



CITY OF VINCENT

ORDINARY COUNCIL MEETING

2 May 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 2 May 2017** at 6:00pm.

Len Kosova
CHIEF EXECUTIVE OFFICER

28 April 2017

ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY

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PROCEDURE FOR PUBLIC SPEAKING TIME The City of Vincent Local Law Relating to Standing Orders prescribes the procedure for persons to ask questions or make public statements relating to a matter affecting the City, either verbally or in writing, at a Council meeting.

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**
"The City of Vincent would like to acknowledge the Traditional Owners of the land, the Whadjuk people of the Noongar nation and pay our respects to Elders past, present and emerging".
 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**
[3.1](#) Response to questions from Mr Dudley Maier taken on notice at the Ordinary Council Meeting held on 4 April 2017.
 4. **Applications for Leave of Absence**
Nil.
 5. **The Receiving of Petitions, Deputations and Presentations**
Nil.
 6. **Confirmation of Minutes**
6.1 Ordinary Meeting of Council held on 4 April 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.
 14. **Confidential Items/Matters for which the Meeting May be Closed ("Behind Closed Doors")**
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9.1 DEVELOPMENT SERVICES

9.1.1 No. 94 (Lots: 5 & 261; D/P: 1044 & 33978) Bourke Street, Leederville – Proposed Four Grouped Dwellings

Ward:	North	Date:	13 April 2017
Precinct:	Precinct 3 – Leederville	File Ref:	5.2016.525.1
Attachments:	1 – Consultation and Location Map 2 – Development Application Plans 3 – Summary of Submissions 4 – Determination Advice Notes		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Statutory Planning Officer		
Responsible Officer:	P Di Perna, Acting 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. 94 (Lots: 5 & 261; D/P: 1044 & 33978) Bourke Street, Leederville in accordance with the plans included as 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 (parapet) wall facing No. 256 Oxford Street, Leederville in a good and clean condition prior to occupation or use of the development. 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 A minimum of 8 resident bays shall be provided onsite, with a minimum of two resident car parking bays allocated to each dwelling;
- 2.2 Vehicle and pedestrian access points are required to match into existing footpath levels; and
- 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 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 surrounding properties to the satisfaction of the City;

4. Landscape and Reticulation Plan

- 4.1 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:
 - 4.1.1 The location and type of existing and proposed trees and plants;

- 4.1.2 The provision of mature tree planting with a canopy cover, at maturity, of 36% 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; and
- 4.1.3 Areas to be irrigated or reticulated; and

4.2 All works shown in the plans as identified in Condition 4.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

5. **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;

6. **Schedule of External Finishes**

Prior to commencement of development a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the City for the development, and is to include (in particular) details of varying materials and finishes to the development Façade to Bourke Street and along the shared internal accessway. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development;

7. **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 on and management of the site shall thereafter comply with the approved Construction Management Plan;

8. **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;

9. **Stormwater**

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

10. **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 grouped dwellings at No. 94 Bourke Street, Leederville.

BACKGROUND:

Landowner:	J Browne
Applicant:	J Collins
Date of Application:	7 December 2016
Zoning:	MRS: Urban TPS1: Zone: Residential R40 TPS2: Zone: Residential R40
Built Form Area:	Residential
Existing Land Use:	Single House
Proposed Use Class:	Grouped Dwelling – “P”
Lot Area:	911m ²
Right of Way (ROW):	Not Applicable
Heritage List:	Not applicable

The subject site is located on the northern side of Bourke Street, Leederville, between Oxford Street and Scott Street, as shown in **Attachment 1**. The certificate of title for the property is a multi-title lot with two lots, namely Lot 5 and Lot 261 on the single certificate of title.

There are commercial developments located to the west of the subject site on the corner of Oxford Street and Bourke Street and grouped dwellings and single dwelling developments located to the east of the subject site. There are existing street parking bays located in front of the subject property.

The commercial developments comprise of a variety of uses including eating houses, a tattoo studio, offices and a bottle shop. The commercial buildings all have a nil setback to Oxford Street and Bourke Street. The commercial properties range in height from single storey to three storeys.

The residential developments in the immediate vicinity are generally one and two storey in height. The existing single house on the subject site is not heritage listed and will be required to be demolished if the site is to accommodate the proposed development.

The application proposes to construct four two storey grouped dwellings. The development is configured with Unit 1 facing Bourke Street and has a separate vehicle crossover onto the street, and a common driveway along the eastern boundary providing vehicle and pedestrian access to the three rear grouped dwellings. 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
Density/Plot Ratio	✓	
Street Setback		✓
Building Setbacks/Boundary Wall	✓	
Building Height/Storeys	✓	
Roof Form	✓	
Open Space	✓	
Privacy	✓	
Parking & Access	✓	
Solar Access	✓	

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Essential Facilities	✓	
Street Surveillance	✓	
Site works	✓	
Retaining Wall	✓	
Vehicle Access and Parking	✓	

Detailed Assessment

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

Street Setback	
Deemed-to-Comply Standard	Proposal
<p>Built Form Policy Clause 5.2</p> <p>The primary street setback is to be the average of the five properties adjoining the proposed development.</p> <p>Average = 7.06 metres</p>	3.35 metres

The above element of the proposal that does not meet the specified deemed-to-comply standard is discussed in further detail in the comments 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 14 February to 10 March 2017. The method of advertising included 121 letters being mailed to all owners and occupiers within a 75 metres radius from the subject site, as shown on **Attachment 1**, in accordance with the City's Policy No. 4.1.5 – Community Consultation.

Eight submissions were received, five letters of support, two objections and one comment. The main issues raised in the submission are summarised as follows:

1. Street setback;
2. Development size; and
3. Building design.

These matters are discussed in the Comment section below. A detailed summary of the submission and Administration's response to each matter raised is included in **Attachment 3**.

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;
- Local Planning Policy – Built Form No. 7.1.1; and
- Policy No. 7.5.20 – Construction Management Plans.

It is noted that development approval for the demolition of the existing single dwelling is not required as per the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Council at its meeting of on 13 December 2016 formally adopted Local Planning Policy No. 7.1.1 – Built Form, which was published and became operational on 21 January 2017. This now becomes the applicable planning framework under which this application will be determined.

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 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:

Street Setback

The proposed street setback is 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 Unit 1 to Bourke Street varies between 3.35 metres and 4.2 metres whereas the Built Form Policy sets a standard based on an average of the five residential properties on either side of the subject property. In this instance it only includes those properties to the east which equates to a required setback of 7.06 metres. Concerns were raised during the community consultation period in relation to the proposed setback of the development from the street.

The orientation of unit 1 to Bourke Street improves the streetscape as the dwelling is provided with street presence and is similar in configuration to other dwellings along the street. Sufficient setback to the street has been maintained for soft landscaping, including the provision of three trees and deep soil zone which will further soften the impact of the reduced setback on the street.

The streetscape character is changing as a result of some of the more recent developments which has taken place. The proposed design of the front elevation provides varying setbacks to add visual interest to the elevation and provides some features that reflect the surrounding residential properties in the area such as the roof pitch. Significantly, the subject site falls at the end of a residential street and abuts a commercial development with a nil setback to Bourke Street. In this regard, the setback of the subject development is considered to be transitioning into the residential streetscape and acceptable in this instance.

Development Size

The submissions received by the City during the community consultation period raised some concerns regarding the size of the development. The proposed density of the development being four grouped dwellings is consistent with the R40 density coding which applies to the subject site and surrounding residential properties along Bourke Street.

Building Design

The submissions received by the City during the community consultation period raised some concerns regarding the building design. The proposed development is of a similar size and scale to the established two storey grouped dwelling development to the east of the subject property. The design has taken aspects from both the contemporary designed dwellings and the older pitched roof dwelling styles. The windows enable natural light and ventilation to the property whilst maintaining a high degree of privacy for the adjoining properties. Sufficient setback to the street has been maintained for soft landscaping, including the provision of three trees and deep soil zone which will further soften the impact of the development on the street. To ensure that the development provides further interest and articulation, the recommended condition relating to materials and finishes has been modified. This will improve the development façade to Bourke Street and the shared internal accessway. This design is considered appropriate and is respectful of the existing streetscape.

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 16.5% of the site as deep soil zone, and 36.5% canopy coverage, which exceeds the minimum required provision of landscaping and canopy coverage under the Policy. The proposal is considered to satisfy the intent of the Policy.

Conclusion

The proposal requires the Council to exercise its discretion in relation to the street setback, this element of the proposal is considered to meet the design principles set out in the Built Form Policy and R-Codes. In this instance, the proposed development 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. 24 (Lot: 173; D/P: 2099) Sasse Avenue, Mount Hawthorn – Change of Use from Single House to Consulting Rooms – Non Medical (Kinesiology) (Use Not Listed)

Ward:	South	Date:	13 April 2017
Precinct:	Precinct 1 – Mount Hawthorn	File Ref:	5.2016.493.1
Attachments:	1 – Consultation and Location Map 2 – Development Application Plans 3 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	S Laming, Statutory Planning Officer		
Responsible Officer:	P Di Perna, Acting 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, REFUSES the application for Change of Use from Single House to Consulting Rooms – Non Medical (Kinesiology) (Use Not Listed) at No. 24 (Lot: 173; D/P: 2099) Sasse Avenue, Mount Hawthorn in accordance with the plans as shown in Attachment 2, for the following reasons:

1. The proposed parking shortfall does not satisfy the objectives of the City’s Policy No. 7.7.1 – Parking and Access as it will adversely impact on the amenity of the locality; and
2. The scale and intensity of the proposed use will have an adverse impact on the amenity of the residential locality as it is incompatible with the low density residential nature and character of the locality.

PURPOSE OF REPORT:

To consider a change of use from a single house to Non-Medical Consulting Rooms (Kinesiology) (Use Not Listed).

BACKGROUND:

Landowner:	F Clemeno
Applicant:	R Cusworth
Date of Application:	17 November 2016
Zoning:	MRS: Urban TPS1: Zone: Residential R-Code: R30 TPS2: Zone: Residential R-Code: R30
Built Form Policy Area	Residential
Existing Land Use:	Single House – “P”
Proposed Use Class:	Consulting Rooms – Non Medical – (Use Not Listed)
Lot Area:	377m ²
Right of Way (ROW):	Not applicable
Heritage List:	No

The subject site is located on Sasse Avenue, midway between Ambleside Avenue and Anzac Road, Mount Hawthorn as shown in **Attachment 1**. The site and adjoining properties are zoned ‘Residential’ R30 and the locality consists of single houses. According to the City’s records there are currently no home occupations or home businesses operating in the street.

This application proposes a change of use to the existing single house.

The applicant proposes a maximum of three consultants operating as sole traders to practice 'kinesiology' from the premises. The consultants primarily offer 'kinesiology' services, which is described in the applicant's submission as, *"energy based modality, blending the eastern medicine understanding of the human energy fields (aura, chukras, meridians, etc.) with the western scientific understanding of how the body works (anatomy and physiology)"*. The consultants will also offer the following supplementary services:

- General guidance reading – a conversation between the consultant and client;
- Healing session – general guidance reading combined with energy healing work; and
- Energetic massage – hands-on massage combined with non-contact hand waving.

Each consultant will have different operating hours, however all sessions will be offered during the following hours:

- Monday to Thursday: 9:00am – 7:00pm;
- Friday: 10:00am – 7:00pm; and
- Saturday, Sunday and Public Holidays: CLOSED.

The application does not propose any modifications to the external appearance of the dwelling, with any changes being limited to the internal use of the building.

The definition of 'Consulting Rooms' in the City's Town Planning Scheme No. 1 (TPS1) means *"any building or part thereof used in the practice of a profession by a legally qualified medical practitioner or dentist, or by a physiotherapist, a masseur, a chiropractor, a chiropodist, or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments but does not include a hospital"*.

The proposed use does not relate to the investigation or treatment of physical or mental injuries or ailments and as such it is not considered to meet the definition of a 'Consulting Room' under TPS1.

The City's Policy No. 7.5.22 – Consulting Rooms defines 'Non-medical Consulting Rooms' as *"any building or part thereof used in the practice of a qualified beauty technician, touch therapist, natural massage therapist or the like"*. The use is considered to fall within the above definition, which is an 'Unlisted Use' in TPS1.

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		✓
Parking & Access		✓

Detailed Assessment

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

Land Use	
Deemed-to-Comply Standard	Proposal
Town Planning Scheme No. 1	
"P" Use	Unlisted Use – Non-Medical Consulting Room
Parking and Access	
Deemed-to-Comply Standard	Proposal
Policy No. 7.7.1	
7.2 car bays	2 car bays
3 bicycle bays	'Nil'

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:

Consultation was undertaken for a period of 21 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 17 February 2017 until 10 March 2017. A total of 12 letters were sent to owners and occupiers within close proximity of the subject site, as shown in **Attachment 1**, in accordance with the City's Policy No. 4.1.5 – Community Consultation. A notice was also included in a local newspaper, "The Voice".

A total of six submissions were received in relation to the proposal, all being objections. The matters raised in the submissions are as follows:

- Concerns over the limited parking on Sasse Avenue;
- Concern that a commercial use is not appropriate in the quiet residential street; and
- Concern in relation to the permitted hours of operation disrupting the residential environment.

The main issues raised in the submissions are discussed in the Comment section below. 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: 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. 7.5.2 – Signs and Advertising;
- Policy No 7.5.22 – Consulting Rooms; and
- Policy No. 7.7.1 – 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*.

Town Planning Scheme No. 1

The general objectives of the Scheme as outlined in Clause 6 are applicable, specifically Subclause 3(c) which is outlined as follows:

"...3(c) to ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which -

- (i) recognises the individual character and needs of localities within the Scheme zone area; and*
- (ii) can respond readily to change. ..."*

Draft Local Planning Scheme No 2 (Draft LPS 2)

Draft LPS 2 should be considered as a seriously-entertained planning proposal because as the City understands it is with the Minister for Planning for final approval. The City considers that Draft LPS 2 is a relevant consideration and any decision should have regard to any applicable provisions however, it cannot form the basis for which the application is determined.

Draft LPS 2 sets out objectives for the Residential zones, which are outlined as follows:

"(a) Residential –

- (i) to promote and encourage design that incorporates sustainability principles, including but not limited to solar passive design, energy efficiency, water conservation, waste management and recycling;*
- (ii) to enhance the amenity and character of the residential neighbourhood by encouraging the retention of existing housing stock and ensuring new development is compatible within these established areas;*
- (iii) to manage residential development in a way that recognises the needs of innovative design and contemporary lifestyles; and*
- (iv) to ensure the provision of a wide range of different types of residential accommodation, including affordable, social and special needs, to meet the diverse needs of the community."*

Delegation to Determine Applications:

This matter is being referred to Council for determination as the proposal is for an 'Unlisted Use' which requires an Absolute Majority decision.

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:

Land Use

The subject site is zoned Residential with a density coding of R30, consistent with the zoning of properties in the immediate locality. This zoning is not contemplated to change should the Draft LPS 2 be finalised. During community consultation the City received six objections to the proposal, which raised concerns that the proposed use is not appropriate in the quiet residential street and that the hours of operation of the business would disrupt the amenity of the locality.

The use cannot reasonably be determined as falling within the definition of 'Consulting Rooms' in TPS 1 and is therefore considered an 'Unlisted Use'. Whilst the use meets the requirements of the City's Policy No. 7.5.22 – Consulting Rooms with respect to hours of operation and accredited qualification of employees, the use does not meet the requirements relating to parking, which is discussed in detail below.

The reuse of an existing house ensures that the character of the site remains compatible with the adjacent residential development. The scale and intensity of the proposed use, which contemplates three consulting rooms/consultants and associated client visits, is considered beyond normal expectations of an operation within a residential area.

The proposed use could be regarded as a specialised activity which would have the potential to service a broader region rather than a local catchment area. In this instance it is considered that the scale of the proposed use is incompatible with the low density residential nature and character of the locality and is also inconsistent with to the objectives of the Residential zone under Draft LPS 2.

Given the above, it is considered that the scale and intensity of the proposed use will have an adverse impact on the amenity of the residential locality as it is incompatible with the low density residential nature and character of the locality. In addition it is not in keeping with the orderly and proper planning of the area as it introduces non-residential uses into the residential locality.

Parking

The proposed use requires the provision of seven car parking bays under the City's Policy No. 7.7.1 – Parking and Access. The site provides two car parking bays at the front of the property, thus resulting in a shortfall of five parking bays. The objections received during consultation raised concerns in relation to the proposal having an adverse impact on the locality by further reducing the already limited street parking on Sasse Avenue, which is currently used by residents.

The two car bays provided are not considered adequate for practitioners and customers, with there being a maximum of three consultants operating from the premises at any one time. Although there are no street parking restrictions or limitations in Sasse Avenue, the deficiency in car parking on-site means that the cars will be parked in the surrounding residential area taking up resident and visitor car parking spaces.

The scale and intensity of the proposed use is likely to generate a level of demand for car parking that would foreseeably exceed the capacity of the parking facilities both on site and in the immediate locality.

The proposal does not provide bicycle parking bays onsite and as a result does not encourage alternative transport modes. The non-provision of bicycle parking bays is not considered acceptable as the proposal also involves a significant shortfall in car parking provided on-site. The cumulative impact of both the car and bicycle parking shortfall in this instance does not satisfy the objectives of the City's Policy No. 7.7.1 – Parking and Access as it is considered that it will adversely impact the amenity of the locality.

Conclusion

The proposed use is not considered to be appropriate or consistent with existing land uses within the locality, and it will have a significant impact on the amenity of the locality as a result of insufficient parking. It is recommended that the application be refused.

9.1.3 Draft North Perth Town Centre Place Plan

Ward:	Both	Date:	13 April 2017
Precinct:	Precinct 9 – North Perth Centre	File Ref:	SC2677
Attachments:	1 – Draft North Perth Town Centre Place Plan		
Tabled Items:	Nil		
Reporting Officer:	D Doy, Place Manager G Lawrence, Place Manager		
Responsible Officer:	P Di Perna, Acting Director Development Services		

OFFICER RECOMMENDATION:

That Council **ENDORSES** the Draft North Perth Town Centre Place Plan included as Attachment 1 for the purpose of advertising.

PURPOSE OF REPORT:

To consider endorsing the draft North Perth Town Centre Place Plan (NPTC Place Plan) for advertising.

BACKGROUND:

At the Ordinary Meeting of Council (OMC) on 23 August 2016 (Item 9.1.5) Council endorsed Administration's approach to Place Management and the preparation of Town Centre Place Plans for the City's five town centres.

Item 9.1.5 from the 23 August 2016 OMC explains that Place Management is evolving through the following three-phase process:

- Phase 1: Establish
- Phase 2: Plan
- Phase 3: Manage

Place Management is currently in the Planning Phase and will move into the Management Phase following the completion of the Town Centre Place Plans which are identified in the City's Corporate Business Plan (CBP) as Item 9.2.

Place Planning

The Place Plans are 'place based' strategic plans that guide the direction of funding and resources in the City's town centres, and guide the implementation of both physical and non-physical initiatives in the town centres. The Place Plans capture and build upon previous work and strategic planning undertaken by the City across a range of disciplines and also consider the content and identified actions within the local town team Action Plans, best practice and data collected through the Town Centre Performance Measurement Strategy.

Following an analysis of these sources a series of place based actions are identified and documented in the Place Plan. The Place Plan actions are intended to be implemented over four years with the expected implementation and delivery of each action documented in the Place Plan Implementation Framework. The actions may be captured as future CBP items or form a key component of another existing CBP project.

North Perth Town Centre Place Plan

Administration has completed an analysis of North Perth Town Centre in late October 2016 including a review of:

- the City's existing strategic framework;
- the Draft North Perth Local Action Plan;

- the 2016 Catalyse scorecard report and results from community engagement undertaken by North Perth Local (with the assistance of the City) in 2014;
- best practise methods and benchmarks for solving town centre issues or building on identified town centre strengths; and
- existing data relevant to the town centre collected by the City or other organisations such as the Australian Bureau of Statistics, Public Transport Authority and Main Roads.

From this analysis, a variety of actions emerged under three key focus areas of Activity; Movement; and Monitoring and Review which form the basis of the Place Plan actions. The identified actions have been reviewed by Administration and discussed with North Perth Local.

The analysis and relevant actions relating to each focus area is outlined in **Attachment 1** – NPTC Place Plan. An overview of each focus area is provided in the Details Section below.

Administration presented a draft version of the NPTC Place Plan to Elected Members at the Council Workshop held on the 14 February 2017. A number of refinements have been made to the NPTC Place Plan based on this feedback.

DETAILS:

The NPTC Place Plan is structured into five key sections:

1. Introduction
2. Focus Area 1: Activity
3. Focus Area 2: Movement
4. Focus Area 3: Monitoring & Review
5. Implementation Framework

Activity

The Activity Focus Area identifies actions that will assist the City enhance activity in the North Perth Town Centre in order for the town centre to reach its social, activation and economic potential. The Activity Focus Area outlines the City's focus on:

- creating places for people;
- supporting community events;
- marketing & branding the town centre and the distinct business offerings;
- assisting businesses to better meet the needs of the local community;
- supporting after-hours activity;
- continuing to improve town centre safety;
- promoting the creation of active shopfronts and a beautiful public realm;
- conserving cultural significance, character and heritage;
- providing guidance on the housing diversity required to support the current and future demographics; and
- exploring and supporting sustainable development opportunities.

The Place Plan identifies a variety of existing and new actions designed to improve activity within the North Perth Town Centre. This informing strategy will allow Administration to plan, manage and deliver community driven, place based 'activity' focused projects.

Movement

The Movement Focus Area identifies actions which enhance active transport modes such as walking and cycling, as well as public transport and parking management. These actions are designed to create a more pedestrian friendly town centre to assist the City reach its full integrated transport potential. The Place Plan actions seek to find the right balance between cars, buses, bicycles and pedestrians in order for the North Perth Town Centre to become a great place for people and business. The Movement Focus Area outlines the City's focus on:

- improving the active transport environment to increase cycling and walking; and
- advocating for better public transport options.

The Place Plan will ensure an integrated approach to delivering future movement and transport projects and initiatives for the North Perth Town Centre.

Monitoring and Review

The Place Plans are living documents which will evolve and be refined over time. The Place Plans will be the subject of both major and minor reviews which will be informed by the City's ongoing data collection, continued alignment with the views and aspirations of the local community and ongoing commitment to best practice management for town centres.

A high-level minor review will be conducted annually. This review will include:

- a review of town team priority projects and initiatives which are supported by best practice, emerging data trends and Council and community priorities;
- changes to the City's Corporate Business Plan; and
- priority projects, initiatives and items which may arise in relation to shifts in best practice, in response to specific data trends and/or external funding opportunities from private organisations, state and/or federal agencies.

A four year major review will include a full review of the Place Plan document including possible content and structural revisions to reflect changes to the town team structures, emerging data trends and changing Council and community aspirations as part of the City's Strategic Community Plan review.

CONSULTATION/ADVERTISING:

Required by Legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period:	28 days
Consultation Type:	Website Social Media Letters to Residents, Landowners, Businesses and North Perth Local Newspaper

LEGAL/POLICY:

The NPTC Place Plan is an informing strategy to the City's Corporate Business Plan which outlines the work the City plans to undertake over a rolling four year period.

RISK MANAGEMENT IMPLICATIONS:

Place Plans will provide strategic direction to manage the City's ongoing investment in town centres and support for local Town Teams. Implementing Place Plans will also introduce improved project planning to avoid budgetary and timing issues.

STRATEGIC IMPLICATIONS:

Item 9.2 of the City's Corporate Business Plan.

The NPTC Place Plan will contribute to many of the 2017/18 Council Priorities including:

Thriving & Creative Town Centres

Our town centres are vibrant and thriving, each with their own unique character and identity. We want to make sure it stays that way by promoting high quality development outcomes and supporting our town centres and the creativity and culture they offer.

Supporting Liveable Neighbourhoods

We want to continue our focus on making our streets greener, safer, more attractive and inviting, and easier to get around Vincent for pedestrians and cyclists.

A Better Customer Experience

Our success depends on our community's satisfaction. We do not just want to provide customer service, we want to provide a great customer experience that is modern and matches our community's expectations.

More Inviting Green & Open Spaces

Our open spaces are precious to our community and important to protect, enhance and expand. We want to continue making our open spaces even better as well as finding creative ways to provide new spaces that respond to community needs.

Improving Community Connection & Inclusion

Our community is diverse, passionate and welcoming – it is part of what makes Vincent great. We want to help our community come together and stay connected, to support those in need and to make everyone feel welcome.

SUSTAINABILITY IMPLICATIONS:

Actions within the Movement section of the NPTC Place Plan are consistent with the Sustainable Environment Strategy as outlined below:

NPTC Place Plan	Sustainable Environment Strategy
Item 2.2 – Advocate to State Transport Authorities for improvements to Transport Infrastructure including improved east-west connections	Action 1.10 – Advocate for improved public transport links within and to the City
Item 2.3 – Advocate for After-hours Transport Options	
Item 2.4 – Prepare a Transport Education Program	Action 1.11 – Promote public transport within and to the City, through community education and incentive initiatives

FINANCIAL/BUDGET IMPLICATIONS:

The cost of the advertising and any further changes required to the NPTC Place Plan will be met through the existing operational budget.

COMMENTS:

The City's Place Management approach is currently in the 'Plan' phase and the preparation of the NPTC Place Plan represents a significant milestone in transitioning Place Management to the 'Manage' phase. The NPTC Place Plan will clarify the City's role in ensuring North Perth Town Centre continues to evolve as a place for people with a strong and resilient local economy. The NPTC Place Plan is a critical element that will enable the City to better manage service delivery to support the town centre.

The NPTC Place Plan will align the City's activities with a clear future direction for the area that is informed by the community. The ongoing review of the document will ensure that the City's service delivery in town centres keeps pace with emerging trends and community aspirations and ensures that our town centres continue to thrive. The City will continue to work closely with North Perth Local to support the continued improvement of their Action Plan, which will continue to inform the NPTC Place Plan.

CONCLUSION:

Administration recommends that Council endorses the NPTC Place Plan for the purpose of advertising for public comment.

9.1.4 No. 71 (Lot: 200: D/P: 92012) Edward Street, Perth – Concrete Batching Plant (Use Not Listed) – Extension of the Term of Approval and Modification to Conditions

Ward:	South	Date:	26 April 2017
Precinct:	East Perth Redevelopment Authority – Precinct 15 Claisebrook Road North	File Ref:	5.2016.497.1
Attachments:	1 – Consultation and Location Map 2 – Copy of Minister’s Planning Approval Dated 2012 3 – Timetable of Events 4 – Application including Proposed Schedule of Modified Conditions 5 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Senior Statutory Planning Officer		
Responsible Officer:	P Di Perna, Acting Director Development Services		

RECOMMENDATION:

That following the consideration of the preliminary legal issue as presented as part of the State Administrative Tribunal proceedings, if the State Administrative Tribunal determines that the application is capable of being considered under Clause 77 of Schedule 2, *Planning and Development (Local Planning Scheme) Regulations 2015*, then the Council’s position is as follows:

Council, through its legal representative convey to the State Administrative Tribunal that Council AGREES to resolve the review proceeding for No. 71 (Lot: 200: D/P: 92012) Edward Street, Perth on the basis that:

1. The application be approved under Clause 77 subject to the matters referred to in paragraph 2 below;
2. All conditions and advice notes detailed on the development approval granted by the Minister for Planning on 21 May 2012 included in Attachment 2 continue to apply to this approval, except as follows:
 - a) Condition 1 of the development approval is amended as follows:

“1. This approval is granted for a term expiring on 16 October 2018”
 - b) Additional Condition 9 is included on the development approval as follows:

“9. The Traffic Management Plan referred to in Condition 4 be updated to the satisfaction of the City to include reference to truck movements as follows:

All Truck traffic is not to utilise Claisebrook Road north of Caversham Street unless truck movements are to provide local supplies of concrete within the Claisebrook Precinct. All truck traffic is to access and egress the Claisebrook Precinct via Edward Street to Lord Street”

PURPOSE OF REPORT:

To consider pursuant to Section 31 of the State Administrative Tribunal an application for an amendment of the approval so that it would operate indefinitely and to modify the approval conditions for the concrete batching plant at No. 71 Edward Street, Perth.

BACKGROUND:

Landowner:	Hanson Construction Materials Pty Ltd
Applicant:	Allerding and Associates
Date of Application:	18 November 2016
Zoning:	MRS: Urban City of Perth Planning Scheme No.2 - East Perth Redevelopment Scheme No.1 : Zone: Residential R-Code: R80 LPS2: Zone: Residential Commercial R-Code: R160
Built Form Policy Area	Mixed Use Transit Corridor
Existing Land Use:	Batching Plant – “Use not Preferred or Contemplated”
Proposed Use Class:	Batching Plant - “Use Not Preferred or Contemplated”
Lot Area:	5,968m ²
Right of Way (ROW):	Not applicable
Heritage List:	No

The subject site is located at the corner of Lord Street/Edward Street/Graham Farmer Freeway, Perth as shown in **Attachment 1**. The site and adjoining properties are zoned ‘Residential’ R80 and the area consists of residential, commercial and mixed-use developments. The site is currently occupied by the Hanson Concrete Batching Plant.

Concrete Batching Plant Use

The concrete batching plant commenced operations, albeit in a smaller capacity, from the locality in the mid 1960s. The East Perth Redevelopment Authority (EPRA) was established in 1992, with responsibility through its Act for the planning and redevelopment of the East Perth Redevelopment Area and assumed the role for decision making in a planning capacity.

The Hanson (previously Pioneer Construction Materials) plant moved to its current location in the mid-1990s due to the need for their sites to be resumed for the Graham Farmer Freeway project. Development approval for the plant was issued by the then EPRA and included a time limitation, which expired in mid-2012.

In 2001, EPRA commenced “normalisation” of land within the EPRA Scheme area, which involved returning planning authority for the area to the City of Perth. The subject site was included in the normalisation on 17 January 2002. The provisions of the EPRA Scheme and Policies were incorporated in the City of Perth Scheme No 2 by order of the then Minister.

Between April 2002 and June 2007, the City of Perth, granted conditional approval for time extensions to the use to enable the site to continue to operate as a concrete batching plant. Each time the approval was generally issued for a further 12 months, allowing a continued review of the impact of the unrestricted hours and associated vehicle movements on the surrounding area, given that the area was in a gradual transition towards increased residential development. On 19 January 2005, conditional approval was granted by the Council for the proposed extension to the concrete loading facility, in the south west corner of the existing Hanson site at 71 Edward Street, Perth.

The site was transferred to the jurisdiction of the City of Vincent on 1 July 2007 as part of the local government municipal boundary adjustment. As part of the transfer the City would continue to administer the City of Perth Scheme (and policies) applicable to the area until such time that the City of Vincent Town Planning Scheme No 1 was amended.

In 2011 an application was lodged to enable the plant to operate indefinitely. As the City did not determine the application within the statutory time frame set out in its planning scheme, an application for review to the State Administrative Tribunal (SAT) was lodged in August 2011 and subsequently called in by the then Minister for Planning. Following SAT's hearing of the application, it provided the Minister for Planning with recommendations and included conditions should the Minister grant approval.

On 21 May 2012, conditional approval was granted by the Minister to allow the plant to operate for a further five years until 16 October 2017, as documented in **Attachment 2**. The reason for the Minister's decision was that a five year period would provide sufficient time to enable the necessary strategic planning framework for the subject site to be finalised to indicate clearly the ultimate development intent for the subject land.

Further to the application referred to above, other development applications for additional hours of operation, the addition of a Silo Storage Building and the ongoing use of the site have been considered since then as summarised below:

- In 2009, the State Administrative Tribunal (SAT) approved the application for the Silo Storage Building.
- On 5 May 2015 the Council conditionally approved the demolition of an existing 'slumping' building and construction of a new 'slumping' building at the subject site.
- On 16 February 2016 the City conditionally approved Light Industry (Organic Recycling Equipment and Sheds) and Associated Car Parking on adjoining lots to the batching plant facing Edward Street.

A more comprehensive summary is provided in **Attachment 3**.

Strategic Planning Framework

Since the Minister's decision in 2012 to conditionally approve the development for a five year period the City has progressed the development and adoption of its strategic local planning framework. The key milestones are outlined as follows:

- In October 2011 the City forwarded draft Local Planning Scheme No. 2 (LPS2) to the Western Australian Planning Commission (WAPC) for consent to advertise. The draft LPS2 incorporated the concrete batching plant sites into Scheme Map 4 - Mount Lawley/Highgate with a zoning of 'Residential/Commercial'.
- In September 2013, the Minister granted approval to advertise the draft LPS2 subject to various modifications including amending the zoning of the concrete batching plant sites to 'Special Use - Concrete Batching Plant' and the surrounding area from 'Residential/Commercial' to 'Commercial'.
- The draft LPS2 was advertised in 2014 with comments being received from the community regarding the discontinuation of the concrete batching plants and support for Council's proposal to create a mixed use area.
- On 18 November 2014, Council endorsed the draft LPS2 for forwarding to the WAPC for determination. At that time, Council recommended the concrete batching plant sites be zoned Residential/Commercial R160 with "Special Use" for Concrete Batching Plant with a sunset clause (coinciding with the existing terms of approval - October 2017) and the surrounding area be zoned Residential/Commercial R100.
- Still no determination has been made by the Minister for Planning regarding the City's draft LPS2 since its lodgement with the WAPC in December 2014.

A more comprehensive summary of the timetable of events is provided in **Attachment 3**.

It is noted that from a State and Regional planning perspective, consideration is also given to WAPC's Directions 2031 Document and the Economic and Employment Land Strategy (EELS). The EELS represents the State Government's response to an identified shortage of supply of light and general industrial land. The aim of the Strategy is to ensure that adequate forward planning is undertaken to provide employment land in both the Perth metropolitan and Peel regions over the next 20 years and beyond. EELS makes reference to the importance of setting aside non-heavy industrial land in close proximity to the Perth Central Area, and it refers to the batching plants as an example.

Other Development Approvals within the Locality

Since the Minister's Approval in 2012, there have been numerous development approvals granted which have resulted in an increase in the extent of residential development within the locality, including the following:

- 2 Edward Street, Perth- mixed use development comprising 5 multiple dwellings;
- 17 Gladstone Street, Perth – 8 multiple dwellings development;
- 150-158 Claisebrook Road, Perth- mixed use development comprising 116 multiple dwellings;
- 159 Claisebrook Road, Perth- mixed use development comprising 9 multiple dwellings; and
- 60, 62, 62A Cheriton Street, Perth – mixed use development comprising 35 multiple dwellings.

The City is currently processing an application at No.123 Claisebrook Road, Perth for 12 multiple dwellings which will not be determined prior to the consideration of this application.

These approvals are also referred to in the comprehensive summary in **Attachment 3**.

Current Amendment Application

On 18 November 2016, the City received an application which proposes to remove the time limit on the Minister's approval so that the plant can operate indefinitely and to modify conditions of the existing approval. The application, including the applicant's Schedule of Modified Conditions is included as **Attachment 4**.

As outlined in the preceeding section, at the time of lodgement, the City was anticipating that LPS2 would be finalised and gazetted. This factor influenced the timeframe for processing of the application. As the current application was not determined within the statutory timeframe, the applicant lodged an application for review with the SAT on the 21 February 2017 for the deemed refusal. The decision sought for review is as follows:

“Pursuant to s.31 (2) (c) of the State Administrative Tribunal Act 2004, set aside the deemed refusal and in substitution thereof grant approval to the application to change development approval conditions.”

In respect of this matter the City has appointed the legal services of McLeods Barristers and Solicitors to represent the City. Should the matter progress to final hearing the City will be engaging a Senior Barrister.

On 20 March 2017 SAT issued orders pursuant to Section 31 of the *SAT Act 2004* inviting the City to determine the application by no later than 2 May 2017. The SAT also included orders to enable the matter to progress to a Final Hearing, scheduled on 15, 16 and 19 June 2017.

As part of the SAT proceedings the City's Legal Representative has applied to the SAT to determine a preliminary legal issue. This issue relates to the ability of the decision maker, be it the Council or SAT, to rely on Clause 77 of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulation 2015* to amend the 2012 decision by the Minister. The consideration of this matter by SAT will not be finalised before Council's reconsideration under Section 31. As a result, the recommendation to Council has been worded in such a way to contemplate the resolution of this issue should SAT determine that approval can be granted under Clause 77. It is noted that should the SAT determine Clause 77 cannot be relied upon then a new development application and determination would be required.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Perth Planning Scheme No.2 and East Perth Redevelopment Scheme No.1.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use		✓

Detailed Assessment

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

Land Use	
Deemed-to-Comply Standard	Proposal
City of Perth Planning Scheme No. 2 – East Perth Redevelopment Scheme No. 1 “Preferred” Use	Not Contemplated - Batching Plant

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:

Consultation was undertaken for a period of 21 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 28 March 2017 until 21 April 2017. A total of 1,269 letters were sent to owners and occupiers, as shown in **Attachment 1**. Notice of the proposal was also included “The Guardian Express” newspaper.

Following the SAT orders, the City through its Legal Representatives liaised with the applicant to enable the commencement of community consultation. Notwithstanding that the need for consultation was identified the applicant did not respond to the City's request for the sign to be erected and the notice to be placed in the local newspaper. The risk associated with not undertaking consultation in accordance with the legislative framework was considered by Administration and as a result the City arranged for the sign and notice to be displayed to meet the timeframes of the SAT orders. Given the time constraints imposed by the SAT, it has not been possible to extend the consultation period.

A Community Information Session was organised on 19 April 2017 at the City's Administration and Civic Centre to provide more information to the local community about the development proposals and the possible course the applications for the Concrete Batching Plants may follow. The meeting was attended by approximately 35 members of the public.

A total of 82 submissions were received in relation to the proposal comprising of 77 objections, 2 neither support nor object and 3 submissions of support. The matters raised in the submissions are as follows:

- Impact of the Land use
- Inconsistent with Local Planning Framework
- Impact of Dust
- Impact of Noise and Traffic

The main issues raised in the submissions are discussed in the Comment section below. A summary of the submissions received and Administration's response to each is contained in **Attachment 5**.

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 Perth Planning Scheme No. 2;
- East Perth Redevelopment Scheme No.1; and
- Policy No. 4.1.5 – Community Consultation.

The applicant has lodged an appeal to the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

Community Consultation

It is noted that the need for consultation was considered based on the following legislative provisions, noting that (unless otherwise stated) references to clauses are those contained in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- Clause 77(2) requires that such applications be made in accordance with the requirements of Part 8 and dealt with under Part 9 as if they were development applications.
- Clause 64(1)(e) requires that a development application be advertised if the proposed development is of a type that the scheme requires to be advertised.
- Under cl 5.2.4(a) of the EPRA Planning Scheme as referenced in the City of Perth Town Planning Scheme No 2, where a category of use is not stipulated in regard to a particular precinct as either a preferred use or a contemplated use, then the application may only be considered after advertising has taken place.
- In *Hanson and Town of Vincent [2008] WASAT 71* at [49-50], the SAT found that a concrete batching plant was not a preferred or contemplated use in Precinct 15 and was therefore subject to the compulsory advertising requirement in cl 5.2.4.
- The methods of advertising are now controlled by Clause 64. Clause 64(3) allows a local government to require an applicant to undertake the advertising in one or more of the ways described in sub-clauses (a) to (d).

Delegation to Determine Applications:

This matter is being referred to Council for determination as the proposal is for use which is not "Preferred or Contemplated" under the City of Perth Scheme No 2 (which incorporates the East Perth Redevelopment Scheme).

RISK MANAGEMENT IMPLICATIONS:

In responding to the SAT invitation, Council may decline the invitation to determine the application, may agree to amend the current approval with or without conditions or may refuse to amend the current approval.

Should Council decline the invitation to determine the application, the application for review with the SAT is likely to proceed to a full hearing, with uncertainty as to what are the key areas of concern. This may also increase the City's exposure of costs being awarded as it could be argued that there was no genuine attempt to make a decision on the merits of the application.

Should Council refuse or approve (with or without condition) the application, the matter may proceed to a hearing and the scope of the hearing will be guided by Council's decision.

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:

Costs have been and will continue to be incurred representing the City on this matter to date and in defending the position that is adopted by Council.

COMMENTS:

Planning Framework and Land Use

Pursuant to Clause 77 of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, this application seeks to amend conditions of the 2012 Ministerial approval, to enable the plant to operate indefinitely and to modify some of the other conditions. The key aspects are summarised as follows:

- Removal of the time limit applying under the Minister's approval so that the approval will operate indefinitely;
- Provide for ongoing review of the Environmental Management Plan and the Noise Management Plan;
- Make minor changes to current conditions of approval; and
- Add a new condition for the re-routing of trucks away from Claisebrook Road north of Caversham Street.

A key reason stated by the Minister for granting a time limited approval in 2012 was the view that during the term of that approval the necessary strategic planning framework for the subject site would be finalised which would indicate clearly the ultimate development intent for the subject land. How and whether this strategic planning framework has changed is therefore a pivotal consideration in the determination of this application.

State and Regional Framework

It is noted that from a State and Regional perspective, consideration is also given to WAPC's Directions 2031, the Economic and Employment Land Strategy (EELS) and Capital City Planning Framework.

The Draft LPS2, as adopted by Council, provides a character statement for the precinct which acknowledges that the area is unique from other areas in the City because of its proximity to public transport nodes and the predominant mix of light and service industrial land uses. Promoting transit oriented development and increasing residential development within the inner and middle metropolitan region accords with various State planning policies. It is also consistent with the evolution of East Perth into a more diverse, cosmopolitan area with the development of the former East Perth Redevelopment Authority's Claisebrook Village Project and Metropolitan Redevelopment Authority's (MRA's) proposed Riverside and East Perth Power Station Projects.

The EELS represents the State Government's response to an identified shortage of supply of light and general industrial land. The aim of the Strategy is to ensure that adequate forward planning is undertaken to provide employment land in both the Perth metropolitan and Peel regions over the next 20 years and beyond. EELS makes reference to the importance of setting aside non-heavy industrial land in close proximity to the Perth Central Area, and it refers to the batching plants as an example. The EELS also identifies the vacant land to the rear of the former East Perth Power Station as the designated 'Industrial Centre' servicing central Perth, which presents an opportunity for the relocation of the plants whilst satisfying the objectives and the intent the EELS document. Notwithstanding, the interpretation and weight to be afforded to the batching plants reference is a point of contention.

Local Planning Framework

The applicable local planning framework under which this determination is made remains unchanged from the earlier determination of the Minister, being the City of Perth Scheme No 2 (which incorporates the East Perth Redevelopment Scheme). The submissions received by the City during the community consultation period raised some concerns regarding the use ongoing of the subject site as a concrete batching plant.

The City has progressed the development and adoption of its own strategic planning framework (LPS2) however, it is yet to be finalised. There were significant delays with the time taken by the WAPC and the then Minister for Planning to grant consent to advertise (requested in 2011 and provided in 2013). Draft LPS2 has been with the WAPC since 2014 and is yet to be finalised. Administration understands that LPS2 was presented to the Statutory Planning Committee (SPC) of the WAPC in early November 2016. Whilst the City continues to advocate to the WAPC and the Minister for Planning to have Draft LPS2 finalised, the delay in approval of LPS2 is outside the City's control.

Given the above, the batching plant use is considered to be inconsistent with the City's future vision for the locality transitioning to a mixed-use area. However, as Draft LPS2 was modified for advertising at the instruction of the then Minister, that Council recommended further modifications after the advertising of LPS2 (including that affect the plant and its surrounds) it is not certain or imminent what the zoning for the subject site will be. On this basis, it is considered premature for the permanency of the batching plant use to be determined.

Dust, Noise and Traffic

The submissions received by the City during the community consultation period raised some concerns regarding the impact of the ongoing use of the subject site with respect to dust, noise and traffic. In addition to the current management plans, the operator has a statutory obligation to comply with the provisions of the *Environmental Protection (Concrete Batching and Cement Products Manufacturing) Regulations 1998* and *Environmental Protection (Noise) Regulations 1997*.

The City has maintained a register of complaints received relating to the concrete batching plants. Over the past 5 years the City has received 13 concerns/complaints in total (from concerns relating to the two plants in the locality) regarding dust, noise and traffic, with at least one complainant raising concerns on multiple occasions. The City has followed up all the concerns with the operators, who have been responsive in addressing the issues. Since February 2016, the City has not received any concerns or complaints in relation to the batching plant operations.

The operator of the concrete batching plant, in accordance with the 2012 approval, is required to submit to the City on an annual basis self-monitoring Environment Audits. This consists of internal audits which include a range of environmental considerations including the approved management plans for noise and dust. The operator has complied with this requirement since the approval date.

The submissions received by the City also raised some concerns regarding traffic impacts. The applicant has submitted a Traffic Management Assessment and the impacts of plant related traffic movements can be managed through the traffic management plan. The applicant as part of their application has proposed an additional condition relating to truck movements along Edward Street. This will assist in minimising impacts to local residents and is supported as outlined in the recommendation to Council.

Modifications to Conditions other than Timeframe

The applicant has proposed the re-wording of Conditions 2 to 6 as part of this application to change the tense of the conditions which includes reference to plans which have already been submitted and approved by the City. Administration raised no objections to the changes however considers little value to be derived from the changes.

Conclusion

The application seeks the amendment of the existing approval from the Minister to extend the terms of approval indefinitely and to modify some of the conditions of the existing approval and to add a new condition for the re-routing of trucks away from Claisebrook Road north of Caversham Street. The new condition is supported as it is considered to assist in minimising potential the impact truck movements to local residents and has been incorporated into the recommendation to Council.

The concrete batching plant use is not preferred or contemplated under the City of Perth Town Planning Scheme No 2. Although the strategic planning framework for the locality has progressed it is yet to be finalised. It is considered premature for the permanency of the batching plant use to be determined at this point in time. Should the SAT determine the preliminary legal issue to find Clause 77 of Schedule 2 *Planning and Development (Local Planning Schemes) Regulations 2015* can be relied upon, it is recommended that Council agree to extend the current term of the approval be extended for a 12 month period, until 16 October 2018, to enable the strategic planning framework to be finalised.

9.1.5 No. 120 (Lot: 1001: D/P: 29129) Claisebrook Road, Perth – Concrete Batching Plant (Use Not Listed) – Extension of the Term of Approval and Modification to Conditions

Ward:	South	Date:	26 April 2017
Precinct:	East Perth Redevelopment Authority – Precinct 15 Claisebrook Road North	File Ref:	5.2016.496.1
Attachments:	1 – Consultation and Location Map 2 – Copy of Minister’s Planning Approval Dated 2012 3 – Timetable of Events 4 – Application including Proposed Schedule of Modified Conditions 5 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Senior Statutory Planning Officer		
Responsible Officer:	P Di Perna, Acting Director Development Services		

RECOMMENDATION:

That following the consideration of the preliminary legal issue as presented as part of the State Administrative Tribunal proceedings, if the State Administrative Tribunal determines that the application is capable of being considered under Clause 77 of Schedule 2, *Planning and Development (Local Planning Scheme) Regulations 2015*, then the Council’s position is as follows:

Council, through its legal representative convey to the State Administrative Tribunal that Council AGREES to resolve the review proceeding for No. 120 (Lot: 1001: D/P: 29129) Claisebrook Road, Perth on the basis that:

1. The application be approved under Clause 77 subject to the matters referred to in paragraph 2 below;
2. All conditions and advice notes detailed on the development approval granted by the Minister for Planning on 21 May 2012 included in Attachment 2 continue to apply to this approval, except as follows:
 - a) Condition 1 of the development approval is amended as follows:
 1. *This approval is granted for a term expiring on 16 October 2018*”
 - b) Additional Condition 9 is included on the development approval as follows:
 - “9. *The Traffic Management Plan referred to in Condition 4 be updated to the satisfaction of the City to include reference to truck movements as follows:*

All Truck traffic is not to utilise Claisebrook Road north of Caversham Street unless truck movements are to provide local supplies of concrete within the Claisebrook Precinct. All truck traffic is to access and egress the Claisebrook Precinct via Edward Street to Lord Street”

PURPOSE OF REPORT:

To consider pursuant to Section 31 of the State Administrative Tribunal an application for an amendment of the approval so that it would operate indefinitely and to modify the approval conditions for the concrete batching plant at No.120 Claisebrook, Perth.

BACKGROUND:

Landowner:	Holcim (Australia) Pty Ltd
Applicant:	Allerding and Associates
Date of Application:	18 November 2016
Zoning:	MRS: Urban City of Perth Planning Scheme No.2 - East Perth Redevelopment Scheme No.1 : Zone: Residential R-Code: R80 LPS2: Zone: Residential Commercial R-Code: R160
Built Form Policy Area	Mixed Use
Existing Land Use:	Batching Plant – “Use not Preferred or Contemplated”
Proposed Use Class:	Batching Plant – “Use Not Preferred or Contemplated”
Lot Area:	4,870m ²
Right of Way (ROW):	Not applicable
Heritage List:	No

The subject site is located at the corner of Claisebrook Road/Caversham Street/Graham Farmer Freeway, Perth as shown in **Attachment 1**. On the eastern side the site abuts the East Perth Train Station property. The site and adjoining properties are zoned ‘Residential’ R80 and the area consists of residential, commercial and mixed-use developments. The site is currently occupied by the Concrete Holcim Batching Plant.

Concrete Batching Plant Use

In 1987 the existing Holcim Concrete Batching Plant relocated to current location from its previous site on Trafalgar Road, East Perth. The East Perth Redevelopment Authority (EPRA) was established in 1992, with responsibility through its Act for the planning and redevelopment of the East Perth Redevelopment Area and assumed the role for decision making in a planning capacity.

In 2001, EPRA commenced “normalisation” of land within the EPRA Scheme area, which involved returning planning authority for the area to the City of Perth. The subject site was included in the normalisation on 17 January 2002. The provisions of the EPRA Scheme and Policies were incorporated in the City of Perth Scheme No 2 by order of the then Minister.

Since then the East Perth Redevelopment Authority (EPRA) approved the extension of 12 months of unlimited operating hours to the batching plant. Further to this, the City of Perth Council granted approval for a 12 month period of unlimited operating hours.

The site was transferred to the jurisdiction of the City of Vincent on 1 July 2007 as part of the local government municipal boundary adjustment. As part of the transfer the City would continue to administer the City of Perth Scheme (and policies) applicable to the area until such time that the City of Vincent Town Planning Scheme No 1 was amended.

In 2011 an application was lodged to enable the plant to operate indefinitely. As the City did not determine the application within the statutory time frame set out in their planning scheme, an application for review to the State Administrative Tribunal (SAT) was lodged in August 2011 and subsequently called in by the then Minister for Planning. Following SAT’s hearing of the application, it provided the Minister for Planning with recommendations and including conditions should the Minister grant approval.

On 21 May 2012, conditional approval was granted by the Minister to allow the plant to operate for a further five years until 16 October 2017, as documented in **Attachment 2**. The reason for the Minister's decision was that a five year period would provide sufficient time to enable the necessary strategic planning framework for the subject site to be finalised to indicate clearly the ultimate development intent for the subject land.

A more comprehensive summary is provided in **Attachment 3**.

Strategic Planning Framework

Since the Minister's decision in 2012 to conditionally approve the development for a five year period the City has progressed the development and adoption of its strategic local planning framework. The key milestones are outlined as follows:

- In October 2011 the City forwarded draft Local Planning Scheme No. 2 (LPS2) to the Western Australian Planning Commission (WAPC) for consent to advertise. The draft LPS2 incorporated the concrete batching plant sites into Scheme Map 4 - Mount Lawley/Highgate with a zoning of 'Residential/Commercial'.
- In September 2013, the Minister granted approval to advertise the draft LPS2 subject to various modifications including amending the zoning of the concrete batching plant sites to 'Special Use – Concrete Batching Plant' and the surrounding area from 'Residential/Commercial' to 'Commercial'.
- The draft LPS2 was advertised in 2014 with comments being received from the community regarding the discontinuation of the concrete batching plants and support for Council's proposal to create a mixed use area.
- On 18 November 2014, Council endorsed the draft LPS2 for forwarding to the WAPC for determination. At that time Council recommended the concrete batching plant sites be zoned Residential/Commercial R160 with "Special Use" for Concrete Batching Plant with a sunset clause (coinciding with the existing terms of approval – October 2017) and the surrounding area be zoned Residential/Commercial R100.
- Still no determination has been made by the Minister for Planning regarding the City's draft LPS2 since its lodgement with the WAPC in December 2014.

A more comprehensive summary of the timetable of events is provided in **Attachment 3**.

It is noted that from a State and Regional planning perspective, consideration is also given to WAPC's Directions 2031 Document and the Economic and Employment Land Strategy (EELS). The EELS represents the State Government's response to an identified shortage of supply of light and general industrial land. The aim of the Strategy is to ensure that adequate forward planning is undertaken to provide employment land in both the Perth metropolitan and Peel regions over the next 20 years and beyond. EELS makes reference to the importance of setting aside non-heavy industrial land in close proximity to the Perth Central Area, and it refers to the batching plants as an example.

Other Development Approvals within the Locality

Since the Ministers Approval in 2012, there have been numerous development approvals granted which have resulted in an increase in the extent of residential development within the locality including the following:

- 2 Edward Street, Perth- mixed use development comprising 5 multiple dwellings;
 - 17 Gladstone Street, Perth – 8 multiple dwellings development;
 - 150-158 Claisebrook Road, Perth- mixed use development comprising 116 multiple dwellings;
 - 159 Claisebrook Road, Perth- mixed use development comprising 9 multiple dwellings; and
 - 60, 62, 62A Cheriton Street, Perth- mixed use development comprising 35 multiple dwellings.
-

The City is currently processing an application at No.123 Claisebrook Road, Perth for 12 multiple dwellings which will not be determined prior to the consideration of this application.

These approvals are also referred to in the comprehensive summary in **Attachment 3**.

Current Amendment Application

On 18 November 2016, the City received an application which proposes to remove the time limit on the Minister's approval so that the plant can operate indefinitely and to modify conditions of the existing approval. The application, including the applicant's Schedule of Modified Conditions is included as **Attachment 4**.

As outlined in the preceding section, at the time of lodgement, the City was anticipating that LPS2 would be finalised and gazetted. This factor influenced the timeframe for processing of the application. As the current application was not determined within the statutory timeframe, the applicant lodged an application for review with the SAT on the 21 February 2017 for the deemed refusal. The decision sought for review is as follows:

"Pursuant to s.31 (2) (c) of the State Administrative Tribunal Act 2004, set aside the deemed refusal and in substitution thereof grant approval to the application to change development approval conditions."

In respect of this matter the City has appointed the legal services of McLeods Barristers and Solicitors to represent the City. Should the matter progress to final hearing the City will be engaging a Senior Barrister.

On 20 March 2017 SAT issued orders pursuant to Section 31 of the *SAT Act 2004* inviting the City to determine the application by no later than 2 May 2017. The SAT also included orders to enable the matter to progress to a Final Hearing, scheduled on 15, 16 and 19 June 2017.

As part of the SAT proceedings the City's Legal Representative has applied to the SAT to determine a preliminary legal issue. This issue relates to the ability of the decision maker, be it the Council or SAT, to rely on Clause 77 of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulation 2015* to amend the 2012 decision by the Minister. The consideration of this matter by SAT will not be finalised before Council's reconsideration under Section 31. As a result, the recommendation to Council has been worded in such a way to contemplate the resolution of this issue should SAT determine that approval can be granted under Clause 77. It is noted that should the SAT determine Clause 77 cannot be relied upon then a new development application and determination would be required.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Perth Planning Scheme No.2 and East Perth Redevelopment Scheme No.1.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use		✓

Detailed Assessment

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

Land Use	
Deemed-to-Comply Standard	Proposal
City of Perth Planning Scheme No. 2 – East Perth Redevelopment Scheme No. 1 “Preferred” Use	Not Contemplated - Batching Plant

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:

Consultation was undertaken for a period of 21 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 28 March 2017 until 21 April 2017. A total of 1269 letters were sent to owners and occupiers within close proximity of the subject site, as shown in **Attachment 1**. A notice was also included in a local newspaper, “The Guardian Express”.

Following the SAT orders, the City through its Legal Representatives liaised with the applicant to enable the commencement of community consultation. Notwithstanding that the need for consultation was identified the applicant did not initially respond to the City’s request for the sign to be erected and the notice to be placed in the local newspaper. The applicant agreed to erect the sign. The risk associated with not undertaking consultation in accordance with the legislative framework was considered by Administration and as a result it arranged for the notice in the local newspaper so to meet the timeframes of the SAT orders. Given the time constraints the ability to extend the consultation period has not been possible.

A Community Information Session was organised on 19 April 2017 at the City’s Administration and Civic Centre to provide more information to the local community about the development proposals and the possible course the applications for the Concrete Batching Plants may follow. The meeting was attended by approximately 35 members of the public.

A total of 75 submissions were received in relation to the proposal comprising of 72 objections and 3 submissions of support. The matters raised in the submissions are as follows:

- Impact of the Land use
- Inconsistent with Local Planning Framework
- Impact of Dust
- Impact of Noise and Traffic

The main issues raised in the submissions are discussed in the Comment section below. A summary of the submissions received and Administration’s response to each is contained in **Attachment 5**.

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 Perth Planning Scheme No.2;
- East Perth Redevelopment Scheme No.1; and
- Policy No. 4.1.5 – Community Consultation.

The applicant has lodged an appeal to the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

Community Consultation

It is noted that the need for consultation was considered based on the following legislative provisions, noting that (unless otherwise stated) references to clauses are those contained in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- Clause 77(2) requires that such applications be made in accordance with the requirements of Part 8 and dealt with under Part 9 as if they were development applications.
- Clause 64(1)(e) requires that a development application be advertised if the proposed development is of a type that the scheme requires to be advertised.
- Under cl 5.2.4(a) of the EPRA Planning Scheme as referenced in the City of Perth Town Planning Scheme No 2, where a category of use is not stipulated in regard to a particular precinct as either a preferred use or a contemplated use, then the application may only be considered after advertising has taken place.
- In Hanson and Town of Vincent [2008] WASAT 71 at [49-50], the SAT found that a concrete batching plant was not a preferred or contemplated use in Precinct 15 and was therefore subject to the compulsory advertising requirement in cl 5.2.4.
- The methods of advertising are now controlled by Clause 64. Clause 64(3) allows a local government to require an applicant to undertake the advertising in one or more of the ways described in sub-clauses (a) to (d).

Delegation to Determine Applications:

This matter is being referred to Council for determination as the proposal is for use which is not “Preferred or Contemplated” under the City of Perth Scheme No 2 (which incorporates the East Perth Redevelopment Scheme).

RISK MANAGEMENT IMPLICATIONS:

In responding to the SAT invitation, Council may decline the invitation to determine the application, may agree to amend the current approval with or without conditions or may refuse to amend the current approval.

Should Council decline the invitation to determine the application, the application for review with the SAT is likely to proceed to a full hearing, with uncertainty as to what are the key areas of concern. This may also increase the City’s exposure of costs being awarded as it could be argued that there was no genuine attempt to make a decision on the merits of the 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:

Costs have been and will continue to be incurred representing the City on this matter to date and in defending the position that is adopted by Council.

COMMENTS:

Planning Framework and Land Use

Pursuant to Clause 77 of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, this application seeks to amend conditions of the 2012 Ministerial approval, to enable the plant to operate indefinitely and to modify some of the other conditions. The key aspects are summarised as follows:

- Removal of the time limit applying under the Minister's approval so that the approval will operate indefinitely;
- Provide for ongoing review of the Environmental Management Plan and the Noise Management Plan;
- Make minor changes to current conditions of approval; and
- Add a new condition for the re-routing of trucks away from Claisebrook Road north of Caversham Street.

A key reason stated by the Minister for granting a time limited approval in 2012 was the view that during the term of that approval the necessary strategic planning framework for the subject site would be finalised which would indicate clearly the ultimate development intent for the subject land. How and whether this strategic planning framework has changed is therefore a pivotal consideration in the determination of this application.

State and Regional Framework

It is noted that from a State and Regional perspective, consideration is also given to WAPC's Directions 2031, the Economic and Employment Land Strategy (EELS) and Capital City Planning Framework.

The Draft LPS2, as adopted by Council provides a character statement for the precinct which acknowledges that the area is unique from other areas in the City because of its proximity to public transport nodes and the predominant mix of light and service industrial land uses. Promoting transit oriented development and increasing residential development within the inner and middle metropolitan region accords with various State planning policies. It is also consistent with the evolution of East Perth into a more diverse, cosmopolitan area with the development of the former East Perth Redevelopment Authority's Claisebrook Village Project and Metropolitan Redevelopment Authority's (MRA's) proposed Riverside and East Perth Power Station Projects.

The EELS represents the State Government's response to an identified shortage of supply of light and general industrial land. The aim of the Strategy is to ensure that adequate forward planning is undertaken to provide employment land in both the Perth metropolitan and Peel regions over the next 20 years and beyond. EELS makes reference to the importance of setting aside non-heavy industrial land in close proximity to the Perth Central Area, and it refers to the batching plants as an example. The EELS also identifies the vacant land to the rear of the former East Perth Power Station as the designated 'Industrial Centre' servicing central Perth, which presents an opportunity for the relocation of the plants whilst satisfying the objectives and the intent the EELS document. Notwithstanding, the interpretation and weight to be afforded to the batching plants reference is a point of contention.

Local Planning Framework

The applicable local planning framework under which this determination is made remains unchanged from the earlier determination of the Minister, being the City of Perth Scheme No 2 (which incorporates the East Perth Redevelopment Scheme). The submissions received by the City during the community consultation period raised some concerns regarding the use ongoing of the subject site as a concrete batching plant.

The City has progressed the development and adoption of its own strategic planning framework (LPS2) however, it is yet to be finalised. There were significant delays with the time taken by the WAPC and the then Minister for Planning to grant consent to advertise (requested in 2011 and provided in 2013). Draft LPS2 has been with the WAPC since 2014 and is yet to be finalised. Administration understands that LPS2 was presented to the Statutory Planning Committee (SPC) of the WAPC in early November 2016. Whilst the City continues to advocate to the WAPC and the Minister for Planning to have Draft LPS2 finalised, the delay in approval of LPS2 is outside the City's control.

Given the above, the batching plant use is considered to be inconsistent with the City's future vision for the locality transitioning to a mixed-use area. However, as Draft LPS2 was modified for advertising at the instruction of the then Minister, that Council recommended further modifications after the advertising of LPS2 (including that affect the plant and its surrounds) it is not certain or imminent what the zoning for the subject site will be. On this basis, it is considered premature for the permanency of the batching plant use to be determined.

Dust, Noise and Traffic

The submissions received by the City during the community consultation period raised some concerns regarding the impact of the ongoing use of the subject site with respect to dust, noise and traffic. In addition to the current management plans, the operator has a statutory obligation to comply with the provisions of the *Environmental Protection (Concrete Batching and Cement Products Manufacturing) Regulations 1998* and *Environmental Protection (Noise) Regulations 1997*.

The City has maintained a register of complaints received relating to the concrete batching plants. Over the past 5 years the City has received 13 concerns/complaints in total (from concerns relating to the two plants in the locality) regarding dust, noise and traffic, with at least one complainant raising concerns on multiple occasions. The City has followed up all the concerns with the operators, who have been responsive in addressing the issues. Since February 2016, the City has not received any concerns or complaints in relation to the batching plant operations.

The operator of the concrete batching plant, in accordance with the 2012 approval, is required to submit to the City on an annual basis self-monitoring Environment Audits. This consists of internal audits which include a range of environmental considerations including the approved management plans for noise and dust. The operator has complied with this requirement since the approval date.

The submissions received by the City also raised some concerns regarding traffic impacts. The applicant has submitted a Traffic Management Assessment and the impacts of plant related traffic movements can be managed through the traffic management plan. The applicant as part of their application has proposed an additional condition relating to truck movements along Edward Street. This will assist in minimising impacts to local residents and is supported as outlined in the recommendation to Council.

Modifications to Conditions other than Timeframe

The applicant has proposed the re-wording of Conditions 2 to 6 as part of this application to change the tense of the conditions which includes reference to plans which have already been submitted and approved by the City. Administration raised no objections to the changes however considers little value to be derived from the changes.

Conclusion

The application seeks the amendment of the existing approval from the Minister to extend the terms of approval indefinitely and to modify some of the conditions of the existing approval and to add a new condition for the re-routing of trucks away from Claisebrook Road north of Caversham Street. The new condition is supported as it is considered to assist in minimising potential the impact truck movements to local residents and has been incorporated into the recommendation to Council.

The concrete batching plant use is not preferred or contemplated under the City of Perth Town Planning Scheme No 2. Although the strategic planning framework for the locality has progressed it is yet to be finalised. It is considered premature for the permanency of the batching plant use to be determined at this point in time. Should the SAT determine the preliminary legal issue to find Clause 77 of Schedule 2 *Planning and Development (Local Planning Schemes) Regulations 2015* can be relied upon, it is recommended that Council agree to extend the current term of the approval be extended for a 12 month period, until 16 October 2018, to enable the strategic planning framework to be finalised.

9.2 TECHNICAL SERVICES

9.2.1 Vincent Greening Plan – 2017 Garden Competition

Ward:	Both	Date:	13 April 2017
Precinct:	All	File Ref:	SC17
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	J van den Bok, Manager Parks & Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

- NOTES** that Administration will arrange a “Greening Vincent Garden Awards” function to be held at the City of Vincent Administration and Civic Centre on Wednesday 15 November 2017 commencing at 6.00pm with invitees including competition entrants/partners and sponsors; and
- APPROVES** a final judging panel comprising of Cr, Cr, Cr, Director Technical Services, Manager Parks Services, Adele Gismondi (Water Corporation) and Community Judge Mary Boyce (Winner 2016 Best Residential Front Garden and Best Vegetable or “Food” Garden).

PURPOSE OF REPORT:

To consider the appointment of Council members for the final judging panel and to advise Council of the dates and format of the 2017 Garden Competition.

BACKGROUND:

Since 1995 an annual spring Garden Competition has been held which has proven to be a very popular event with in excess of 100 category entries being received each year. The competition is open to all owner/occupiers who have resided within the City’s boundaries for at least six months.

The competition forms part of the many initiatives undertaken as part of the City’s Greening Plan.

DETAILS:

Categories:

The proposed categories for the 2017 Garden Competition are listed below:

- Best Residential Front Garden;
- Best Kept Verge;
- Catchment Friendly Garden;
- Best Courtyard or Balcony Garden;
- Best Business Garden;
- Best Residential Rear Garden; and
- Best Vegetable or ‘Food’ Garden.

No prizes were awarded in the Best Business Garden category last year due to the lack of entries received, however it would be worth persevering with this category and promoting this further through the City’s Place Managers.

Judging:

As in previous years the preliminary judging will be undertaken by the City's horticultural staff and Claise Brook Catchment Group (CBCG) members for the Catchment Friendly Garden category.

Final judging will be undertaken on the morning of 7 October 2017. It is proposed that the final judging panel consist of the following members:

- Three Council Members (to be nominated) – City of Vincent;
- Director Technical Services – City of Vincent;
- Manager Parks Services – City of Vincent;
- Adele Gismondi – Water Corporation; AND
- Mary Boyce (winner – 2016 Best Kept Residential Front Garden and Best Kept Vegetable or 'Food' Garden).

Function/Awards/Prize Money:

No changes are recommended to the prize money allocations or prizes presented over the categories listed above. The Catchment Friendly Garden category is sponsored by the Water Corporation through the CBCG and their sponsorship has again been sourced.

Best Residential Front Garden
Catchment Friendly Garden

First Prize	\$500 + trophy
Second Prize	\$300 + doormat
Third Prize	\$200 + doormat

Best Residential Rear Garden
Best Courtyard or Balcony Garden
Best Vegetable or 'Food' Garden
Best Business Garden

First Prize	\$250 + trophy
Second Prize	\$150 + doormat
Third Prize	\$100 + doormat

Mayors Encouragement Award

A quality pair of Swiss-made "Felco" secateurs valued at \$100

Awards Function:

The idea of changing the function from the traditional sit down meal has been discussed at length over the past years, however the awards night itself receives numerous accolades and therefore it is recommended that the sit down buffet meal format continues.

CONSULTATION/ADVERTISING:

An advertisement/entry form will be placed in the local community papers during August/September 2017 and a communication and marketing strategy will be prepared and implemented.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

In accordance with the City's *Strategic Plan 2013-2023*, Objective 3.1 states:

"Enhance and promote community development and wellbeing".

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

SUSTAINABILITY IMPLICATIONS:

In keeping with the City's commitment to environmental sustainability and waterwise principles, all entries are evaluated in accordance with waterwise criteria including the use of native plants, water saving measures and demonstrated use of fertilisers and pesticides.

FINANCIAL/BUDGET IMPLICATIONS:

The estimated costs associated with the 2017 Garden Competition are as follows:

Cash prizes	\$ 4,500
Function	\$ 5,500
Trophies	\$ 1,750
Photography	\$ 1,000
Prizes/Doormats	\$ 3,000
Bus hire	\$ 400
Advertising	\$ 1,500
Total	\$17,650

An amount of \$16,652 was spent in undertaking last year's event.

A grant of \$1,250 will again be received from the Water Corporation for the Catchment Friendly Garden prize money and trophy and as in previous years up to \$2,000 is expected in donations from sponsors who have been associated with the competition for many years.

COMMENTS:

As noted above, this event whilst running for a considerable time, continues to be very popular, attracts new entrants every year and is one that the community looks forward to based on past participation rates and attendance at the awards function.

It is therefore recommended that Council approves the format of the 2017 Garden Competition as detailed within the report, with entries to close on Friday 6 October 2017.

9.2.2 Tender No 523/16 – Supply and Delivery of One Road Sweeper

Ward:	Both	Date:	20 April 2017
Precinct:	All	File Ref:	SC2800
Attachments:	Confidential Attachment – Pricing Schedule		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

- In accordance with Regulation 18(5) of the Local Government (Functions and General) Regulations 1996, DOES NOT ACCEPT any tender submission for the supply and delivery of one road sweeper as per Tender No 523/16, for the reasons outlined in the report;**
- APPROVES BY AN ABSOLUTE MAJORITY an amendment to the 2016/17 Budget to delete the following item, Major Plant Replacement Programme: - Road Sweeper No 1, \$356,000;**
- NOTES that the sale of the City’s existing road sweeper (Road Sweeper No 1) will be undertaken in accordance with Section 3.58 of the Local Government Act 1995; and**
- ADVISES the five tenderers of its decision.**

PURPOSE OF REPORT:

To determine the outcome of the recently advertised Tender No 523/16 for the supply and delivery of one road sweeper for the City’s Waste Management & Street Cleaning Operations.

BACKGROUND:

A report (Item 5.2.5) on the supply and delivery of one road sweeper (Tender No 523/16) was initially included in the Agenda for the Council Briefing of 28 February 2017 and, following the identification of some shortcomings in the Tender assessment, the report was withdrawn after the Briefing and, to date, the matter has not been further considered by Council.

Current Road Sweeper Fleet:

Road sweepers generally have a useful life of approximately seven years and one of the City’s two road sweepers (Road Sweeper No 1) was delivered in 2004 and is now over 12 years old. Details of the City’s two road sweepers are outlined below.

Road Sweeper No 1:

2004 MacDonald Johnston 605LT approved for purchase by Council at its Ordinary Meeting held on 25 February 2003 (delivered in 2004) and is currently used as a ‘backup’ machine only, (the subject of this report).

Road Sweeper No 2:

2012 MacDonald Johnston VT 605, approved for purchase by Council at its Ordinary Meeting held on 27 March 2012 (delivered in 2013) and is used daily for road sweeping and maintenance of the City’s drainage gullies and inspection chambers. In accordance with the Long Term Major Plant Replacement Programme, this sweeper is currently listed for replacement in 2019/20.

Ordinary Meeting held on 27 March 2012:

Council considered a report on the purchase of Road Sweeper No 2 and was advised (in the report) that *“consideration was given in regards to the retention of the City’s existing sweeper (Road Sweeper No 1) as a backup and it was decided unanimously that operationally and due to the high cost of hiring sweepers the City should retain the existing sweeper as a backup vehicle. Also this would enhance the City’s operational capability by being able to use one machine for cleaning drains whilst the other could still operate sweeping the City without hold up when required”*.

Another reason for this position was the low trade in value offered for Road Sweeper No 1, at the time.

DETAILS:

Tender for the Replacement of Road Sweeper No 1:

This tender, No 523/16 for the supply and delivery of one road sweeper was advertised on 5 October 2016 in the West Australian and closed on 21 October 2016.

Tenders were subsequently received from the following registered companies:

- SweepVac
- Bucher Municipal
- Rosmech
- Rosmech alternative 1*
- Rosmech alternative 2*
- Drainflow Services
- Autosweep

Rosmech alternative Tenders1* and 2* were deemed non-conforming and were disregarded from consideration due to the sweeper not being large enough for street and drainage cleaning operations as specified in the tender.

The tenders from Drainflow and Autosweep were also deemed to be non-conforming and were not considered further, as they offered (only) to purchase Road Sweeper No 1 and not to supply a new sweeper.

Tender Assessment:

Each conforming tender was assessed using the selection criteria below, in accordance with the tender documentation, by a Tender Evaluation Panel comprising the Financial Accounting Officer, Supervisor Waste Management / Street Cleaning, Depot Purchasing Officer and Manager Engineering Operations.

CRITERIA	WEIGHTING
Product features	40%
Special facilities	20%
Price (tender)	20%
Operators ergonomics	5%
Life cycle costs	5%
Delivery	5%
Warranty	5%
Total	100%

Tender Evaluation Ranking:

Scores were allocated accordingly by the Tender Evaluation Panel for each Schedule as noted above and the table exhibited in the **Confidential Attachment 1** indicates the prices submitted.

Selection Criteria	Weighting	Bucher	SweepVac	Rosmech
Product features	40%	39.00	38.50	28.20
Special facilities	20%	19.30	16.80	15.80
Price (tender)	20%	16.07	20.00	18.34
Operators ergonomics	5%	5.00	5.00	3.80
Life cycle costs	5%	5.00	4.50	4.80
Warranty	5%	5.00	3.00	3.50
Delivery	5%	5.00	5.00	5.00
Total	100%	94.37	92.8	79.44
Ranking		1st	2nd	3rd

Review of Operational Plant Requirements - Road Sweeper Fleet:

Since its inception in 1994, and given its relatively small geographic area, the City (then Town) of Vincent owned and operated only one road sweeper until 2004.

As mentioned earlier, in 2012 following the purchase of Road Sweeper No 2, Road Sweeper No 1 was retained as a backup, as at the time it was considered this would enhance the City's operational capability.

All compliant tenders for the current Tender No 523/16 were assessed and following consideration of the previous report to the Council Briefing on 28 February 2017, the Director Technical Services considered it prudent to review the requirement for the City to own and operate two road sweepers. In retrospect it is considered this review should have been undertaken prior to advertising the tender for the replacement of Road Sweeper No 1 however the delay in finalising the report and a number of questions raised during the process, prompted the review.

The review revealed that Road Sweeper No 1 is only being used one day per week and very rarely are Road Sweeper No 1 and 2 'on the road' simultaneously.

In discussion with the Supervisor Waste and Precinct Cleaning, it was considered that when Road Sweeper No 2 is booked in for scheduled maintenance, as this is generally only for a short period of time, it does not adversely affect operations. It was also agreed that should repairs be required, the repairs could be scheduled and depending on the time the road sweeper would be off the road, arrangements could be made to hire a road sweeper. The cost to hire a road sweeper, with driver, is approximately \$150 per hour.

The operational review for the need of a new, second sweeper has concluded that it is difficult to justify the City owning and operating two road sweepers and that Road Sweeper No 1 should be disposed of and not replaced.

CONSULTATION/ADVERTISING:

The tender was advertised in accordance with the *Local Government Act 1995*, *Local Government (Functions and General) Regulations 1996*, Tender Regulations and the City's Policy No. 1.2.2 – Code of Tendering and Policy No. 1.2.3 – Purchasing.

LEGAL/POLICY

The tender was assessed in accordance with the City's Policy No. 1.2.2 – Code of Tendering and Policy No. 1.2.3 – Purchasing.

Local Government (Functions and General) Regulations 1996 – Reg. 18: Rejecting and Accepting Tenders:

All tenders submitted were considered in the context of the above regulations; however, for the reasons outlined in the report (following a review of operational plant requirements), it is recommended that Council, in accordance with *Regulation 18(5) of the Local Government (Functions And General) Regulations 1996*, does not accept any tender submission for the supply and delivery of one road sweeper as per Tender No 523/16.

Regulation 18(5) states that after assessing all tenders *“The local government may decline to accept any tender”*.

RISK MANAGEMENT IMPLICATIONS:

Low: The risk implications of the City not owning and operating two road sweepers is low, for the reasons discussed in the report.

STRATEGIC IMPLICATIONS:

In accordance with the City's *Strategic Plan 2013-2023*, Objective 1 states:

“Natural and Built Environment

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

1.1.5: *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.”*

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$356,000 has been allocated in the revised 2016/17 budget for the replacement of Sweeper No 1, with \$293,226 funding from the Plant and Equipment Reserve and the balance from Municipal.

These funds will no longer be required. In addition Sweeper No 1 will be sold in accordance with the requirements of *Section 3.58 of the Local Government Act 1995* providing further budget savings.

As mentioned earlier in the report, in accordance with the Long Term Major Plant Replacement Programme, Sweeper No 2, which is four years old, is currently listed for replacement in 2019/20.

COMMENTS:

As mentioned in the report, the requirement for the City to own and operate two road sweepers was reviewed, and it has been determined that only one road sweeper is required to meet the City's street cleaning operational requirements.

Therefore it is recommended that Council not accept any tender for the replacement of Road Sweeper No 1 and that this sweeper be disposed of in accordance with the Act.

9.3 CORPORATE SERVICES

9.3.1 Investment Report as at 31 March 2017

Ward:	Both	Date:	10 April 2017
Precinct:	All	File Ref:	SC1530
Attachments:	1 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	S Teoh, 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 31 March 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 31 March 2017 including on call in the City's operating account were \$32,070,200 as compared to \$28,785,278 for the period ended 31 March 2016.

Total Investments for the period ended 31 March 2017 were \$31,424,409 as compared to \$32,316,251 for the period ended 28 February 2017 and \$27,983,289 for the period ended 31 March 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	\$32,070,200	\$31,424,409
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 31 March 2017:

	Revised Budget	Budget YTD	Actual YTD	% of FY Budget
Municipal	\$436,000	\$353,000	\$397,463	91.16%
Reserve	\$206,000	\$146,000	\$151,667	73.62%
Leederville Gardens Inc Surplus Trust*	\$0	\$0	\$98,036	0.00%
Total	\$642,000	\$449,000	\$647,166	100.80%

*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%	30.5%	30%	Nil	90%	44.4%
Group B	A Category	A1	20%	20.9%	30%	Nil	80%	44.8%
Group C	BBB Category	A2	10%	10.7%	n/a	Nil	20%	10.7%

*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 for investment have decreased from the previous period due to excess of payments to creditors and other expenditures over cash receipts, which is the expected seasonal cash flow.

The City has obtained a weighted average interest rate of 2.72% for current investments including the operating account, and 2.74% excluding the operating account respectively. The Reserve Bank 90 days Accepted Bill rate for March 2017 is 1.79%.

As at 31 March 2017, the City's total investment earnings exceed the year to date budget estimate by \$148,166 (29.69%). However, of this, \$98,036 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 10.05%.

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, 55.52% of the City's investments were held in non-fossil fuel lending institutions at 31 March 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 14 March 2017 to 31 March 2017

Ward:	Both	Date:	07 April 2017
Precinct:	All	File Ref:	SC432
Attachments:	1 – Creditors Report – Payments by EFT 2 – Creditors Report – Payments by Cheque		
Tabled Items:	-		
Reporting Officers:	V Drage, 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 14 March 2017 to 31 March 2017 as detailed in Attachment 1 and 2 as summarised below:

Cheque numbers 80994 – 81080	\$149,361.69
EFT Documents 2059 – 2067	\$3,982,556.01
Payroll	\$570,558.82

Direct Debits

- **Infringement Lodgement Fees** \$79,808.00
- **Lease Fees** \$99.00
- **Bank Fees and Charges** \$1,417.79

Total Direct Debit	\$81,324.79
Total Accounts Paid	\$4,783,801.31

PURPOSE OF REPORT:

To present to Council the expenditure and list of accounts paid for the period 14 March 2017 to 31 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	80994 - 81080	\$149,361.69
EFT Payments	2059 - 2067	\$3,982,556.01

Sub Total		\$4,131,917.70
Transfer of Payroll by EFT	21/03/17	\$570,558.82
	February 2017	\$570,558.82
Bank Charges and Other Direct Debits		
Infringement Lodgement Fees		\$79,808.00
Lease Fees		\$99.00
Bank Charges – CBA		\$1,417.79
Total Bank Charges and Other Direct Debits (Sub Total)		\$81,324.79
Less GST effect on Advance Account		0.00
Total Payments		\$4,783,801.31

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.*
- (3) *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*
 - *recorded in the minutes of that meeting.*

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 revised 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 31 March 2017

Ward:	Both	Date:	19 April 2017
Precinct:	All	File Ref:	SC357
Attachments:	1 – Financial Reports as at 31 March 2017		
Reporting Officers:	C Liddelow, Finance Officer G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council **RECEIVES** the Financial Statements for the month ended 31 March 2017 as shown in Attachment 1.

PURPOSE OF REPORT:

To present the Financial Statements for the period ended 31 March 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 31 March 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	6-64
5.	Capital Expenditure and Funding and Capital Works Schedule	65-81
6.	Cash Backed Reserves	82
7.	Rating Information and Graph	83-84
8.	Debtor Report	85
9.	Beatty Park Leisure Centre Financial Position	86

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 31 March 2017					
	Revised Budget	YTD Budget	YTD Actual	Variance	Variance
	2016/17	Mar-17	Mar-17	Mar-17	Mar-17
	\$	\$	\$	\$	%
REVENUE	26,739,078	20,218,996	18,947,687	(1,271,309)	-6%
EXPENDITURE	(55,377,260)	(40,889,507)	(38,524,030)	2,365,477	-6%
Add Deferred Rates Adjustment	0	0	51,605	51,605	0%
Add Back Depreciation	9,833,560	7,375,132	7,266,932	(108,200)	-1%
(Profit)/Loss on Asset Disposals	(1,020,686)	(562,273)	(549,186)	13,087	-2%
	8,812,874	6,812,859	6,769,351	(43,508)	-1%
"Percent for Art" and "Cash in Lieu" Funds Adjustment	1,544,740	0	0	0	0%
NET OPERATING EXCLUDING RATES	(18,280,568)	(13,857,652)	(12,806,991)	1,050,661	-8%
CAPITAL REVENUE					
Proceeds from Disposal of assets	1,450,166	981,833	706,992	(274,841)	-28%
Transfers from Reserves	1,200,707	878,768	510,733	(368,035)	-42%
	2,650,873	1,860,601	1,217,725	(642,876)	-35%
Capital Expenditure	(13,320,326)	(8,573,267)	(6,729,890)	1,843,377	-22%
Repayments Loan Capital	(818,840)	(607,911)	(607,911)	(0)	0%
Transfers to Reserves	(5,112,045)	(4,449,368)	(2,463,844)	1,985,524	-45%
	(19,251,211)	(13,630,546)	(9,801,645)	3,828,901	-28%
NET CAPITAL	(16,600,338)	(11,769,945)	(8,583,921)	3,186,024	-27%
TOTAL NET OPERATING AND CAPITAL	(34,880,906)	(25,627,597)	(21,390,912)	4,236,684	-17%
Rates	31,208,530	31,176,197	31,222,995	46,798	0%
Opening Funding Surplus	4,251,223	4,251,223	4,251,223	0	0%
CLOSING SURPLUS/(DEFICIT)	578,847	9,799,823	14,083,307	4,283,482	44%

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 6% (\$1.3m). This is due to reduced revenue in Transport \$560k, Recreation and Culture \$610k, Community Amenity \$78k, and Education and Welfare \$46k.

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 6% (\$2.4m). This is due to lower expenditure in Community Amenities \$825k, Recreation and Culture \$585k, Transport \$280k, Governance \$288k, Other Property and Services \$74k, and Law, Order, Public Safety \$62k.

Transfer from Reserves

This is lower than budget for the month of March 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 \$14,083,307, compared to year to date budget surplus of \$9,799,823. 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 31 March 2017 is \$14,083,307.

4. Summary of Income and Expenditure by Service Areas (Note 4 Page 6 – 64)

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

5. Capital Expenditure and Funding Summary (Note 5 Page 65 - 81)

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	1,074,156	1,062,480	33%
Infrastructure Assets	7,890,081	7,457,868	3,408,603	3,370,151	55%
Plant and Equipment	3,537,050	3,575,989	2,006,320	1,792,381	50%
Furniture and Equipment	737,070	1,090,423	508,845	504,878	54%
Total	13,761,599	13,719,904	6,997,924	6,729,890	51%

	Original Budget	Revised Budget	YTD Budget	YTD Actual	Budget Remaining
	\$	\$	\$	\$	%
Own Source Funding – Municipal	9,389,210	8,870,766	3,064,742	3,742,469	58%
Cash Backed Reserves	1,287,534	1,517,984	85,000	510,733	66%
Capital Grant and Contribution	2,551,355	2,728,547	1,949,682	1,532,097	44%
Other (Disposals/Trade In)	533,500	602,607	1,898,500	944,591	-57%
Total	13,761,599	13,719,904	6,997,924	6,729,890	51%

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

6. Cash Backed Reserves (Note 6 Page 82)

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 31 March 2017 is \$8,174,526.

7. Rating Information (Note 7 Page 83 - 84)

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 31 March is \$1,274,025 (this includes deferred rates of \$103,602). This represents 3.86% of the collectable income compared to 2.96% 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 85)

Receivables of \$3,506,287 are outstanding at the end of March 2017, of which \$2,720,419 has been outstanding over 90 days. This is comprised of:

- \$2,098,487 (77.1%) 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.
- \$397,955 (14.6%) relates to Cash in Lieu Parking. Some Cash in Lieu Parking debtors have special payment arrangements over more than one year.
- \$108,671 (8.2%) 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 86)

As at 31 March 2017 the operating deficit for the Centre was \$102,792 in comparison to the year to date budgeted deficit of \$284,584.

The cash position showed a current cash surplus of \$260,017 in comparison to year to date budget estimate of a cash surplus of \$194,400.

10. Explanation of Material Variances

All material variance as at 31 March 2017 has been detailed in the variance comments report in **Attachment 1**.

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 31 March 2017 is ahead of the same period last financial year. Administration undertook a review of the 2016/17 Capital Works Schedule, and adjustments resulting from this review are reflected in the revised budget.

9.3.4 City of Vincent Ordinary Elections 2017

Ward:	Both Wards	Date:	10 April 2017
Precinct:	All Precincts	File Ref:	SC280
Attachments:	<p>1 - Letter and cost estimate from the Electoral Commissioner. (D16/126060) 2 - Approval from Electoral Commissioner to leave North Ward vacancy unfilled. (D17/41740)</p>		
Reporting Officer:	T Evans, Manager Governance and Risk		
Responsible Officer:	John Paton, Director Corporate Services		

RECOMMENDATION:

That Council:

1. **RESOLVES BY ABSOLUTE MAJORITY to:**
 - a) **DECLARE** in accordance with Section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner be responsible for the conduct of the October 2017 ordinary election, together with any other elections or polls which may also be required; and
 - b) **NOMINATE**, in accordance with Section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the 2017 Election will be as a postal election; and
2. **NOTES** an amount of \$98,000 is listed for consideration in the Draft Budget 2017/2018 for the 2017 Election.

PURPOSE OF REPORT:

To obtain Council's approval to appoint the Electoral Commissioner to be responsible for the 2017 ordinary election and for this to be undertaken by the method of a postal election.

BACKGROUND:

Pursuant to section 4.7 of the *Local Government Act 1995*, ordinary elections are to be held on the third Saturday of October every two years and consequently, elections will need to be held on 21 October 2017.

When conducting elections, Council has the option for the City to run the election itself or to appoint the Electoral Commissioner to be responsible for running the election. Council also has a choice of election methods and can choose between a "postal election" and a "voting in-person election".

The Electoral Commissioner has written to the City advising of the estimated costs if Council were to request the Commissioner to be responsible for the conduct of the 2017 ordinary Election. The letter is included as **Attachment 1** and the estimated cost is \$102,000 (inc GST) which equates to \$92,728 (ex GST).

DETAILS:

At the 2017 ordinary election, a total of four seats on Council will be contested, comprising two North Ward seats and two South Ward seats. It is noted that one of the North Ward seats is currently vacant as a result of Mayor Cole's election to the position of Mayor on 24 February 2017. Council, at its Ordinary Council Meeting on 7 March 2017 requested the Electoral Commissioner's approval to hold over the vacancy until the October ordinary election. The Electoral Commissioner's approval was granted by letter on 5 April 2017 and is included as **Attachment 2**.

Council's Policy 4.2.14 – "Local Government Elections" states that:

"All Local Government Ordinary and Extraordinary Elections and Plebiscites shall be conducted by the West Australian Commission by postal vote, unless the Council resolves that there are extenuating or special circumstances which precludes this."

Administration is not aware of any extenuating or special circumstances that exist in relation to the October 2017 ordinary election.

Since the inception of the City in 1994, the Electoral Commissioner has conducted all elections as postal elections except the extraordinary election of the Mount Hawthorn Ward in December 1997.

The Electoral Commissioner has provided a cost estimate of \$102,000 (inc GST) to hold the 2017 ordinary election for the City of Vincent based on the following assumptions:

- 25,700 electors;
- Response rate of approximately 30%;
- Four vacancies;
- The count being conducted at the City's Administration Centre; and
- Regular Australia Post delivery service to apply.

Items not included in the estimate comprise:

- Non-statutory advertising (i.e. any advertisements in community newspapers and promotional advertising);
- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns; and
- One local government staff member to work in the polling place on election day.

The City has the option to elect to use the Priority Australia Post delivery service rather than the Regular Australia Post delivery service that is included in the cost estimate. Australia Post estimates that the delivery time (in business days) within a capital City will be 2-3 days for the Regular delivery service and 1 day for the Priority delivery service. However in both options, no guarantees are provided in relation to delivery times. The additional cost to use the Priority delivery service is estimated to be \$5,290. The Electoral Commissioner lodges the election packages approximately four weeks prior to the polling day and Australia Post staggers the delivery of the packages over a week. As a result, using the Regular delivery service should result in all packages being delivered between two to three weeks before the polling day.

Pursuant to section 4.61 of the Act, Council has a choice between holding a "*postal election*" or a "*voting in-person election*". The "*postal election*" method of casting votes is by posting or delivering them to an electoral officer on or before Election Day. A "*voting in-person*" election is one where the principal method of casting votes is by voting in-person on Election Day. It is a condition of the Electoral Commission that, if they are running the election, it must be held as a postal election.

CONSULTATION/ADVERTISING:

The City has a philosophy of encouraging community consultation and participation. The conduct of the ordinary elections by postal vote, ensures that the highest participation rates possible are achieved.

LEGAL/POLICY:

Council adopted Policy 4.2.14 – "Local Government Elections" at the Ordinary Meeting of Council held on 11 March 2014. Clause 1.2 states that:

"All Local Government Ordinary and Extraordinary Elections and Plebiscites shall be conducted by the West Australian Commission by postal vote, unless the Council resolves that there are extenuating or special circumstances which precludes this."

RISK MANAGEMENT IMPLICATIONS:

Low: The holding of elections is highly regulated by the *Local Government Act 1995*, consequently, there is a risk of the City being non-compliant if it does not act expediently to arrange the election.

STRATEGIC IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$98,000 (exclusive of GST) has been listed in the 2017/18 draft Budget to cater for the cost of the elections. This comprises \$93,000 to pay for Electoral Commissioner's expenses and includes \$5,000 to cover additional advertising and promotion costs as well as certain staff costs not included in the Commissioner's estimate. It is also noted that the cost estimate is an estimate only and the costs charged to the City will be the actual costs incurred by the Commissioner.

If Council were to elect to use the Priority Australia Post delivery service, the costs to the City would increase by approximately \$5,290 and the Budget would need to be increased accordingly.

COMMENTS:

Appointing the Electoral Commissioner to manage the City's 2017 Election, is in accordance with Council's adopted Policy 4.2.14 – Local Government Elections.

Having the local government election process managed by the Western Australian Electoral Commission, whose principle activity is to conduct elections, is most appropriate for the following reasons:

1. The election is conducted by professionally trained staff appointed for that sole purpose;
2. The election is overseen by an independent person with the experience and resources to perform the task;
3. The appointment of the Electoral Commissioner to manage Local Government Elections removes any conflict of interest that may exist or be perceived to exist between Elected Members and the Chief Executive Officer as the Returning Officer and other local government officers appointed for the election.

It is therefore recommended that the 2017 Ordinary Election for the City be conducted by the Electoral Commissioner using the postal vote method.

9.4 COMMUNITY ENGAGEMENT

9.4.1 Sportsground Fees & Charges Review

Ward:	Both	Date:	19 April 2017
Precinct:	All	File Ref:	SC2834; SC2821
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	K Balm, A/Manager Community Partnerships		
Responsible Officer:	M Quirk, Director Community Engagement		

RECOMMENDATION:

That Council:

1. **APPROVES** a waiver of up to \$5,634 for North Perth United Football Club and up to \$2,068 for Floreat Athena Football Club for 2017 winter season sportsground fees and charges;
2. **REQUIRES** both North Perth United Football Club and Floreat Athena Football Club to submit a fully completed 'Community Group and Sporting Club Health Check' prior to Administration applying any waiver of sportsground fees and charges; and
3. **REQUESTS** that Administration conduct a comprehensive review of the sportsground seasonal hire fees and charges with key findings and revised methodology to be reported back to Council no later than October 2017.

PURPOSE OF REPORT:

To consider waiving sportsground fees and charges increases for North Perth United Football Club and Floreat Athena Football Club and request that Administration undertake a comprehensive review of the City's fees and charges methodology.

BACKGROUND:

The 2016/17 Council Priorities included refocussing services provided through the new Community Engagement Directorate to better reflect and respond to community needs and aspirations. This has included the transition of community facilities, parks and sportsground management from the Technical Services Directorate to the Community Engagement Directorate and more specifically to the Community Partnerships Team. A subsequent review of these community assets has identified a wide range of improvements necessary to improve awareness, accessibility and utilisation.

In particular, the current fees and charges methodology is complex and generally more expensive when compared with other Western Australian Local Government authorities and other facility providers (many of whom have more contemporary community infrastructure). Administration has now reviewed and amended these fees and charges for consideration within the 2017/18 draft budget. However, when undertaking the review of sportsground fees and charges a number of key issues were identified that when rectified will result in an immediate increase in costs for local sporting clubs. Given these increases will impact clubs who have just commenced the 2017 winter sporting season it was considered necessary to inform Council and put in place measures to deal with this immediate issue as well as seeking Council direction on the broader approach to sportsground fees and charges.

DETAILS:

There are currently fourteen (14) sporting clubs/associations who book seasonal usage of the City's nine (9) sportsgrounds, as follows:

Sportsground	Winter Club/s	Summer Club/s
Beatty Park Reserve, North Perth	<ul style="list-style-type: none"> East Perth Football Club North Perth United Football (Soccer) Club 	<ul style="list-style-type: none"> East Perth Football Club
Birdwood Square, Perth	<ul style="list-style-type: none"> Western United Football (Soccer) Club Perth Soccer Club 	<ul style="list-style-type: none"> Western United Football Club
Britannia Road Reserve, Leederville	<ul style="list-style-type: none"> Floreat Athena Football (Soccer) Club Rugby WA 	<ul style="list-style-type: none"> Leederville Cricket Club Last Man Stands
Charles Veryard Reserve, North Perth	<ul style="list-style-type: none"> Modernians Hockey Club Mt Hawthorn Cardinals Junior Football Club 	<ul style="list-style-type: none"> Tuart Hill Cricket Club University Cricket Club
Forrest Park, Mt Lawley	<ul style="list-style-type: none"> Perth Soccer Club 	<ul style="list-style-type: none"> Floreat Hellenic Cricket Club Last Man Stands
Leederville Oval, Leederville	<ul style="list-style-type: none"> East Perth Football Club Subiaco Football Club 	
Les Lilleyman Reserve, North Perth	<ul style="list-style-type: none"> Subiaco Football Club 	<ul style="list-style-type: none"> Subiaco Football Club University Cricket Club Last Man Stands
Menzies Park, Mt Hawthorn	<ul style="list-style-type: none"> Mt Hawthorn Cardinals Junior Football Club 	<ul style="list-style-type: none"> University Cricket Club
Woodville Reserve, North Perth	<ul style="list-style-type: none"> North Perth United Football (Soccer) Club 	

Senior Sporting Clubs & Associations

In accordance with Council's Adopted Fees and Charges Schedule these clubs/associations are charged on a per player base rate which then varies depending on whether they are also using change rooms and/or clubrooms, and the proportion of this charge then varies again depending on whether they are using the reserve for training and/or match play. This charging methodology as per the Fees and Charges Schedule is provided below:

2016/17 Sportsground Seasonal Hire Fees and Charges	
Sport Teams (base fee per season)	
No Change Rooms	\$119.00
With Change Rooms	\$141.00
With Social/Club Rooms	\$168.00
Adults	
Training Only	Base x 75%
Match Play Only	Base x 75%
Training & Matchplay	Base x 140%

The resultant 2016/17 sportsground seasonal hire fees and charges are as follows:

Seasonal Hire Fees	Matchplay and Training (per person)	Matchplay or Training (per person)
Reserve Only	\$ 166.60	\$ 89.25
Reserve and Change Rooms	\$ 197.40	\$ 105.75
Reserve, Change Rooms and Clubrooms	\$ 235.20	\$ 126.00

This overly complex approach to sportsground fees and charges has proven difficult for clubs to fully understand and equally difficult for Administration to accurately implement. Indeed the recent review has identified that these fees and charges have not been accurately implemented by Administration for an extended period and player number information provided by clubs has also not been regularly checked for accuracy. When these errors are simply corrected some clubs will immediately be subjected to higher seasonal sportsground charges for which they will likely not be financially prepared.

When the current fees and charges are correctly applied to the 2017 winter season clubs and compared to previous season participation trends (and incurred fees and charges) the approximate financial impacts will be as follows:

Winter Sporting Clubs – Seniors				
Club	Sportsground	2016/17 Fees & Charges (Correct)	2015/16 Fees & Charges (Actual)	Financial Impact
North Perth United Football Club	Beatty Park & Woodville Reserve	\$8,610.00	\$2,976.00	\$5,634.00
Floreat Athena Football Club	Britannia Reserve	\$7,675.50	\$5,607.00	\$2,068.50
East Perth Football Club	Beatty Park Reserve	\$0.00	\$0.00	\$0.00
Western United Football Club	Birdwood Square	\$2,538.00	\$2,448.00	\$90.00
Modernians Hockey Club	Charles Veryard Reserve	\$7,723.10	\$8,668.00	-\$944.90
Subiaco Football Club	Les Lilleyman Reserve	\$0.00	\$0.00	\$0.00
TOTAL		\$26,546.60	\$19,699.00	\$6,847.60

As indicated above, North Perth United Football (Soccer) Club and Floreat Athena Football (Soccer) Club will be subject to much higher sportsground season hire charges compared to previous seasons. It is recommended that the difference between 2016 and 2017 charges be waived for these clubs, in good faith, to allow them time to budget for potential sportsground seasonal hire increases. All other clubs will simply be subjected to correct implementation of the 2016/17 Adopted Fees and Charges Schedule.

Junior Sporting Clubs & Associations

Sportsgrounds seasonal hire fees and charges for juniors were reviewed at the Ordinary Council Meeting in March 2015 whereby sporting clubs with more than 60% City of Vincent residents are fully subsidised, and those clubs with less than 60% residents are subject to a sliding scale that increases from \$2.00 to \$5.00 depending upon their resident percentage threshold. This methodology encourages children and young people to participate in organised physical activity.

The following table provides an overview of sportsground usage by junior sporting clubs and the associated fees and charges:

Winter Season – Juniors		
Club	Sportsground	Current Fees
Perth Soccer Club	Birdwood Square	\$ 90.00
Rugby WA Juniors	Britannia Reserve	\$ 10,050.00
Floreat Athena Football Club	Britannia Reserve	\$ 540.00
Modernians Hockey Club	Charles Veryard Reserve	\$ 404.00
Mt Hawthorn Cardinals Junior Football Club	Charles Veryard Reserve	\$ 0.00
Perth Soccer Club	Forrest Park	\$ 948.00
Mt Hawthorn Cardinals Junior Football Club	Menzies Park	\$ 0.00
TOTAL		\$ 12,032.00

Summer Season – Juniors		
Club	Sportsground	Current Fees
Leederville Junior Cricket Club	Britannia Reserve	\$ 0.00
Leederville Junior Cricket Club	Les Lilleyman Reserve	\$ 0.00
Leederville Junior Cricket Club	Menzies Park	\$ 0.00
TOTAL		\$ 0.00

Upon review it is evident that when Administration more accurately implements the sportsground fees and charges, and ensures accuracy of junior club participation data, there will be marginal financial impacts for these junior sporting clubs between the previous 2016 season and current 2017 season.

Community Group & Sporting Club Health Checks

It should be noted that implementation of the sportsgrounds fees and charges will now be supported by the recently introduced 'Community Group and Sporting Club Health Checks' which enable Administration to understand and monitor the sustainability of clubs have tenure within Council buildings, facilities or reserves.

The Health Checks provide a direct opportunity for the City to consult and engage with community groups and sporting clubs to better understand their needs, opportunities and challenges as well as understand the effectiveness of buildings and other assets in meeting community requirements. Key components of the Health Checks include:

- Provision of an annual report or financial statements;
- Current contact details and responsibilities of office bearers;
- Certificate of Currency (Public Liability Insurance);
- A breakdown of the membership base including young people, seniors, and social members; and
- Postcodes of all registered members;

The requirement of sporting clubs to submit a Health Check will ensure that the player number information provided during the sportsground allocation process is accurate and also allow Officers to cross-reference player numbers with association fixtures. When combined with correct implementation of the Adopted Fees and Charges Schedule this will ensure that all sporting clubs are accurately charged for the utilisation of sportsgrounds.

Sportsground Seasonal Hire – Fees & Charges Review

Given the complex nature of the existing sportsgrounds fees and charges methodology Administration has recently completed a benchmarking exercise with other Local Government Authorities within the Perth Metropolitan Area. This has confirmed that Vincent's fees and charges are significantly higher with respect to senior sporting clubs and therefore when correctly applied this may have an impact on the long-term viability and sustainability of our local clubs. Interrogation of the current per player base rates and percentage increases has also confirmed that the figures are arbitrary and bear absolutely no relationship with reserve maintenance costs, participation rates or strategic objectives.

Based upon Council's 2017/18 priorities to deliver more inviting open spaces and to support liveable neighbourhoods, and the overall intent to positively contribute to resident health well-being, it is considered necessary to re-establish our sportsgrounds charges at a more appropriate level. Therefore, it is recommended that Administration comprehensively review the current methodology and rates in order to prepare a new schedule of charges that better align with Council and community expectations. There are a range of options applied by Local Governments across Australia that will be investigated by Administration including (but not limited to):

Sportsground Licence System

This system establishes a hierarchy of sportsgrounds from highest to lowest based on the quality of the playing surface and supporting infrastructure. The classification of sportsgrounds is reviewed annually in order to take into account major upgrades and improvements as well as playing field quality. Sporting clubs are simply charged a seasonal licence fee to utilise the sportsground regardless of participation numbers. The licence fee can then be varied to facilitate Council and community objectives such increased junior participation, increased female participation, non-reliance on alcohol revenue, establishment of new sporting codes and activities, etc.

Sportsground Cost Recovery Percentage

This approach is based around better understanding the actual cost of maintaining sportsgrounds including mowing, irrigation, top dressing and fertilisation. While it is not realistic to achieve full cost recovery a percentage contribution towards such cost recovery can be applied to sporting clubs that benefit from the increased maintenance levels compared to other passive parks and reserves.

Standard Per Player Charge

The utilisation of a per player charge regardless of the sportsground being utilised or the specific sporting code may continue, however it will be necessary to identify the basis and appropriate level for such a charge rather than the current arbitrary approach. In addition, it would be prudent to establish a standalone per player charge rather than the current approach of applying arbitrary percentage increases depending on the facilities used and whether the sportsground is utilised for training and/or matchplay.

Sports Specific Per Player Charge

This approach involves establishing a variable per player charge depending on the type of sport and its subsequent impact on turf management and sportsground availability. The basis for this charge would need to take into account actual maintenance costs for those sportsgrounds that accommodate sports that have a more significant impact on the turf and sporting codes that require higher numbers of players. Again, it would be prudent to establish a standalone per player charge rather than the current approach of applying arbitrary percentage increases.

Sportsground Hourly Hire Charge

This would involve each sporting club simply being charged at an hourly rate based upon their training and matchplay requirements. The hourly rates would likely vary from sportsground to sportsground depending on the quality of the playing surface and supporting infrastructure. This option may enable Administration to better manage reserve distribution between sporting clubs and passive activities by the broader community.

Clubroom Leases & Licences

The majority of sporting clubs that utilise sportsgrounds currently have a lease or licence to occupy a clubroom (or pavilion) located at that sportsground. There is currently no direct link between these leases and licences and the allocation of sportsgrounds albeit the sporting clubs are generally allocated use wherever they hold that lease or licence. This option would involve amending the clubroom lease or licence, and the associated annual fee, to include sportsground access and utilisation. The range of Club and City responsibilities and obligations within that lease or licence documentation would require comprehensive review.

Given the scale of this review any new sportsground fees and charges will not be finalised in time for inclusion within Council's 2017/18 Fees and Charges Schedule, however it is anticipated that a further report will be presented to Council for consideration prior to commencement of the 2017/18 summer sporting season.

CONSULTATION/ADVERTISING:

As Administration further investigates sportsground season hire fees and charges options there will likely be consultation with the Department of Sport & Recreation, State Sporting Associations and local sporting clubs.

LEGAL/POLICY:

The City's Delegated Authority Register 2016/17 currently provides the ability for the Director Corporate Services and Manager Finance Services to waive fees up to an amount not exceeding \$1,000. The proposed waivers for North Perth United Football Club (\$5,634) and Floreat Athena Football Club (\$2,068.50) exceed this amount and therefore Council approval is required.

RISK MANAGEMENT IMPLICATIONS:

Medium: The City's sportsgrounds are utilised by a wide cross-section of the community and the fees/charges imposed on sporting clubs directly impact their operational viability and financial sustainability as well as resident participation in structured physical activity. It is important to manage this risk by directly assisting those 2017 winter season clubs impacted by fees/charges increases, and establishing a more appropriate methodology for future sporting seasons.

STRATEGIC IMPLICATIONS:

In accordance with the following Objectives from the City's *Community Strategic Plan 2013-2023*:

- "3.1 *Enhance and promote community development and wellbeing*
 - 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.*
- 4.1 *Provide good strategic decision-making, governance, leadership and professional management*
 - 4.1.2 *Manage the organisation in a responsible, efficient and accountable manner;*
 - 4.1.5 *focus on stakeholder needs, values, engagement and involvement."*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Based upon current sportsground allocations it is anticipated that the City will receive approximately \$30,000 revenue for the 2017 winter season which is comparable with the previous 2016/17 financial year. This takes into account the proposed waivers for North Perth United Football Club and Floreat Athena Football Club totalling \$7,702.50.

COMMENTS:

The City's current sportsground seasonal hire fees and charges are overly complex and have been both poorly applied by Administration and poorly understood by local sporting clubs. The recently completed review now ensures that effective mechanisms are in place to effectively and accurately implement these fees and charges, however there is an immediate negative financial impact for two winter season clubs. Given that the winter season has already commenced and these clubs are not financially prepared to incur such increases it is recommended that they are provided with a fee waiver in good faith. This approach acknowledges the role that Administration played in applying incorrect fees and charges across previous seasons.

Importantly, this recently completed review has identified the immediate need to change the current sportsground seasonal hire fees and charges methodology to better meet Council and community expectations. It is considered that an improved methodology will align with Council's 2017/18 priorities to deliver more inviting open spaces and to support liveable neighbourhoods, and the overall intent to positively contribute to resident health well-being and activate our parks. Administration will conduct an analysis of Local Government approaches across Australia to ensure that Vincent is managing the usage of sportsgrounds in a responsible, efficient and accountable manner. While the outcomes will unfortunately not be finalised in time for the 2017/18 budget process they will be presented as a standalone report to Council for review and consideration.

9.5 CHIEF EXECUTIVE OFFICER

9.5.1 Information Bulletin

Ward:	-	Date:	13 April 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 2 May 2017.

DETAILS:

ITEM	DESCRIPTION
IB01	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 27 February 2017
IB02	Unconfirmed Minutes of the Parks Working Group Meeting held on 15 March 2017
IB03	Unconfirmed Minutes of the Safer Vincent Crime Prevention Partnership Meeting held on 6 April 2017
IB04	Manna Inc. – Quarterly Update December 2016 – March 2017
IB05	Litis Stadium Master Plan Update
IB06	Register of Legal Action (Confidential – Council Members Only) – Monthly Report as at 12 April 2017
IB07	Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 12 April 2017
IB08	Register of Applications Referred to the MetroWest Development Assessment Panel – Current
IB09	Register of Petitions – Progress Report – May 2017
IB10	Register of Notices of Motion – Progress Report – May 2017
IB11	Register of Reports to be Actioned – Progress Report – May 2017

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”)

Nil.

15. CLOSURE
