has a preference for the reimbursement of actual expenses wherever possible and accordingly, SAT has maintained the maximum annual ICT allowance at \$3,500. The City's current policy position is to pay Council Members the maximum allowance set by the SAT, i.e. \$3,500.

Research into the practices of some other metropolitan West Australian Local Governments in relation to the provision of an ICT allowance is summarised in the table below:

ICT Allowance	No. of Local Governments
Maximum allowed (\$3,500)	13
Set amount less than the maximum	5
Reimbursement	5

This shows that of the 23 Metropolitan Local Governments where data was readily available, 13 paid an allowance equal to the maximum set by SAT, five set a lower amount and five operated a system of reimbursements.

Of those Local Governments that set an ICT allowance lower than the maximum, the amounts set were: \$1,000 (East Fremantle), \$1,500 (Mosman Park), \$1,600 (Cottesloe), \$2,100 (Melville) and \$3,400 (Bayswater).

Administration notes that there is an administrative cost involved in submitting, assessing and processing expense reimbursement claims. The process of apportioning out phone calls and mobile phone usage in particular can be time consuming, both for Council Members and for Administration. Furthermore, the majority of internet and phone plans are now "bundled plans" which mean it is often not practical to be able to sensibly apportion the costs of Council related use and personal use. Consequently, Administration is not recommending a straight reimbursement model.

In assessing what an appropriate quantum for an ICT allowance might be, Administration has compiled a list of ICT costs that would typically be associated with the duties of Council Members, which include a mobile phone and plan, home phone and internet plans, a printer and a mobile broadband plan for an iPad or similar. Information relating to a range of products and services was gathered which resulted in expected annual ICT costs ranging between \$1,715 and \$3,555. The mid-point of these figures was deemed to be a reasonable guide as to actual costs incurred. The midpoint is \$2,635. Following consultation with Council Members, it is proposed that a reduced ICT allowance of \$2,500 be incorporated into the policy. The calculations that have been used to arrive at these figures have been included as **Attachment 5**.

In accordance with the *Local Government Act 1995*, any Council Member, including the Mayor, would still be entitled to claim reimbursement of other ICT costs over and above this amount upon the provision of evidence of expenditure incurred.

5. Motor Vehicle Allowances and Insurances

The current Policy states that the *Public Service Award 1992* will be used for the calculation of motor vehicle allowances. This is inconsistent with the SAT determination which states that Local Governments should use the rates set out in the *Local Government Industry Award 2010*. The Policy has been updated to reflect this.

It is proposed to amend the wording of Section 7.4 in relation to motor vehicle insurance to more accurately reflect what is covered in the City's motor vehicle insurance policy.

In particular it highlights that the insurance provides cover in excess of any amount for which Council Members are otherwise covered.

6. Retirement Gifts

Regulation 34AC of the *Local Government (Administration) Regulation 1996* sets an allowable amount for Elected Member retirement gifts despite this, City of Vincent Council Members have expressed a general preference against the purchase of a City-funded retirement gift. The Police has been amended accordingly.

In place of a retirement gift, a framed certificate of appreciation will be presented to the retiring Council Member. The requirement to have served a full Council term has been removed.

CONSULTATION/ADVERTISING:

Policy No. 4.1.5 - Community Consultation in Appendix 2 of the Guidelines (Item 10), states that community consultation is required for new policies, or significant amendments to existing policies. Administration considers that community consultation is unnecessary in this instance because firstly, the proposed amendments to Policy No 4.2.7 will only apply to and affect Council Members and, secondly, the proposed amendments to Policy 4.2.7 and revocation of Policies 4.2.6 and 4.2.8 are not viewed as being significant.

LEGAL/POLICY:

Part 5, Division 8 of the *Local Government Act 1995* deals with Local Government payments and gifts to its members, while Regulations 30 – 34AD of the *Local Government (Administration) Regulations 1996* also set out provisions in relation to payments and gifts.

Maximum limits on the allowances provided to Council Members are set by Determination of the *Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Members* under the *Salaries and Allowances Act 1975*.

Section 5.63(1)(c) of the *Local Government Act 1995* relates to financial interests that need not be disclosed and states:

(1) *Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —*

(c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;

On that basis Council Members do not need to disclose a financial interest in this item.

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the City's Strategic Plan 2013-2023:

"4.1 *Provide good strategic decision-making, governance, leadership and professional management;*" and in particular;

4.1.2 *Manage the organisation in a responsible, efficient and accountable manner;...*"

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Adopting the proposed amendments to Policy 4.2.7 would likely result in a small financial saving to the City and therefore the community, in the order of \$9,000p.a due to reduced outgoings in payments of ICT allowances. The exact quantum of financial savings will depend on the extent of reimbursement claims made by Council Members.

The proposed policy amendments will also eliminate any costs resulting from the purchase of gifts to retiring Council Members.

COMMENTS:

Council Members are statutorily entitled to receive payment for their work on Council and for their role in ensuring the good governance of the City. This payment takes the form of fees, allowances and reimbursement for out-of-pocket expenses; although the quantum of payment is generally very modest in comparison to the time and effort invested by Council Members in Council-related business.

General provisions relating to Council Member payments are prescribed under the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*, with the Salaries and Allowances Tribunal making annual determinations on various limits relating to such payments. Notwithstanding, a Council may set its own standards for Council Member payments, providing the values set do not exceed those prescribed by the SAT.

Administration's review of the City's Policies relating to Council Member payments and benefits, and discussion of the same with Council Members, has highlighted that Policies 4.2.6, 4.2.7 and 4.2.8 have been operating effectively. Notwithstanding, it is considered timely, pragmatic and reasonable to amend Policy 4.2.7 in the manner now proposed and to consolidate other relevant provisions of Policies 4.2.6 and 4.2.8 into Policy 4.2.7. This will create a more contemporary 'single-source' policy document containing all relevant provisions relating to Council Member payments and benefits.

9.4.1 Draft City of Vincent 'Reflect' Reconciliation Action Plan 2017/18

Ward:	Both	Date:	20 March 2017
Precinct:	All	File Ref:	SC1219
Attachments:	1 – Draft City of Vincent 'Reflect' Reconciliation Action Plan 2017/18		
Tabled Items:	Nil		
Reporting Officer(s):	K Schnitzerling, Manager Community Partnerships L Keillor, Community Development Officer		
Responsible Officer:	M Quirk, Director Community Engagement		

RECOMMENDATION:

That Council;

- ADOPTS** the City of Vincent 'Reflect' Reconciliation Action Plan 2017/18, included as Attachment 1, and **NOTES** that the Plan will be subject to further formatting and styling to be determined by the Chief Executive Officer, prior to publication.
- REQUESTS** that the Chief Executive Officer forward the City of Vincent 'Reflect' Reconciliation Action Plan 2017/18 to Reconciliation Australia for final endorsement.

PURPOSE OF REPORT:

To consider adoption of the City of Vincent 'Reflect' Reconciliation Action Plan 2017/18 (**Attachment 1**) and submission to Reconciliation Australia for final endorsement.

BACKGROUND:

While the City has a strong track record in respecting and recognising Aboriginal culture the development of a Reconciliation Action Plan (RAP) provides a formal framework and practical plans of action to further build relationships, respect and opportunities.

Reconciliation Australia is the lead body on reconciliation in Australia and they support hundreds of organisations to participate in the RAP program, and importantly, must formally review and endorse a RAP prior to implementation. There are four types of RAP's as determined by Reconciliation Australia – Reflect, Innovate, Stretch and Elevate. The City will begin its reconciliation journey with a Reflect RAP which allows the time and opportunity to develop key relationships, determine our vision for reconciliation, and explore our sphere of influence prior to committing to more comprehensive actions or initiatives. A Reflect RAP is primarily focussed on the City's organisational governance, policies and practices as the basis for future actions.

Council identified the importance of a RAP to realise their vision for reconciliation and at the Ordinary Meeting of Council on 22 September 2015 it was resolved to establish Working Group to develop the City's first RAP. As per the adopted Terms of Reference this Working Group was intended to identify issues and topics of importance surrounding the development and implementation of a RAP to be adopted by Council. At the Ordinary Meeting of Council on 31 May 2016 a number of community representatives were formally appointed to the RAP Working Group based upon their relevant background, skills and experiences. Cr Harley (Chairperson) and Cr Loden as well as representatives from the City's Community Engagement Directorate were also appointed to the Working Group.

DETAILS:

Preparation of the RAP commenced in August 2016 when a renowned consultant with extensive experience working in partnership with Aboriginal communities, Tim Muirhead from CSD Network, was appointed along with local Whadjuk Noongar man, Danny Ford, to facilitate workshops with the Working Group and the City's Administration. Poignantly, the first workshop with the Working Group was held at Kuditj on Beaufort Street which was formally known as the Aboriginal Centre until 1968 and then the Aboriginal Advancement Building.

These workshops achieved the following outcomes:

- Identification of Working Group and City Administration aspirations on reconciliation
- Established the current understanding, knowledge and practice of reconciliation amongst City Administration;
- Identification of previous and current reconciliation practices, and evident gaps, across Vincent;
- Preparation of strategies, projects, policies and practices for inclusion within the Reconciliation Australia 'Reflect' RAP Framework which forms the basis of the draft RAP;
- Identification of key resources, people and partnerships to enable effective RAP implementation

The Consultant provided detailed Workshop Outcome Reports including the Reconciliation Australia 'Reflect' RAP Framework as a well-informed basis for the preparation of RAP strategies, actions and deliverables. The Working Group subsequently used these workshop outcomes, as well as their own experiences and expertise, to prepare a draft 'Reflect' RAP in accordance with Reconciliation Australia requirements.

Throughout September and October 2016, Administration on behalf of the Working Group consulted with key internal and external stakeholders to further discuss and refine the draft RAP. This included specific meetings with each City Manager given their direct responsibility for implementing RAP actions and a highly engaging meeting with the Nyoongar Outreach Services CEO, Maria McAtackney. Council and Administration representatives from the Working Group also attended the Whadjuk Working Party Meeting in November 2016 to seek feedback on the draft RAP. This meeting provided the opportunity to identify Elders within the Vincent community and to discuss the importance of consultation with Whadjuk people as well as acknowledgement of Whadjuk land and history. A range of amendments were made to the draft RAP following this stakeholder engagement process.

The draft RAP was then finalised by the Working Group and presented to a Council Workshop in November 2016 prior to submission to Reconciliation Australia. It was considered prudent to seek Reconciliation Australia feedback prior to any formal endorsement or adoption by Council. Feedback was then received from Reconciliation Australia in January 2016 and March 2017. Notably, this feedback and subsequent amendments to the draft RAP had no significant impact on the key actions and deliverables. The draft RAP was endorsed by the Working Group on 20 March 2017 for presentation to and consideration by Council.

The draft RAP (**Attachment 1**) adheres to the Reconciliation Australia 'Reflect' RAP template and comprises the following:

- Acknowledgment of Country
 - Mayor and Chief Executive Officer Messages
 - Reconciliation Australia CEO Message
 - Our Reconciliation Journey Overview
 - Previous and Current Reconciliation Partnerships and Activities
 - Relationships – Actions, Deliverables and Timelines
 - Respect – Actions, Deliverables and Timelines
 - Opportunities – Actions, Deliverables and Timelines
 - Tracking and Progress
 - Acknowledgements
-

Importantly, the draft RAP provides clarity that Noongar people are the original inhabitants and traditional owners of the south-west of Western Australia including the entire City of Vincent land area. While Noongar is identified as a single language there are variations in both pronunciation and spelling. This includes Noongar, Nyungar, Nyoongar, Nyoongah, Nyungah, Nyugah, Yungar and Noonga. Based on the advice and experience of the Working Group the draft RAP utilises Noongar except when referencing an external organisation that utilises alternative spelling such as Nyoongar Outreach Services.

It should be noted that the copy of the RAP included as **Attachment 1** is only a 'draft document' version and does not necessarily reflect the appearance of the final published document. The attached version of the RAP will be subject to further formatting and styling changes to be determined by the Chief Executive Officer prior to publication. However, no further changes will be made to the RAP's actions, deliverables and timelines content following its acceptance by Council. Completion of the final published document has remained subject to final RAP feedback from Reconciliation Australia and subsequent review by the Working Group which was only achieved in late March 2017.

Graphic design is based upon the City's public artwork at Weld Square that commemorates the Coolbaroo League. The Coolbaroo League began in 1946 during a time of harsh restrictions for Aboriginal people when they were not allowed to enter the central Perth City area. Given its location just outside the 'prohibited area', Weld Square has long been a meeting place for Noongar people. The artwork was designed and created by Sandra Hill and Jenny Dawson who are suitably acknowledged within the document.

Council adoption of the draft RAP in April 2017 remains vitally important given the intention to formally launch the RAP during Reconciliation Week (27 May – 3 June 2017). The Working Group considers this proposed launch date to be particularly significant given that this year Reconciliation Week coincides with the 50th anniversary of the 1967 referendum where the Constitution was amended to include Aboriginal people in the census and allow the Commonwealth to create laws for them.

Upon council adoption, the RAP must be forwarded to Reconciliation Australia for final endorsement. Feedback from Reconciliation Australia may require further formatting, styling and minor content changes with any subsequent amendments to be determined by the Chief Executive Officer prior to publication. Again, no key changes will be made to the RAP's actions, deliverables and timelines content following its acceptance by Council.

CONSULTATION/ADVERTISING:

Due to the extensive consultation undertaken with internal and external stakeholders, and the specific nature of a RAP as determined by Reconciliation Australia, it is not intended to advertise the document for public comment.

Council sought nominations from interested persons when forming the RAP Working Group and appointed community representatives based on their background and range of suitable skills and experiences. Nominations from were widely advertised including direct engagement with key community organisations including Nyoongar Outreach Services, Foyer Oxford and Kambarang Services.

Through consultants with extensive experience working in partnership with Aboriginal communities there has been extensive consultation with City's Administration regarding the actions, deliverables and timelines within the 'Reflect' RAP. Council and Administration representatives on the Working Group have engaged with key stakeholders including Nyoongar Outreach Services and the Whadjuk Working Party. Feedback has been incorporated into the RAP.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Low: While there is no legislative requirement to adopt a RAP it is considered vitally important to enable Council and the Vincent community to realise their vision for reconciliation

STRATEGIC IMPLICATIONS:

The RAP aligns with the following priorities within the City's *Strategic Community Plan 2013-2023*:

"1. Natural and Built Environment

1.1 Improve and maintain the natural and built environment and infrastructure

1.1.2 Enhance and maintain the character and heritage of the City

2. Economic Development

2.1 Progress economic development with adequate financial resources

2.1.2 Develop and promote partnerships and alliances with key stakeholders

3. Community Development and Wellbeing

3.1 Enhance and promote community development and wellbeing

3.1.1 Celebrate, acknowledge and promote the City's cultural and social diversity.

3.1.2 Promote and foster community safety and security.

3.1.3 Promote health and wellbeing in the community.

3.1.4 Continue to implement the principles of universal access.

3.1.5 Promote and provide a range of community events to bring people together and to foster a community way of life.

3.1.6 Build capacity within the community to meet its needs.

4. Leadership, Governance and Management

4.1 Provide good strategic decision-making, governance, leadership and professional management

4.1.1 Develop leadership skills, behaviours and culture that enhance the public image of the City.

4.1.4 Plan effectively for the future.

4.1.5 Focus on stakeholder needs, values, engagement and involvement."

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Given the nature of a 'Reflect' RAP many of the actions and deliverables relate to internal Administration tasks and activities. Allocations have been included within the Council's draft 2017/18 operating and capital budget for other specific actions and deliverables.

COMMENTS:

The City of Vincent's first RAP is a significant milestone in our journey towards reconciliation. The 'Reflect' RAP allows time and opportunity to review current organisational practices, develop key relationships, determine our vision for reconciliation, and explore our sphere of influence prior to committing to more comprehensive actions or initiatives. Implementation of the 'Reflect' RAP in 2017/18 will then directly inform the next 'Innovate' RAP.

Adoption of the RAP and subsequent endorsement by Reconciliation Australia demonstrates a strong commitment to our local Whadjuk Noongar community, our broader Aboriginal community and the wider Vincent community.

9.5.1 Information Bulletin

Ward:	-	Date:	28 March 2017
Precinct:	-	File Ref:	-
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	E Simmons, Governance & Council Support Officer		
Responsible Officer:	L Kosova, Chief Executive Officer		

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated 4 April 2017.

DETAILS:

ITEM	DESCRIPTION
IB01	Unconfirmed Minutes from the Reconciliation Action Plan Working Group Meeting held on 14 November 2016
IB02	Confirmed Minutes from the Environmental Advisory Group Meeting held on 21 November 2016
IB03	Unconfirmed Minutes from the Safer Vincent Crime Prevention Partnership (SVCPP) Meeting held on 2 February 2017
IB04	WALGA State Council Meeting Summary Minutes – March 2017
IB05	Minutes of Tamala Park Regional Council Meeting held on 23 February 2017
IB06	Register of Legal Action (Confidential – Council Members Only) – Monthly Report as at 16 March 2017
IB07	Register of Orders and Notices Issued Under the <i>Building Act 2011</i> and <i>Health Act 1911</i> (Confidential – Council Members Only) – Quarterly Report as at 16 March 2017
IB08	Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 16 March 2017
IB09	Register of Applications Referred to the MetroWest Development Assessment Panel – Current
IB10	Register of Applications Referred to the Design Advisory Committee – Current
IB11	Register of Petitions – Progress Report – April 2017
IB12	Register of Notices of Motion – Progress Report – April 2017
IB13	Register of Reports to be Actioned – Progress Report – April 2017

9.5.2 Audit Committee Minutes and Appointment of External Auditor

Ward:	Both	Date:	22 March 2017
Precinct:	All	File Ref:	SC2639
Attachments:	1 – Unconfirmed Minutes Audit Committee 21 March 2017 2 – 08/17 - Request for Quotation document 3 – Confidential Attachment - Summary of Financial Evaluation 4 – Confidential Attachment - Draft External Audit Services Contract		
Tabled Items:	Nil.		
Reporting Officer:	T Evans, Manager Governance and Risk		
Responsible Officer:	L Kosova, Director Corporate Services		

RECOMMENDATION:

That Council:

1. **RECEIVES** the unconfirmed Minutes of the Audit Committee Meeting held on 29 November 2016, as shown in Attachment 1; and
2. **APPOINTS BY ABSOLUTE MAJORITY** David Tomasi, Wen-Shien Chai and Greg Godwin from Moore Stephens as the City’s external auditors for the term of the 2016/17 and 2017/18 financial years; and
 - 2.1 **ACCEPTS** the quote submitted by Moore Stephens for the provision of External Audit Services to the City for the 2016/17 – 2017/18 financial years with an option to extend the contract for a further one year; and
 - 2.2 **ENDORSES** the draft External Audit Services contract and authorise the Mayor to execute the contract on behalf of Council.

PURPOSE OF REPORT:

To receive the unconfirmed Minutes of the Audit Committee Meeting held on 21 March 2017 and to consider the appointment of an external auditor.

BACKGROUND:

At its meeting on 21 March 2017, the Audit Committee considered an evaluation of submissions to provide External Audit Services to the City and resolved as follows:

“That the Audit Committee RECOMMENDS to Council to:

1. *appoint David Tomasi, Wen-Shien Chai and Greg Godwin from Moore Stephens as the City’s external auditors for the term of the 2016/17 and 2017/18 financial years (Absolute Majority required);*
2. *accept the quote submitted by Moore Stephens for the provision of External Audit Services to the City for the 2016/17 – 2017/18 financial years with an option to extend the contract for a further one year; and*
3. *endorse the draft External Audit Services contract and authorise the Mayor to execute the contract on behalf of Council.”*

At its meeting on 29 November 2016, the Audit Committee endorsed the following process for the appointment of an External auditor:

1. Quotations will be called from WALGA's Audit Services panel;
2. Respondents will be asked to quote on terms of:
 - One year;
 - One year, plus an option to extend for up to two years at the City's discretion;
 - Two years, plus an option to extend for up to one year at the City's discretion; and
 - Three years (with no option to extend).
3. The same organisation is not to be awarded both the external and internal audit contracts;

The flexible term of this contract was based on advice received from the Office of the Auditor General that it would not be in a position to take over responsibility for the external audits of local governments until at least the 2018/19 financial year.

In accordance with Councils decision, Administration then developed a request for quotation (RFQ) document, included as **Attachment 2**, and invited quotes from the seven audit firms listed on the West Australian Local Government Association (WALGA) preferred supplier list for audit services. Each respondent was asked to quote on both:

- Two years, plus an option to extend for up to one year at the City's discretion; and
- Three years (with no option to extend).

The City received four quotations from the following list of respondents:

- Butler Settineri (Audit) Pty Ltd
- Grant Thornton Audit Pty Ltd
- Macri Partners
- Moore Stephens

The submissions were evaluated by the Manager Governance and Risk and Manager Financial Services on 8 March 2017 using the selection criteria below in accordance with the RFQ documentation:

<i>Selection Criteria</i>	<i>Weighting</i>
Financial offer/fee proposal	40%
Organisational Capability/Key Personnel	30%
Methodology, key issues and risks	20%
References	10%
	100%

Of the four submissions received, all were considered suitable proposals and all were evaluated.

Criteria 1 - Financial offer / fee proposal

The weighting for pricing was 40%, and the scores for this criteria were calculated using the following method:

A range of prices for a potential three year contract (2 years + 1 year option) was set, such that the lower limit was the price of the lowest submission received and the upper limit was double the average price of all of the submissions received. Scores were awarded such that a submission priced at or above the upper limit would score 0, while a submission priced at the lower limit would score 40. Submissions that were priced within the range were scored on a linear scale between the lower and upper limits. A summary of the financial offers can be found in **Attachment 3**. The financial offers from both Butler Settineri (Audit) Pty Ltd and Moore Stephens were the lowest cost and consequently scored 40 points.

In determining the scoring for this criteria, the panel used the flat lump sum price for the full potential of three years. It was noted that audit services are generally priced at an hourly rate depending on the level of seniority and experience offered by the particular audit personnel working on the engagement. That is to say the hourly rates would scale up from graduate auditor, senior auditor, director to partner. Consequently, it could be argued that a lower overall fee proposal might simply result in a lower level of audit personnel. However, the panel took the view that the evaluation of key personnel was dealt with as part of selection criteria 2 and therefore did not factor this in to the scoring for the Financial offer/fee proposal.

It should be noted that, whilst the RFQ had called for quotes for both a two year contract with a one year option and a three year contract, in each case where both quotes had been provided the pricing was the same.

Criteria 2 - Organisational Capability / Key Personnel

In all cases, the panel was satisfied that the respondents each had sufficient organisational capability to undertake the work and in all cases the details of appropriately qualified personnel were provided.

Moore Stephens has the largest footprint within the local government sector and is the auditor (a combination of internal and external audits) for 46 local governments in Western Australia. The company employs 43 staff in its Local Government division and consequently was awarded the highest score for this criteria.

The other three respondents all had demonstrable experience within the local government sector, but were more generalist auditors in nature with less of a focus on the sector, or did not have a specialist local government section within the firm.

Criteria 3 - Methodology, key issues and risks

In assessing the methodology and understanding of the scope of the contract, the submission from Grant Thornton and Moore Stephens were considered to be comprehensive – to the extent that they were used as the benchmark to measure the quality of the other submissions.

The methodologies put forward by the other respondents were appropriate, but largely generic and only slightly tailored to the City's requirements.

Criteria 4 – References

All the respondents provided appropriate references from similar work undertaken for other Local Governments in WA and all scored highly.

Summary of Scores

The table below provides a summary of the overall evaluation scoring:

EXTERNAL AUDIT RFQ SUBMISSIONS <i>(2 years + 1 year)</i>	Butler Settineri	Grant Thornton	Macri	Moore Stephens
1. Financial offer / fee proposal	40.00	34.46	30.50	40.00
2. Organisational Capability / Key Personnel	24.00	27.00	24.00	30.00
3. Methodology, key issues and risks	19.00	20.00	18.00	20.00
4. References	10.00	10.00	10.00	10.00
TOTAL	93.00	91.46	82.50	100.00

As a result, the panel recommended (and the Audit Committee agreed) that Moore Stephens be awarded the contract for the City's External Audit Services for the following reasons:

- The quote submitted by Moore Stephens for the External Audit Services was considered to provide the "best value for money".
- The submission from Moore Stephens demonstrated the highest level of local government specific audit experience of the organisation and its key personnel.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Section 7.3 of the *Local Government Act 1995* states:

7.3 Appointment of Auditors

- (1) *A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint a person, on the recommendation of the audit committee, to be its auditor* .
- (2) *The local government may appoint one or more persons as its auditor.*
- (3) *The local government's auditor is to be a person who is –*
 - (a) *a registered company auditor; or*
 - (b) *an approved auditor.*

The Terms of Reference for the Audit Committee include the following Duties and Responsibilities:

- Recommend to Council the person or persons to be appointed as auditor.
- Develop and recommend to Council a written agreement for the appointment of the external auditor. The agreement is to include:
 - the objectives of the audit;
 - the scope of the audit;
 - a plan of the audit;
 - details of the remuneration and expenses to be paid to the auditor; and
 - the method to be used by the local government to communicate with, and supply information to, the auditor.

RISK MANAGEMENT IMPLICATIONS:

Low: Administration considers that there are minimal risks associated with the appointment of an external auditor. However, it is noted that the external audit function is a key element in managing the City's overall level of risk.

STRATEGIC IMPLICATIONS:

Plan for the Future – Strategic Plan 2013 – 2023 – Strategic Objectives

“Objective 4.1: Provide good strategic decision-making, governance, leadership and professional management.

4.1.2 Manage the organisation in a responsible, efficient and accountable manner

- (a) *Continue to adopt best practise to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced.”*
-

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$30,000 has been included in the Annual Budget 2016/17 for the external audit services. The cost of the recommended submission is within budget at \$20,000 in 2016/17.

COMMENTS:

The appointment of an external auditor is a duty of Council.

Section 7.3 of the *Local Government Act 1995* applies as follows:

7.3 Appointment of Auditors

- (1) *A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint a person, on the recommendation of the audit committee, to be its auditor [Absolute majority required].*
- (2) *The local government may appoint one or more persons as its auditor.*
- (3) *The local government's auditor is to be a person who is –*
 - (a) *a registered company auditor; or*
 - (b) *an approved auditor.*

Section 5 of the State *Interpretation Act 1984* includes the following definitions:

Individual means a natural person

and

Person or any word or expression descriptive of a person includes a public body, company, or association or body of persons, corporate or unincorporate.
[emphasis added]

So, using these definitions, a local government can appoint an accounting firm to be its external auditor. It does not need to appoint an individual to the role.

The advantage to appointing a firm as auditor is that it gives clarity to the arrangement if the Partner leading the audit leaves the firm.

Administration sought advice on this aspect of the appointment from both the Department of Local Government & Communities and WALGA. Advice received from the Department indicated that, whilst the above interpretation would allow the appointment of a firm, only an individual could be a Registered Company Auditor. However, WALGA advised that the Department had advised other local governments that appointing a firm was acceptable; and this was now the trend in recent appointments.

All of the 3 nominated partners from Moore Stephens are Registered Company Auditors:

Name	Registered Company Auditor Number
David Tomasi	15724
Wen-Shien Chai	229761
Greg Godwin	310219

Administration is therefore recommending that the City appoints all three nominated partners as the City's External Auditors; and contracts with Moore Stephens to provide the External Audit Services.

All members of the WALGA Audit Services Panel have signed-up to the WALGA Audit Services Contract. This contract stipulates the minimum Scope and Methodology to be followed by the auditor, as outlined in Appendix 2 of the Department of Local Government's "Audit in Local Government" operational [guidelines](#) p14).

In the Request for Quotation (RFQ - **Attachment 2**) the City identified the Objectives of the Audit as:

- a) To provide an independent audit opinion of the accounts and annual financial report for each financial year covered by the term of the audit appointment; and
- b) To provide an annual review of the appropriateness and effectiveness of financial management system in accordance with section 6.10 of the *Local Government Act 1995* and Section 5(1) of the *Local Government (Financial Management) Regulations 1996*.

As well as the Scope and Methodology identified in the WALGA Audit Services Contract, the City identified the following additions in the RFQ:

Scope Additions:

- a) The financial ratios required by the *Local Government (Financial Management) Regulations 1996*.

Methodology and Approach Additions:

- a) The auditor is to provide the local government with a general outline of his/her methodology; and
- b) The auditor is to provide the local government with a plan for the audit including:
 - timing of interim audit visits - between March and June in each year;
 - final audit visit to be agreed/negotiated, but within 30 days of being advised that the accounts and annual financial report are available for;
 - timing of the legislative requirement to meet with the local government and whether that meeting will be in person or by some other means; and
 - the method to be used to communicate with, and provide advice and information to, the local government;
 - include attendance at the annual general meeting of ratepayers and audit committee meetings as and when required; and
 - include attendance at the first meeting of the audit committee following their appointment to outline their approach to the audit assignment.

Administration has prepared a draft contract for the provision of external audit services (see **Attachment 4**). This contract combines the Objectives, Scope, Methodology and Approach from both the WALGA contract and the City's RFQ.

The Chief Executive Officer (CEO) has disclosed an impartiality interest on the recommended appointment of Moore Stephens, on the basis that he is acquainted with Mr Shaun Williams who works with the firm. However, Mr Williams does not work in the Local Government division of Moore Stephens. Regardless, the CEO has included a clause in the attached draft contract that specifically excludes Mr Williams from any involvement in the audit of the City.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)

14.1 CONFIDENTIAL ITEM: CONSIDERATION OF EX GRATIA PAYMENT

Ward:		Date:	
Precinct:		File Ref:	
Attachments:	Confidential Attachment 1		
Tabled Items:			
Reporting Officer:	L Kosova, Chief Executive Officer		
Responsible Officer:	L Kosova, Chief Executive Officer		

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

“2.14 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

14.2 CONFIDENTIAL ITEM: REQUEST FOR EX GRATIA PAYMENT
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Ward:		Date:	
Precinct:		File Ref:	
Attachments:	Confidential Attachment 1 – Site Plan Confidential Attachment 2 – Safety Barrier Plan Confidential Attachment 3 – Photographs of Barrier Fencing		
Tabled Items:	Nil		
Reporting Officer:	L Kosova, Chief Executive Officer		
Responsible Officer:	L Kosova, Chief Executive Officer		

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

LEGAL:

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15. CLOSURE
